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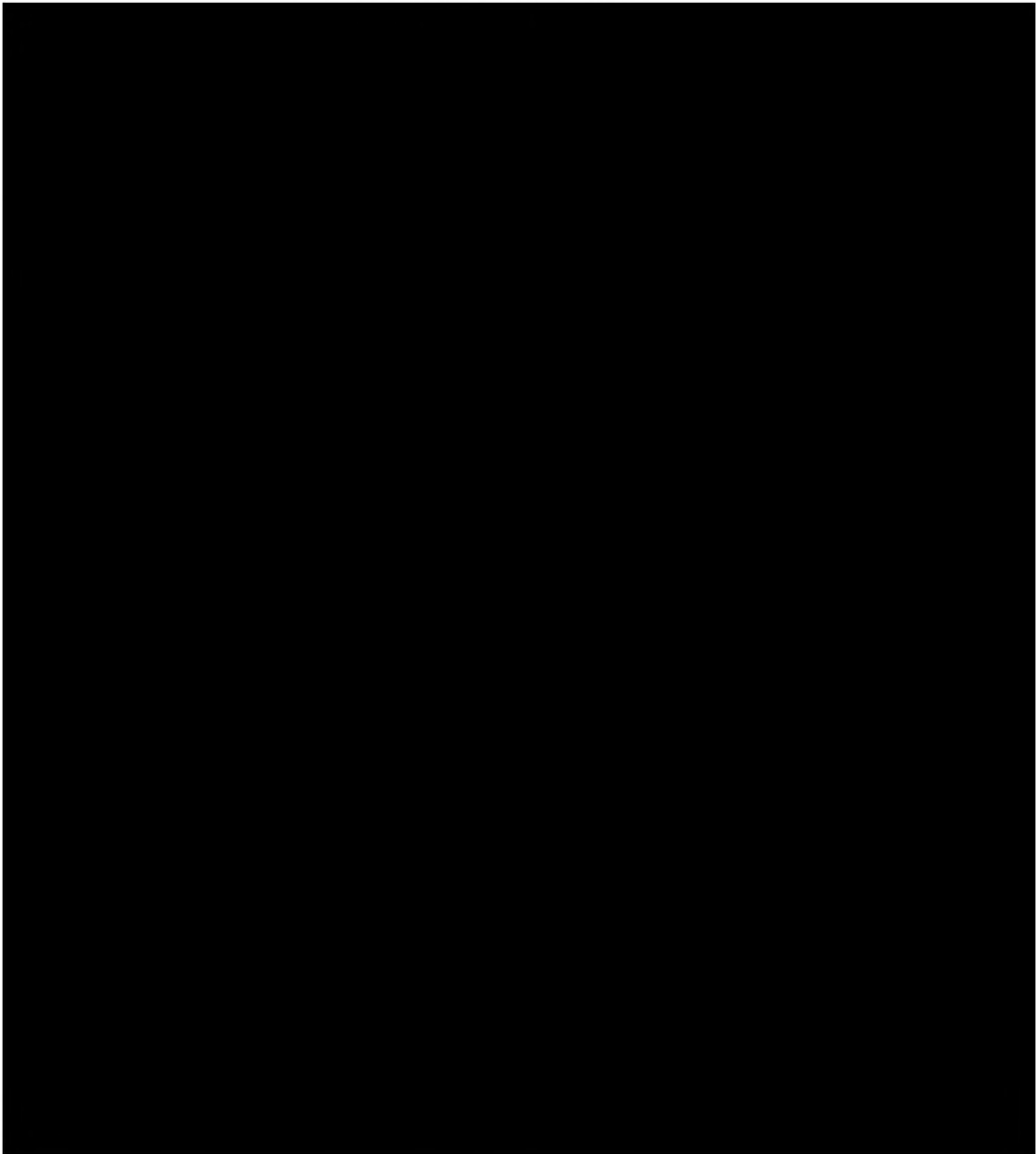
Tuesday, 15 May 2018

(10.30 am)

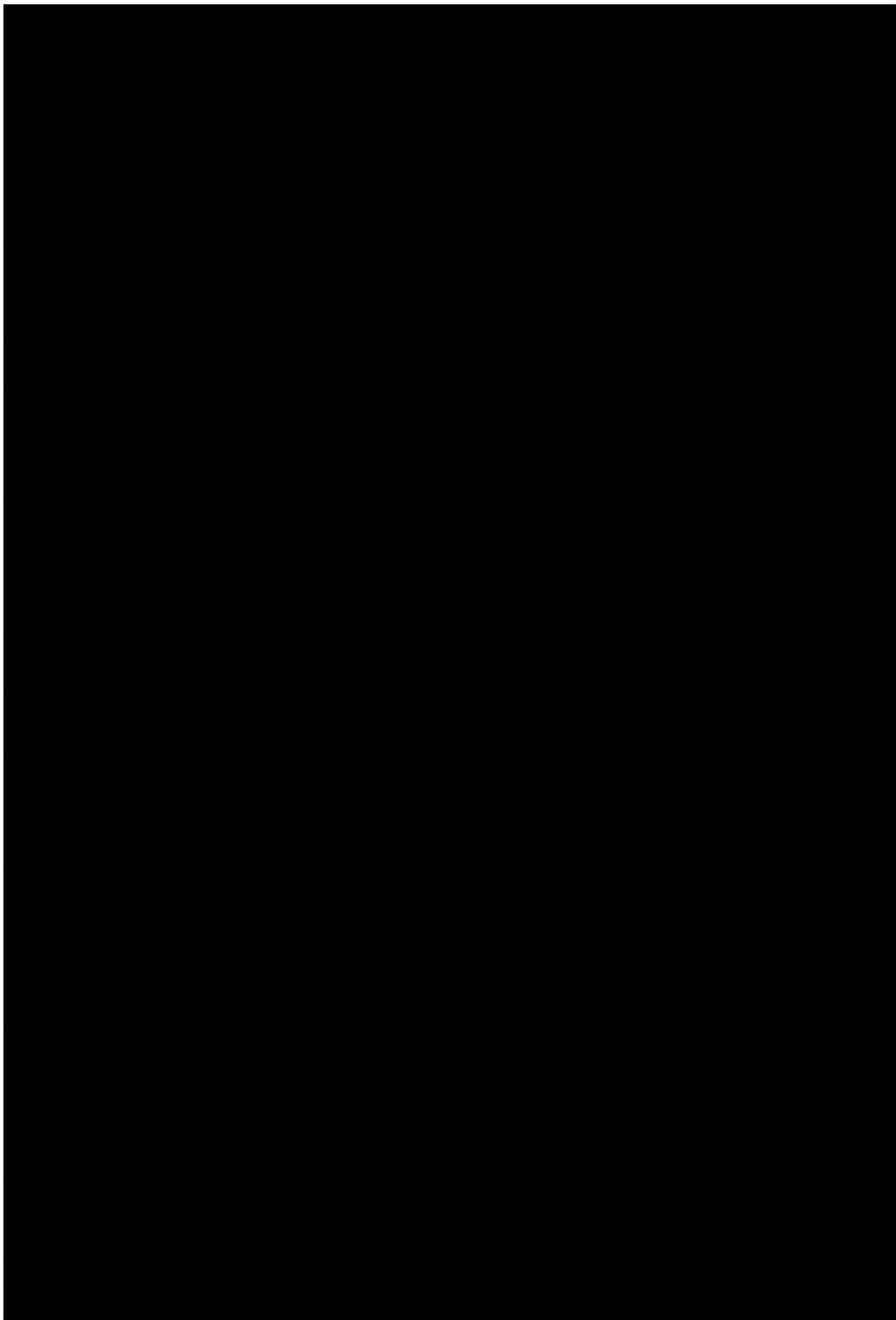
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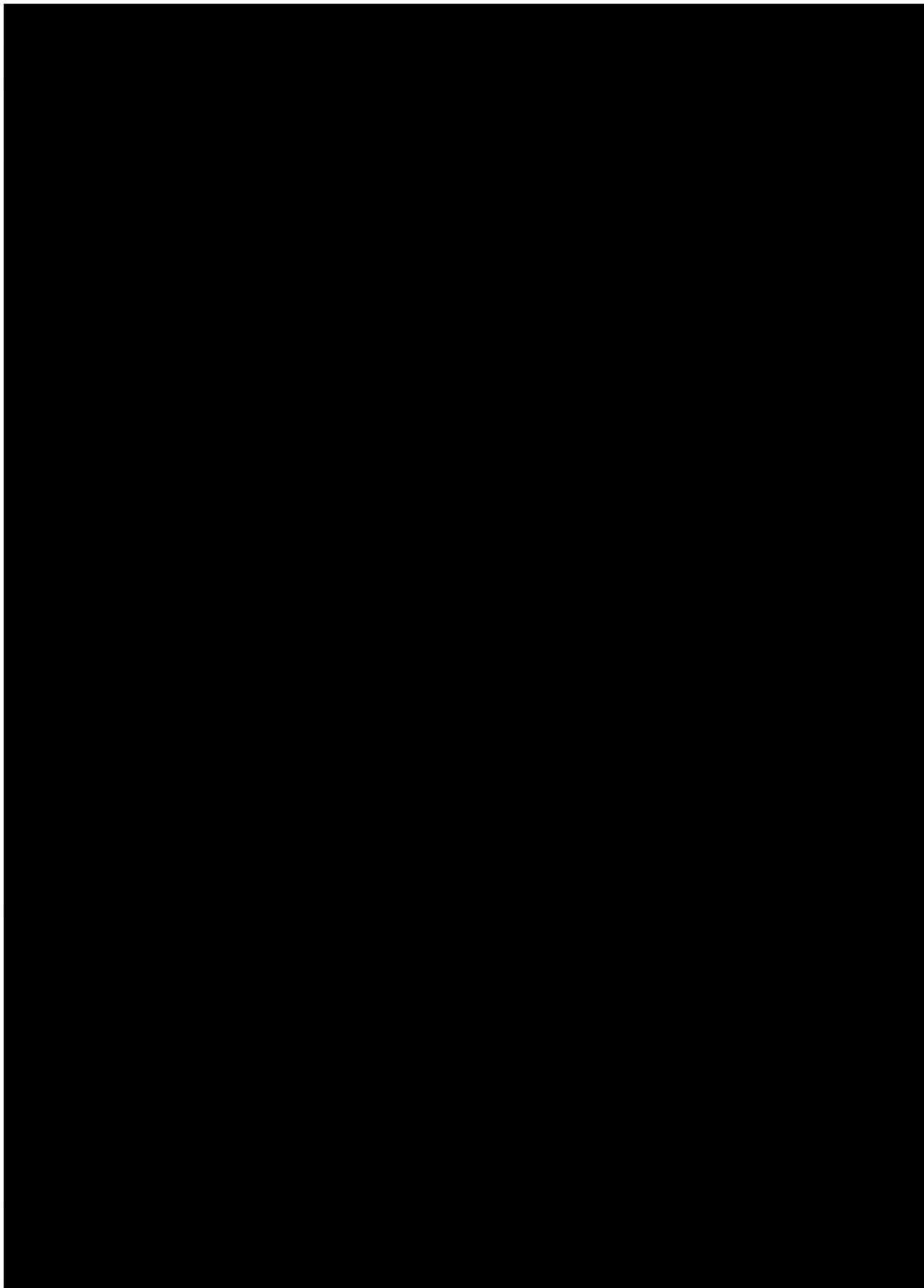
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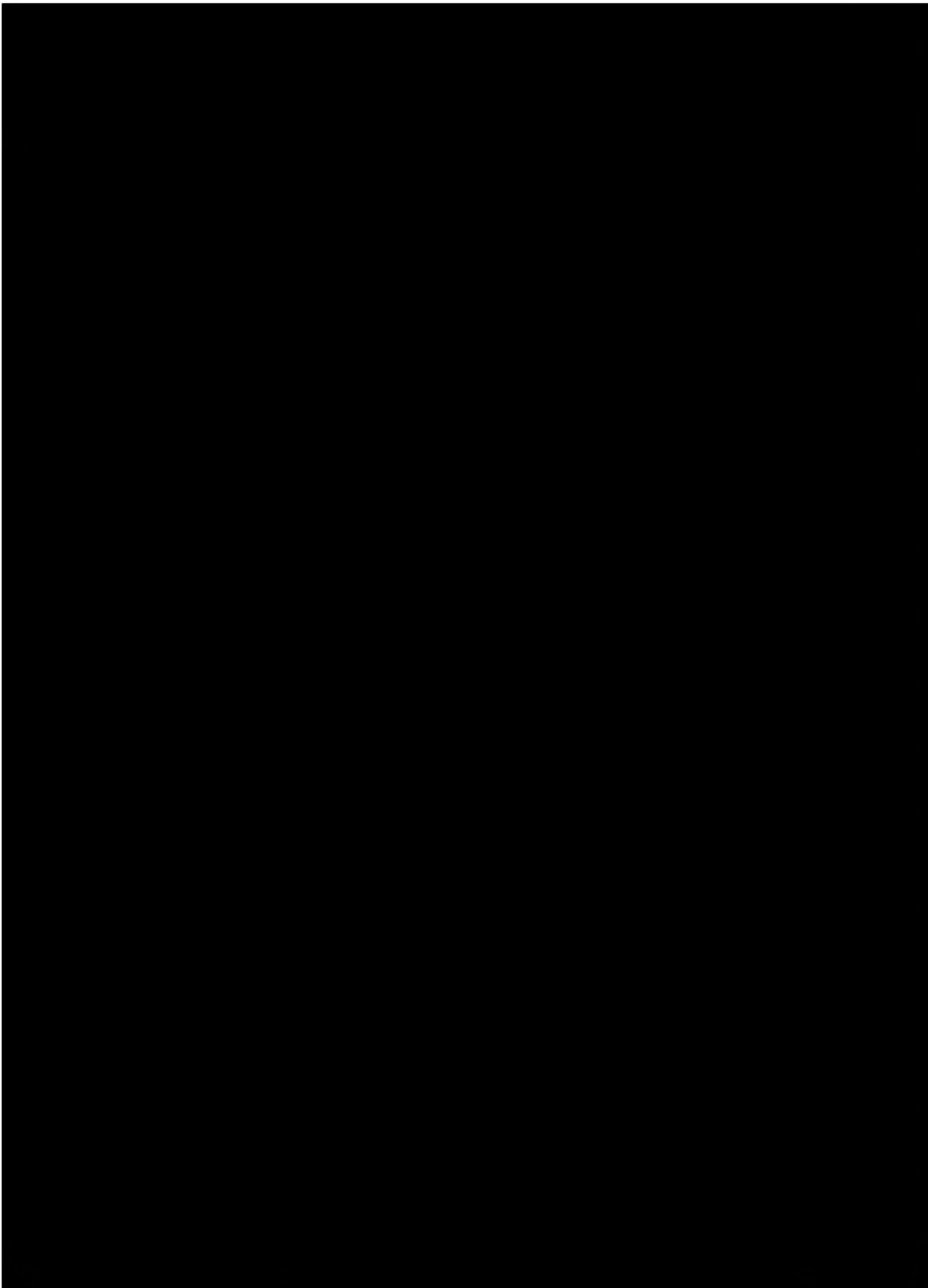
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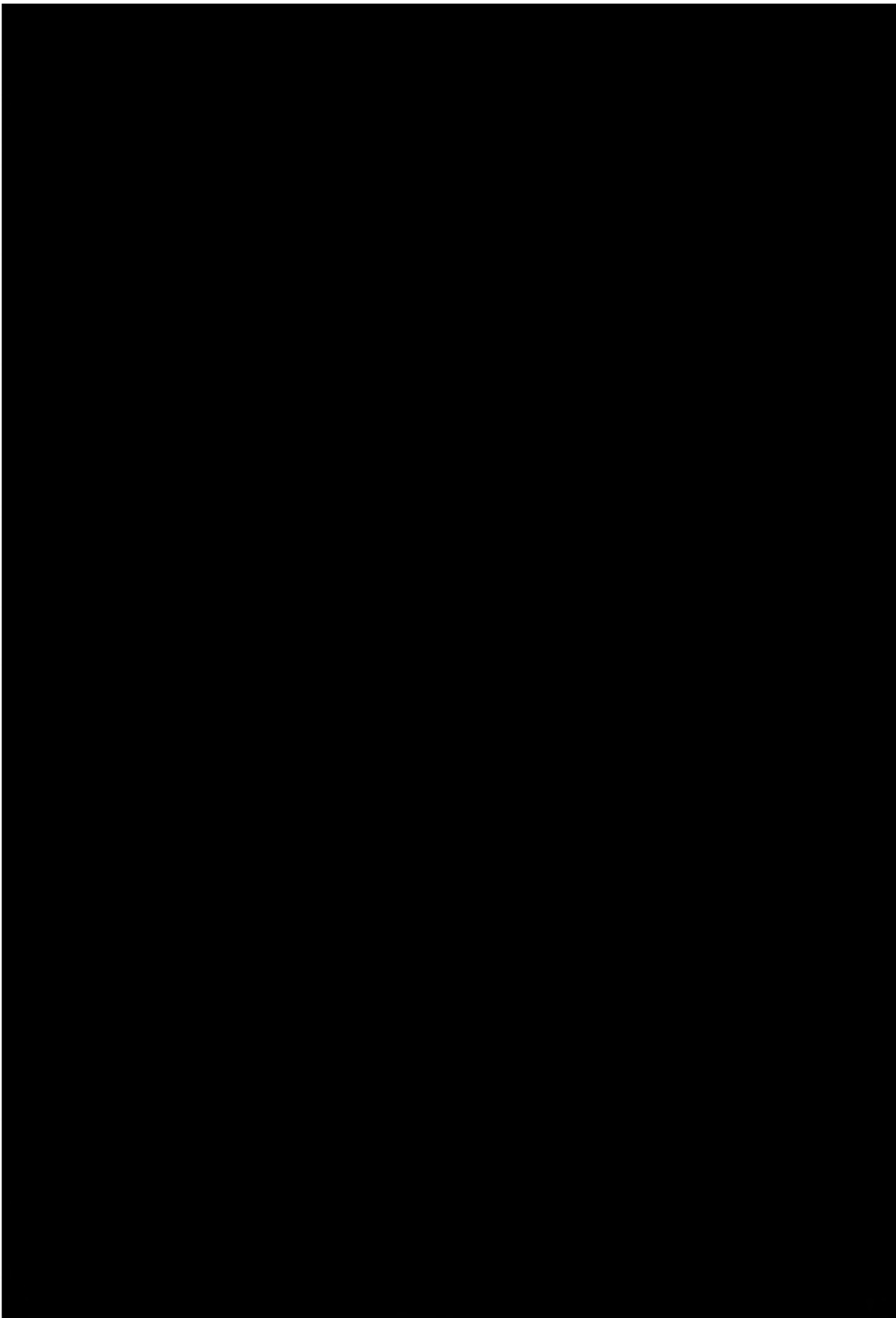
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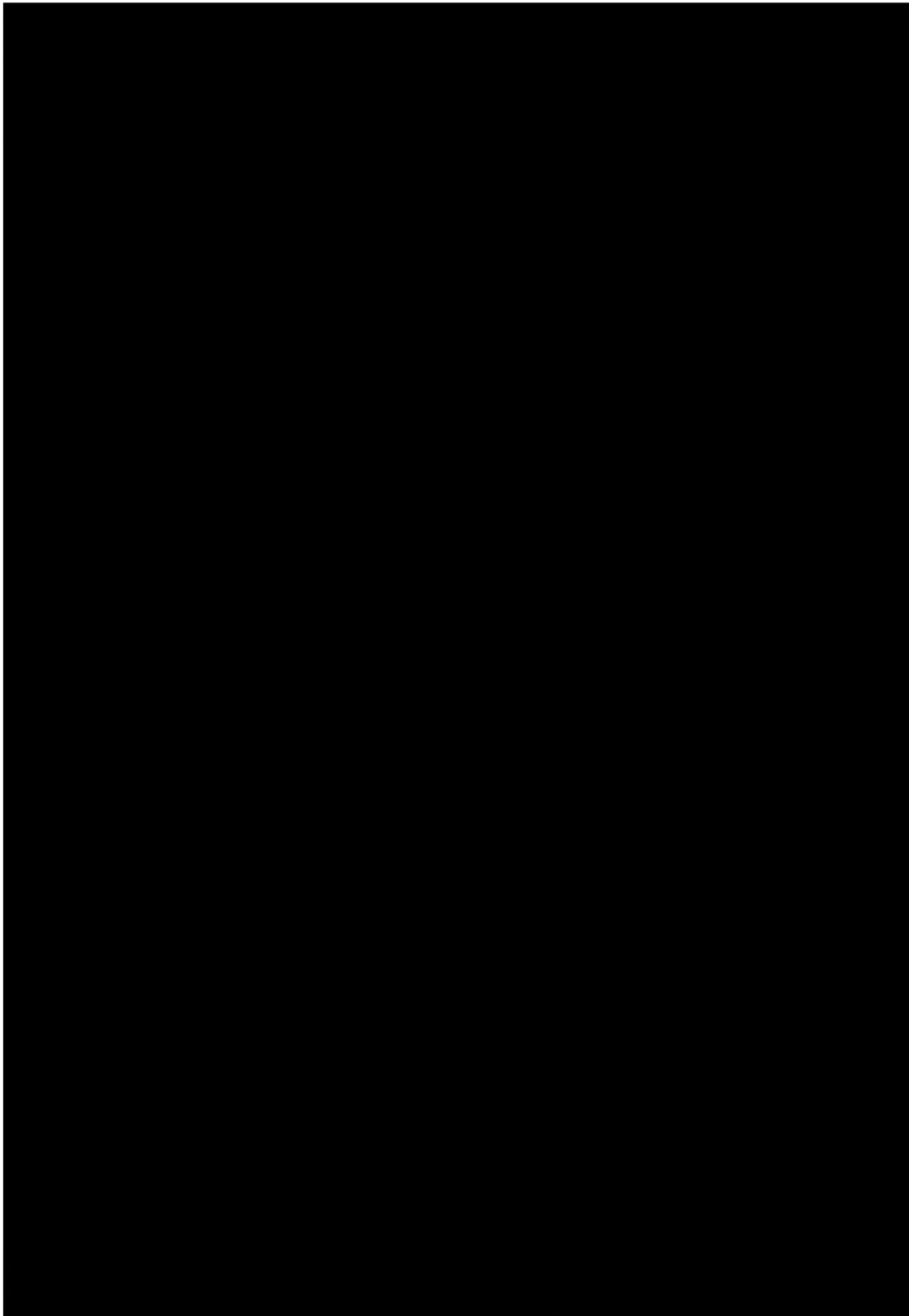
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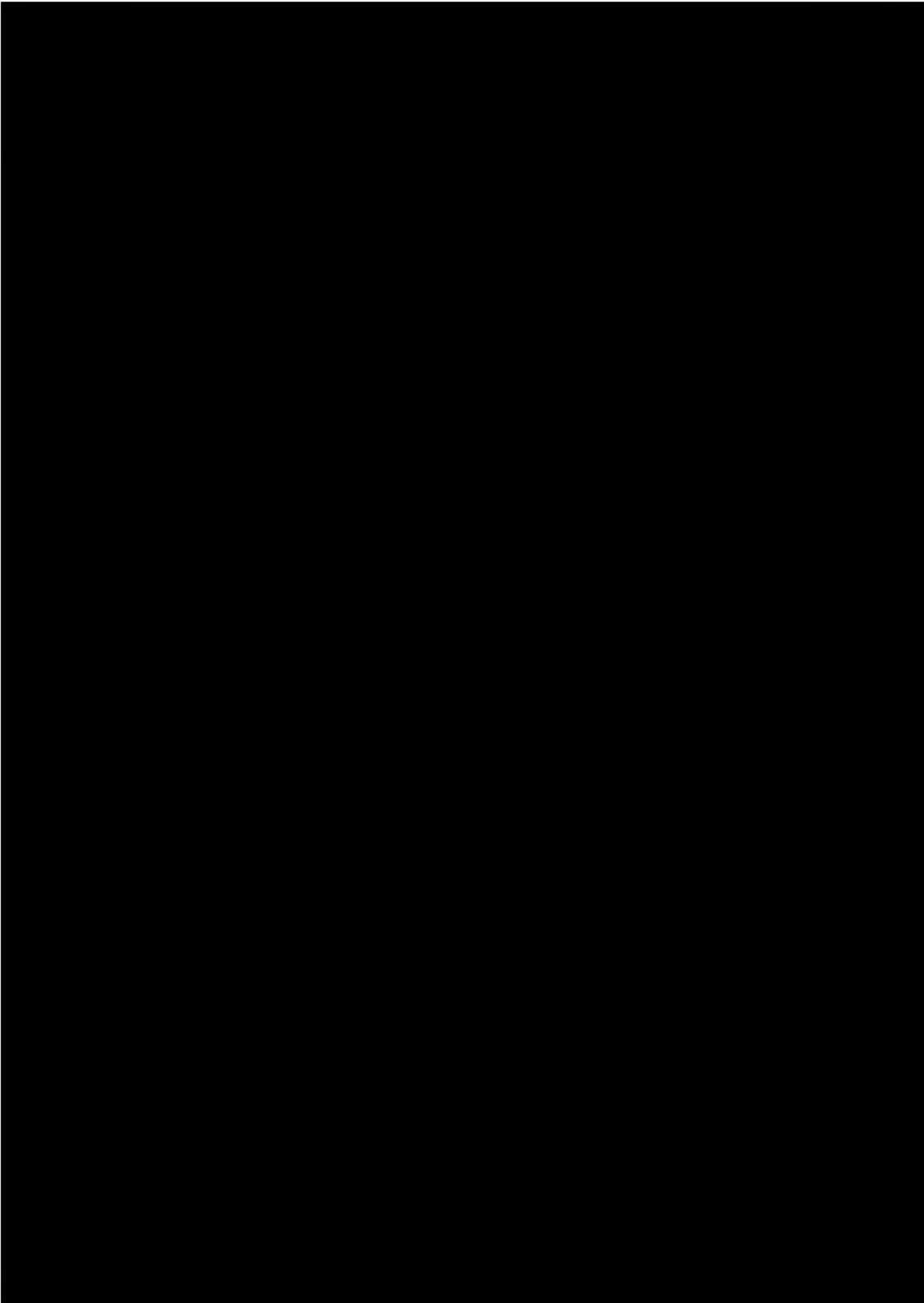
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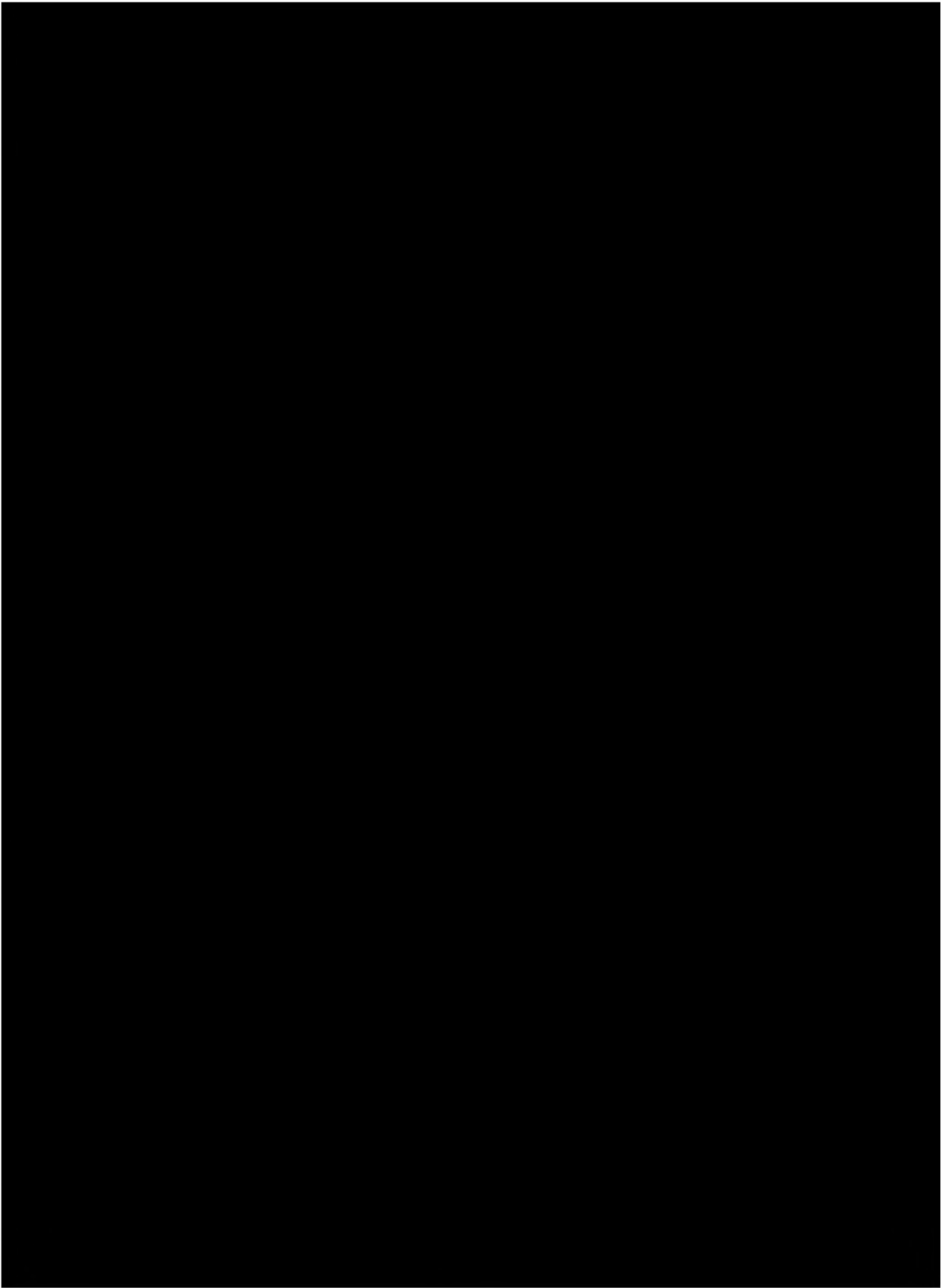
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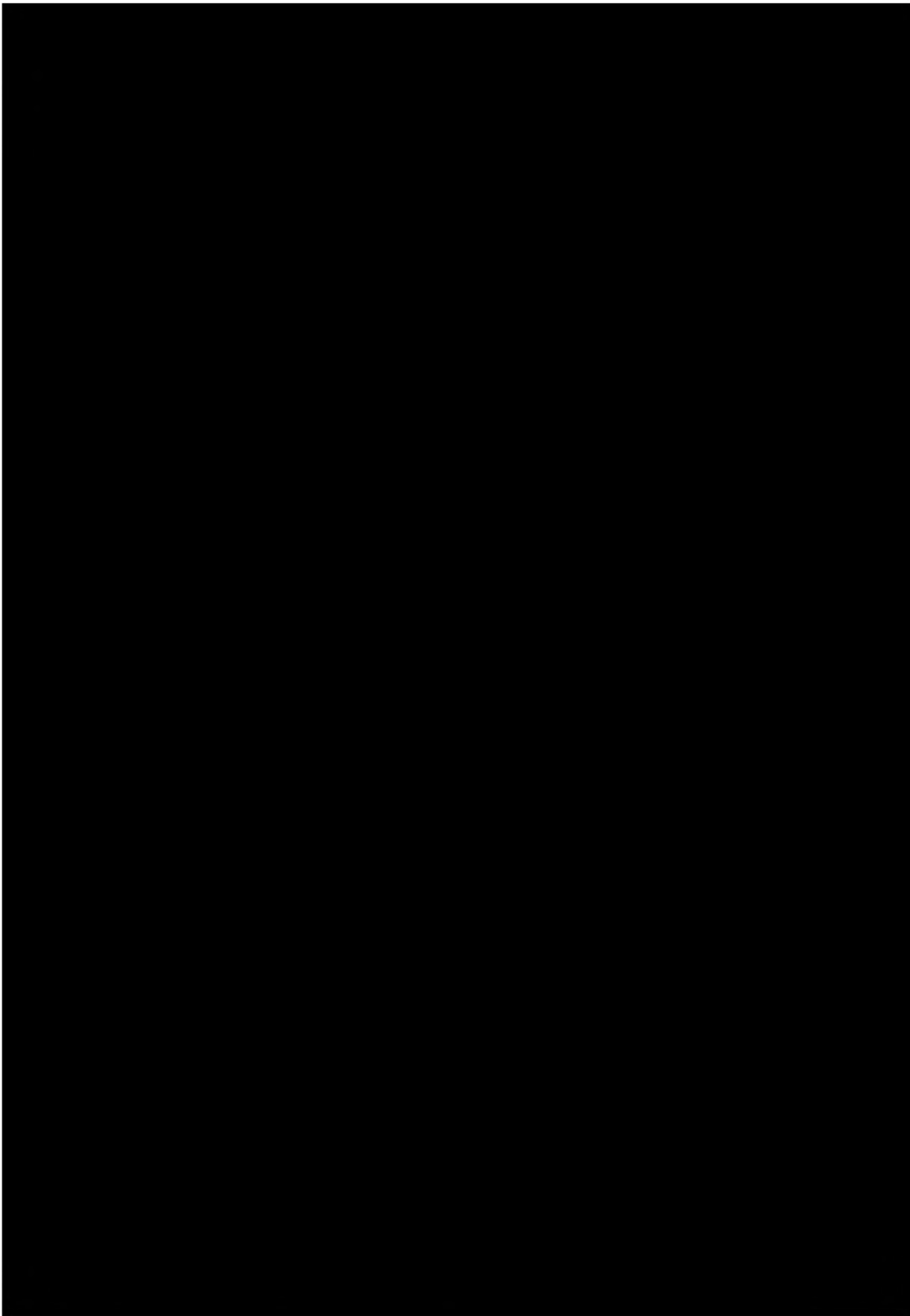
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(Proceedings in public)

7

(11.16 am)

8

SIR GEORGE NEWMAN: Mr Henderson, he is a lawyer. He can

9

come into the row here. I will elevate him to that

10

position.

11

MR HENDERSON: I'm obliged, sir.

12

SIR GEORGE NEWMAN: Lawyers can sit in the first row.

13

Witnesses, please, sit wherever it's comfortable. There

14

is no reason why you shouldn't sit at the side if you

15

are comfortable as a witness there.

16

Okay. Everyone in? Good thank you. Then we'll

17

start.

18

Good morning. For some months I have been carrying

19

out an investigation into the death of a prisoner of war

20

believed to have been called Tariq Sa'ori Mahmud.

21

Progress of the course of the investigation has been

22

posted on the website but the task of taking oral

23

evidence set for the next few days -- would you like to

24

sit down rather than hover. Thank you.

25

The task of taking oral evidence set for the next

1 few days will be facilitated and better understood if
2 more information is given now. However, I must
3 emphasise the importance of it being understood by
4 everyone that in elaborating on the upshot of the
5 material I have received to date I am not making
6 findings of fact. My findings of fact will be set out
7 in the report when I have received and considered all
8 the evidence at my disposal.

9 My purpose in summarising the effect of what I have
10 seen to date is to place what I have seen to date in the
11 public domain and to set a context for the evidence
12 I wish to receive from the witnesses who are here and
13 will be here over the next few days.

14 I wish to place on record that I have received
15 cooperation and assistance from everyone bar one or two
16 persons I have approached. That is despite strong,
17 concerted, adverse criticism being advanced in the media
18 and in other quarters against a process which involves
19 judicial investigations into deaths which occurred in
20 Iraq in 2003.

21 This is a complicated investigation. Evidence has
22 been and is being sought from more than 50 witnesses.
23 It is an important case, not simply because it involves
24 the death of an EPW, namely an enemy prisoner of war,
25 captured in the course of war, which is an event which

1 the international law of war has always considered
2 important and attached particular significance to it,
3 but because it involves consideration of the interaction
4 of coalition forces in the fulfilment of a military
5 mission in the course of which the death occurred.

6 At the outset I divided my consideration into three
7 parts: the identification of the deceased; the
8 circumstances in which death occurred; and, thirdly, the
9 scope of the reporting of his death through and up the
10 chain of command.

11 My inquiries into the identity of the deceased are
12 well nigh exhausted. One line of enquiry which I have
13 made to the Libyan government is outstanding, but short
14 of that my inquiries are exhausted. In short, the
15 process whereby the deceased was identified as Tariq
16 Sabri Mahmud was not reliable. No verification has
17 become available to me to improve upon or confirm any
18 aspect of the reliability of that identification.

19 What we do appear to know is that he was buried
20 according to Muslim religious rights and customs and the
21 site where he is buried is identifiable. But I have
22 concluded that it would be disproportionate to exhume
23 his remains 15 years after the event. It has to be said
24 he was not medically examined. There was no
25 post-mortem.

1 As it happens, as I see it at the moment, there is
2 little or no direct evidence of the cause of his death,
3 in the sense of what caused his death organically or
4 otherwise. It is possible that the exhumation of his
5 remains would assist in determining whether, for
6 example, he suffered any form of particular traumatic
7 injury or whether there is some other reason why he died
8 which could be determined from what would obviously be,
9 after all these years, limited remains. But I have
10 concluded that the present paucity of information
11 renders the speculative chance of exhumation advancing
12 the position to be disproportionate.

13 As you will know, an investigation under Article 2
14 of the European Convention of Human Rights should
15 include the involvement of the family of a deceased.
16 Obviously that cannot take place. In the normal course
17 in these investigations, which I have had in this court
18 from time to time, there is a video link through to Iraq
19 so that the family of the deceased can see the extent to
20 which the British authorities, the British Government,
21 the rule of law in this country, devotes to
22 an investigation into the death of someone such as the
23 deceased in this case.

24 But, as I say, that cannot be. All I can say is
25 that it will make life a little bit easier because there

1 is undoubtedly a lot of inconvenience caused by the
2 video link. It is calculated often to break down,
3 communications break down and it complicates life. But
4 we will proceed without the family.

5 The focus of attention over the next day or so will
6 be on both the background and the immediate
7 circumstances in which death occurred. Now I ought, in
8 fairness to those who are here to give evidence, to make
9 it clear that there have been previous investigations.
10 But the circumstances in which those investigations were
11 commenced themselves call for brief comment.

12 The death occurred on or about 11 April 2003 and you
13 will hear from the witnesses about the events of 11 and
14 12 April. I shall not be at this stage, in these days
15 ahead, dealing with the subsequent reporting, to which
16 I have already referred, up the chain of command. There
17 is merely an overlap to which I shall pay some attention
18 which will become clear as we go on, that is between the
19 immediate events in question and information beginning
20 to percolate up the chain of command.

21 But, as I mentioned, the preamble to this
22 investigation, or the investigations other than this one
23 which took place, was an anonymous phone call which was
24 made on 2 June 2003 to RAF Marham. The caller, despite
25 such efforts as I have been able to make, remains

1 unidentified. But the content of what he said on the
2 telephone, and I believe to at least one major
3 newspaper, was to the effect that the individual who we
4 have taken to be Mahmud died because he was maltreated
5 by British forces on the helicopter which had carried
6 him.

7 That individual, as I say, by reason of the
8 information he gave, one might think had some first-hand
9 knowledge or at least was assuming a position in which
10 he wanted people to believe that he had first-hand
11 knowledge. But he has not identified himself. He is
12 presumably known to the newspaper in question, but of
13 course that is protected from any enquiry that I can
14 make.

15 I take this opportunity of renewing my call to that
16 individual who made that telephone call on 2 June 2003
17 to make himself known to me, not necessarily because
18 I have any reason to believe that what he said was
19 correct but I need, in the course of an investigation
20 which involves all circumstances being looked at, having
21 knowledge as to what it is and where it is it is coming
22 from. But -- and this is the important aspect for those
23 who are here to give evidence -- as a result of that
24 anonymous telephone call, the witnesses I have been in
25 contact with and who will be giving evidence, or at

1 least some of them will be giving oral evidence, then
2 became subject to an RAF Provost Marshal and Security
3 Services investigation in which they were asked to make
4 statements and in some cases were interviewed at length.

5 The outcome of that investigation was concluded in
6 a way which these witnesses are entitled to take the
7 view that they were, putting it in purely vernacular
8 terms, "cleared" of any misconduct.

9 As I have said on many times, when carrying out this
10 investigation and other investigations of an identical
11 nature, I am not concerned to determine culpability. By
12 that, I am not here with a view to making a finding of
13 fact against any individual which will be a finding of
14 culpability on the part of that individual. I am here
15 to do the best I can to investigate the circumstances of
16 death. Insofar as this exposes witnesses to what they
17 might fear, and I understand why they consider this, is
18 a risk of prosecution, I have, as they know and
19 I repeat, obtained a form of undertaking from the
20 Attorney General and the DPP and other appropriate
21 authorities to the effect that the evidence they give to
22 me which could incriminate them, if there was such
23 evidence, could not be relied upon against them in any
24 criminal prosecution. It is a privilege that they have,
25 by that undertaking, against self-incrimination from

1 what they say in evidence to me.

2 Inevitably there is a question mark which might come
3 into the minds of some as to what the position would be
4 if witness A, for example, I give this by way of example
5 only, said something which are arguably incriminated A,
6 for which he could not be prosecuted, but also
7 incriminated B. The undertaking from the Attorney
8 General extends to self-incrimination. If B was to give
9 evidence and B gave evidence which was in accord with
10 anything that had been said, then B would enjoy the
11 privilege against self-incrimination. But you will all
12 know, and if you don't I must emphasise to you, that
13 there can be no promises. I cannot give anybody
14 a promise that they will never be prosecuted in respect
15 of anything which might emerge from this investigation.
16 It is just, if I may say so by way of observation, on
17 the bounds, on the margins, of being so unlikely that it
18 should not concern individuals. They have, as their
19 lawyers can tell them -- and they all have lawyers --
20 other forms of common law protection against being
21 proceeded against so many years after the event and when
22 the evidence has been given in the context of
23 an investigation such as this where the Secretary of
24 State would not have ordered the investigation to take
25 place unless he was satisfied that a prosecution would

1 not take place. I can say no more about that part of
2 the matter. But I emphasise that that is where we are
3 and thus how we must proceed.

4 Again going back to the history, as I indicated,
5 there was the investigation by the RAF provost marshal
6 and security services. There was then a subsequent
7 review by the Iraq Historical Allegations Team, IHAT.
8 So again these witnesses were -- and I have not got the
9 detail in my mind and it matters not, but I am aware
10 that the witnesses were approached again in respect of
11 this matter. Further witness statements were taken.
12 The reasons for that and the criticisms that can be made
13 of that as an event are not for me, and those who wish
14 to do so have made as much of it as they can and will no
15 doubt make much more of it later if that is what they
16 wish to do.

17 But none of that takes away from me the public duty
18 and obligation, having been appointed to carry out this
19 investigation as a judicial investigation, to do my best
20 to get to the bottom of what went on so that I can
21 report on the facts and one would hope report in such
22 a way as made it clear and put an end to the issues.

23 The IHAT investigation did lead to a service
24 prosecution authority investigation. I'm afraid one
25 investigation by one group tends to lead to the need for

1 somebody else to pick up the baton. So I merely go
2 through these in order to make it plain to the
3 witnesses, who are really the most important people
4 here, that I am conscious of what has happened.
5 I couldn't have a fuller understanding of what it is
6 that has happened, and I have, as a result of the
7 experience of this case and of six other investigations
8 that I have done in this area, ample awareness of the
9 stress and the tension, the anxieties and so forth to
10 which these things can give rise.

11 So that by way of commendation. As I have said,
12 I have had cooperation from all round, bar from one or
13 two exceptions. I now turn to the thrust of what it is
14 that I have got together to date.

15 So far as the procedure is concerned, the witnesses
16 have made statements to me and I will ask them to verify
17 their statements as being true and accurate. Those
18 statements refer to the earlier statements, that I have
19 already referred to, which were taken from them in the
20 other investigations and equally I should like them, if
21 they are able, to verify the contents of those
22 statements.

23 I don't intend to then take them through every line
24 of their statement. They will be relieved to know that,
25 as will everybody else. What I wish to do is to merely

1 concentrate on any questions which it seems to me,
2 having studied the material, require some elaboration or
3 which would benefit from some elaboration.

4 As you know, there are no counsel here to
5 cross-examine anybody. I am the only person who asks
6 the questions.

7 Where does it all start? The story starts with the
8 land invasion of Iraq by coalition forces and that took
9 place on March 23, 2003. In the early part of
10 April 2003, a specialist military unit of the RAF,
11 including a Chinook squadron of the RAF and its flight
12 crew were deployed forward from HQ-1 in the Middle East
13 to a joint US and British forward operating base
14 situated west of the Ramadi desert known as H-1, for
15 many years, as I understand it, an airfield sometimes
16 used, more busily by the Iraqis at other times.

17 The specialist military unit of the RAF were tasked
18 as an airborne reaction force, often referred to ARF for
19 convenience, to support ongoing operations by
20 a specialist military unit of British forces. The
21 location being a forward base meant that the military
22 forces were deep into Iraqi territory, behind enemy
23 lines and thus constantly exposed to a risk of attack
24 from the Iraqis.

25 Communications were maintained by means of radio

1 satellite, by dedicated signallers passing their
2 communications to HQ-1 Middle East.

3 In the course of 11 April 2003 the British military
4 unit, the specialist military unit, were directed by
5 HQ-1 Middle East to undertake a mission in conjunction
6 with Australian armed forces and the armed forces of the
7 United States of America.

8 The specialist military unit liaison officer, who
9 will be giving evidence today -- indeed, he will be the
10 first witness -- received a mission tasking as far as
11 I can see -- all these things, as I say, are subject to
12 confirmation ultimately by me -- at about 1620 to
13 transport EPW, namely prisoners of war, from a location
14 in the Ramadi desert where Australian armed forces, in
15 company with one embedded member of the United States of
16 America armed forces, had stopped a convoy of vehicles
17 at a vehicle checkpoint.

18 So that you have some understanding, without going
19 into unnecessary detail, the overall structure of the
20 British forces command involved in this operation was
21 therefore made up by an air wing, the ARF, that's
22 airborne reaction force and the members of the ARF, and
23 the specialist military unit.

24 So far as command is concerned, the air crew for the
25 Chinook squadron, two Chinooks involved, were of course

1 in command when the Chinooks were in the air. The
2 liaison officer of the specialist military unit was in
3 control of the mission generally and when on the ground
4 he was in command. The ARF, or members of the airborne
5 reaction force, were for the purposes of the mission
6 taken from the command they normally operated under and
7 were under the command of the specialist military unit
8 and the liaison officer.

9 For the purposes of fulfilling the mission, there
10 were two ARF commanders, one on each of the aircraft.
11 The ARF flight commander was on Helil. I will refer to
12 them as Helil. His second in command, who is called
13 a chalk commander, was in charge on Heli2.

14 The liaison officer, who for the purposes of this
15 investigation has been known as British Soldier A and
16 who will give his evidence from behind a screen which is
17 to my left, as I say received a mission tasking as far
18 as I can see at about 1620. The mission was to involve
19 the two helicopters called Lifter1 and Lifter2 or Helil
20 or Heli2. They were to travel a distance of about half
21 an hour, 35 minutes, to the point in the Ramadi desert
22 where the convoy had been stopped and there were 63
23 prisoners of war who had been captured and detained by
24 the Australian armed forces, as I say with one US
25 officer embedded in that group.

1 It is fair to say I think, although it matters not
2 probably in the ultimate outcome, there was some
3 confusion as to how many EPW there were going to be
4 there to pick up. It seemed to be a movable feast as
5 the day went on.

6 When the tasking was received, the pilots had to be
7 briefed and the ARF flight commander, who will be giving
8 evidence but not today, had to be briefed and the chalk
9 commander for Heli2 and there were rehearsals or
10 training sessions which had to be gone through so that
11 the ARF force members knew the nature of the operation
12 they were going to undertake. You will hear what it was
13 that was decided. Essentially, and I say this only to
14 save time ultimately, the EPW, once hooded and cuffed in
15 plastic cuffs and taken to one of the respective Helis,
16 were to be laid on the floor of the helicopter head to
17 tail as it were, head to feet.

18 It seems that it was about 7.15 in the evening that
19 the two Lifters left the forward operating base and as
20 best as I can see on timing, but again I may well be
21 proved wrong, they arrived at a pick up point where the
22 Australians were at about 1950.

23 Then, as you will hear, there was probably a measure
24 of confusion, not so much generated by anything that the
25 British forces did but from what could be said to be

1 a lack of complete knowledge on their part as to what
2 the Australians would have done and were going to do.
3 15 people, 15 EPWs, were transported on the two
4 Helis on the first lift. But, for reasons again which
5 others can tell you who were there, ten of the EPW ended
6 up in one helicopter, Heli2, and only five in the other
7 one. The evidence is likely to disclose that it was on
8 Heli2, for reasons that we need to look at, that there
9 was a measure of disturbance. But in any event by the
10 time the aircraft put down back at H-1, some metres away
11 from the point where the prisoners of war were to be
12 handed over to the US armed forces, the essential
13 position was that one of the EPW who had prosthetic
14 limbs, both his legs being artificial, had in the course
15 of the journey been separated from his legs, so he
16 needed to be assisted in order to get off the
17 helicopter; and at the rear, near the ramp, of the
18 helicopter, Heli2, there were two EPW who were
19 unresponsive.

20 One of those was the man who has been known as the
21 deceased, Mahmud, but again I am attempting to introduce
22 you to the basic facts and it will be for the witnesses
23 to give the evidence.

24 Then what we will cover in the next day or so is the
25 process whereby in particular Mahmud was moved to the

1 American forces, handed over to that facility, and the
2 evidence which we will call as to what was known about
3 his condition by anybody at that time; and at what point
4 anybody formed a view of whether his lack of response
5 was due to the fact that he was dead or whether it was
6 due to the fact that he was unconscious for other
7 reasons.

8 As it happens, the second person whom I have
9 referred to as being unresponsive indeed, on the
10 evidence, it seems did recover consciousness at the time
11 he was handed over to the Americans and he was able to
12 walk away.

13 Thereafter, the mission was to be completed. On the
14 mathematics that one can do, there were still some 48,
15 if not more, 49 or so, EPW who needed to be brought to
16 the American facility. So the helicopters had to go
17 back. In the process they also had to be refuelled and
18 then go back, and this was all taking place under cover
19 of darkness and in circumstances and conditions which
20 the witnesses can if they wish describe to you.

21 At some stage, and I wish to touch on this in the
22 course of the next day or so, there was what has been
23 called a "hot debrief". There will be some questions
24 I want to ask in relation to that in order to clarify
25 what was said at the hot debrief.

1 you got, SO53, your statement which you have made for
2 the purposes of my investigation which I believe you
3 signed on 8 March of this year?

4 A. I have, yes.

5 SIR GEORGE NEWMAN: And does that contain an accurate
6 account of what you recollect in respect of these
7 events?

8 A. Yes, it does.

9 SIR GEORGE NEWMAN: Is it right that in the first paragraph
10 of that statement you refer to the statements which you
11 made in the context of the RAF police investigation
12 24 July 2003 and later on 18 November 2003, and then yet
13 again another statement on 17 February 2004?

14 A. Yes. Yes.

15 SIR GEORGE NEWMAN: And are you satisfied that those
16 statements to which reference is there made are accurate
17 to the best of your knowledge and belief?

18 A. Yes, they are, sir.

19 SIR GEORGE NEWMAN: You have heard me endeavouring to
20 compress the events of 11 April 2003 into as short
21 a compass as I can or could for the purposes of today.
22 Now what I would like you to do, please, is to elaborate
23 upon the position.

24 Could we start with the fact that you were tasked,
25 as I understand it, to carry out this mission. Have you

1 got in front of you the cipher codes for --

2 A. No, I have, sir.

3 SIR GEORGE NEWMAN: -- for the terms that --

4 A. Yes.

5 SIR GEORGE NEWMAN: -- we are using. You were tasked to

6 carry out this mission. By looking down that gisting(?)

7 guide, have you got that?

8 A. Yes, I have sir, yes.

9 SIR GEORGE NEWMAN: HQ-1 Middle East, is that right? Is

10 that where you received your tasking --

11 A. Yes.

12 SIR GEORGE NEWMAN: -- from?

13 A. Yes. I believe so, yes.

14 SIR GEORGE NEWMAN: Mr-hmm?

15 A. Yes, sir, I believe so.

16 SIR GEORGE NEWMAN: Thank you. In your own words, please

17 tell me -- keep your voice up, if you would.

18 A. Okay, yes.

19 SIR GEORGE NEWMAN: What were you tasked to do?

20 A. I was tasked to go and collect EPWs from a location and

21 take them to H-1.

22 SIR GEORGE NEWMAN: And were you at that time at H-1

23 yourself?

24 A. No. I was at H-2.

25 SIR GEORGE NEWMAN: Is that adjacent to H-1?

1 A. It is. I can't remember the distance between the two.
2 I can't remember that detail, but you could -- if I'm in
3 my rights I don't remember seeing it. You couldn't see
4 it from there.

5 SIR GEORGE NEWMAN: All right. In order to carry out this
6 operation, did you need two helicopters?

7 A. Yes, we did sir, yes.

8 SIR GEORGE NEWMAN: How did you set about establishing the
9 use of the two helicopters and the crew and so forth in
10 order to do it?

11 A. We was -- we was going to fly with two helicopters to
12 the location of where the EPWs were, aircrafts to land,
13 liaise with the forces on the ground, and then load the
14 EPWs on to the aircraft and then take them then on to
15 the American location.

16 SIR GEORGE NEWMAN: What were you told by way of information
17 about the belief as to who the EPWs were? Were you told
18 anything about them?

19 A. As my memory recalls, we were told that they were
20 potentially high threat, quite dangerous, that they
21 weren't to get out of control on the back of these
22 aircraft, that they were to be hooded and plasticuffed
23 so that they couldn't cause any disturbance on the
24 aircraft or get out of hand, and then to take them to
25 the American location.

1 SIR GEORGE NEWMAN: Did you convey what you had been told
2 about the character of the EPWs to any of the team that
3 were going to assist you?

4 A. Yes, sir. I would have told them -- I'm looking --
5 referring back to my statement. I think I put in there
6 that at the time that they were potentially dangerous,
7 et cetera, and everything that I had been briefed about
8 I would have relayed to the team that was going to carry
9 out the mission.

10 SIR GEORGE NEWMAN: Had you personally been involved in
11 lifting EPWs before?

12 A. In Iraq, sir?

13 SIR GEORGE NEWMAN: In Iraq, if you like.

14 A. No, sir. No, sir.

15 SIR GEORGE NEWMAN: Had you anywhere been involved in
16 lifting EPWs in other countries in the Middle East?

17 A. Not in the Middle East, sir, no.

18 SIR GEORGE NEWMAN: All right. Was there anything about
19 this operation -- using the Chinook squadron, was there
20 anything about it which was familiar or unfamiliar as to
21 what how it was to be affected?

22 A. No, sir. No.

23 SIR GEORGE NEWMAN: What was it, familiar to you?

24 A. Familiar, sir, yes.

25 SIR GEORGE NEWMAN: And what did you have in mind therefore

1 should take place?

2 A. Exactly as I stated, sir, that we would liaise with the
3 flight air crew about the mission and the ARF that were
4 going to conduct the part of the mission, that we would
5 go and collect prisoners or enemy prisoners of war and
6 transport them to the Americans and pass them over to
7 the Americans where they would take custody of them.

8 SIR GEORGE NEWMAN: How were they going to travel? How
9 physically did you have it in mind that the EPWs would
10 travel in the helicopter?

11 A. I would have -- as I'm trying to remember, I would have
12 told them to have placed them on to the floor of the
13 aircraft.

14 SIR GEORGE NEWMAN: So they are lying down?

15 A. Yes, sir, that would have been -- I would have thought
16 that would have been my brief at the time.

17 SIR GEORGE NEWMAN: Are they lying down head to toe, head to
18 toe?

19 A. I think that would have been the brief, sir, yes.
20 I can't -- I can't be 100 per cent on that, but I guess
21 that would have been the logical way I would have
22 briefed them, yes.

23 SIR GEORGE NEWMAN: Who was to be responsible for hooding
24 them and cuffing them, the Australians or the British
25 forces?

1 A. I think when we arrived there, I'm trying to remember,
2 but I don't know if they were all hooded or cuffed or
3 what, I can't remember exactly. But I remember the ones
4 that the people that we were taking to put on to the
5 aircraft had to be plasticuffed. I can't remember
6 exactly whether or not they were hooded at that stage.
7 I cannot remember that detail.

8 SIR GEORGE NEWMAN: Did you consider it, as the person who
9 was in charge of this operation, necessary that they
10 should be hooded?

11 A. I can't remember the details, sir, but you know I would
12 imagine -- I know that hooding people and moving people
13 around once they're hooded can be an issue because they
14 can't see where they are going, obviously. Whether or
15 not they were, if I'd briefed to hood them or to move
16 them to the aircraft with them hooded, or to brief them
17 without the hoods on to the aircraft, I can't remember
18 that detail exactly. I don't know. I can't remember
19 that.

20 SIR GEORGE NEWMAN: Do you know, can you remember now,
21 whether you carry hoods with you for sand, sand bags?

22 A. Yes, I think we would have, sir, yes. I think so.

23 SIR GEORGE NEWMAN: You think you did?

24 A. I think so, sir, yes. Potentially, yes.

25 SIR GEORGE NEWMAN: What about plasticuffs?

1 A. Yes, we would have carried plasticuffs.

2 SIR GEORGE NEWMAN: And what is the normal way in which
3 a prisoner of war will be plasticuffed, hands to the
4 front, or wrists, or thumbs or, hands to the back, or
5 how?

6 A. Just hands to the back, sir, with a plasticuff around
7 the wrist.

8 SIR GEORGE NEWMAN: So it's wrists at the back?

9 A. Yes, sir.

10 SIR GEORGE NEWMAN: When you arrived at the pick up point,
11 you were on Helil as we know?

12 A. Yes.

13 SIR GEORGE NEWMAN: And who went from Helil with you, as you
14 recollect, to the Australian forces? If you want to
15 look at the cipher code, it's probably the safest way to
16 do it.

17 A. I can't -- I can't remember exactly, sir, when we landed
18 to go to -- you know, to meet with the Australian armed
19 forces who was exactly by my side. I can't -- I can't
20 remember that detail.

21 SIR GEORGE NEWMAN: Do you remember now whether or not you
22 had the ARF flight commander with you on Helil or not?

23 A. I can't be 100 per cent, sir, but that seems logical
24 that he would have been with me, yes.

25 SIR GEORGE NEWMAN: So is it right that you did go to the

1 Australians in company with someone and perhaps more
2 than one?

3 A. Yes, sir. I would imagine, yes.

4 SIR GEORGE NEWMAN: Looking at our cipher witness guide, is
5 there anybody there that you can tell me you went to the
6 Australians in company with?

7 A. Ah, the SMULO.

8 SIR GEORGE NEWMAN: Sorry?

9 A. Sorry, the specialist military unit liaison officer,
10 SMU HQ.

11 SIR GEORGE NEWMAN: Yes. Well, that's you.

12 A. Oh, is it?

13 SIR GEORGE NEWMAN: Sorry to confuse you if there is
14 a difference.

15 A. Hang on. Sorry.

16 SIR GEORGE NEWMAN: You need to look at the witness cipher
17 guide which gives you three pages of numbers?

18 A. I haven't got that. I haven't got that.

19 SIR GEORGE NEWMAN: Haven't you got that?

20 A. No, I'm sorry.

21 SIR GEORGE NEWMAN: You should have that.

22 A. I have, sir, sorry.

23 SIR GEORGE NEWMAN: All right.

24 A. Well --

25 SIR GEORGE NEWMAN: Now looking at that, I will only

1 attempt, in order to save time, direct you to likely
2 candidates.

3 A. Yes, sir.

4 SIR GEORGE NEWMAN: Do you want to look that second page?

5 A. Yes.

6 SIR GEORGE NEWMAN: You see where S053 is, that's you?

7 A. Yes, sir.

8 SIR GEORGE NEWMAN: Now --

9 A. Yes.

10 SIR GEORGE NEWMAN: Is there anybody --

11 A. Probably S055.

12 SIR GEORGE NEWMAN: You think S055?

13 A. Possibly would have been with me.

14 SIR GEORGE NEWMAN: Would have been with you?

15 A. Yes, it seems logical, sir.

16 SIR GEORGE NEWMAN: It seems logical. Anybody else that you
17 can see there that you think --

18 A. Well, I'm trying -- to be fair I can't remember the
19 names.

20 SIR GEORGE NEWMAN: Was there anybody from Heli2?

21 A. Well I assume that the commander of Heli2, whoever was
22 the commander of Heli2, would have been -- it seems
23 logical they would have been with me as well, sir.
24 Logically, but whether or not they were, sir, I don't
25 know. I can't remember.

1 SIR GEORGE NEWMAN: But it's possible?

2 A. It's possible.

3 SIR GEORGE NEWMAN: That's SO39.

4 A. Right. Okay, sir. Yes.

5 SIR GEORGE NEWMAN: All right? So you go to the Australians
6 and just give me the gist of the exchanges with the
7 Australians. What did they tell you?

8 A. They tell me that there was a coach which was on
9 location there that they had stopped and got the EPWs
10 out from. They were all lined up on the ground, as
11 I remember, kneeling.

12 SIR GEORGE NEWMAN: They were kneeling, were they?

13 A. Yes, they were kneeling down, sir, as I remember. They
14 also had bags of -- like holdalls of money, a large sum
15 of money that had to be collected and taken back as
16 well.

17 SIR GEORGE NEWMAN: So were there holdalls or just one
18 holdall?

19 A. I think there was two, sir.

20 SIR GEORGE NEWMAN: And did they show you the contents, the
21 money?

22 A. Well, yes, they did, yes. If I remember rightly,
23 I unzipped it and had a look.

24 SIR GEORGE NEWMAN: What was it? Do you remember the
25 currency?

1 A. US dollars, sir.

2 SIR GEORGE NEWMAN: US dollars. Was it counted eventually?

3 A. I don't know.

4 SIR GEORGE NEWMAN: You don't know?

5 A. I don't know, sir.

6 SIR GEORGE NEWMAN: You don't know how much it was?

7 A. Well I thought it was to the value of about -- I think

8 it was about US\$635,000.

9 SIR GEORGE NEWMAN: 635,000?

10 A. I think. I think the Australians told me that.

11 SIR GEORGE NEWMAN: The Australians said that. Okay. So

12 you have your holdall with US dollars, and what else

13 have you got? Another holdall with something else in

14 it, which you saw and took from the Australians?

15 A. As I recall, I think there was two holdalls potentially

16 with money in. I don't know if there was any other --

17 you know other stuff in. I can't remember that exactly

18 to be fair, but all I was -- thought about was the money

19 that was in these bags really.

20 SIR GEORGE NEWMAN: Right. Now what about identity

21 documents?

22 A. Yes, sir. No, I didn't have -- physically have any

23 identity documents with me, no.

24 SIR GEORGE NEWMAN: So they didn't give you any identity

25 documents?

1 A. Not that I can recall. Whether or not they were in them
2 bags as well I can't recall, but they didn't actually
3 say, "And by the way here's all their ID". Whether or
4 not they're in those bags, I didn't really go hunting
5 around in them but I just collected them because I knew
6 they had to be handed over.

7 SIR GEORGE NEWMAN: Were you provided with list by the
8 Australians of the names and identity of the people they
9 had stopped at the checkpoint?

10 A. No, sir. Not that I recall, no.

11 SIR GEORGE NEWMAN: The people there, the EPWs who were
12 there kneeling, you say, were some of them hooded and
13 plasticuffed or were they all free to move without those
14 disadvantages?

15 A. No, I think they were all -- I think they were all
16 plasticuffed as a minimum, but I can't remember whether
17 they were hooded, sir, or not. I can't remember that
18 detail.

19 SIR GEORGE NEWMAN: Were they plasticuffed to the front or
20 to the back? Do you remember that? It doesn't matter
21 if you don't?

22 A. I can't, sir, to be fair. I can't remember that.

23 SIR GEORGE NEWMAN: Now you'd had a sort of rehearsal or
24 briefing session with the ARF team?

25 A. Yes. Yes.

1 SIR GEORGE NEWMAN: Before you began the mission?

2 A. Right.

3 SIR GEORGE NEWMAN: That's right, isn't it?

4 A. I probably would have sir, yes.

5 SIR GEORGE NEWMAN: You don't remember it?

6 A. I know that we used to do regular -- conduct regular
7 rehearsals, if you like, for different scenarios and
8 this being a mission we would have rehearsed -- I'm
9 pretty sure we would have rehearsed for that, yes.

10 SIR GEORGE NEWMAN: How did you think you were going to --
11 or how did you think the EPWs would be escorted from
12 where they were kneeling in the desert with the
13 Australians to the aircraft? Who was going to do that,
14 supervise that?

15 A. Well, I would -- I would have briefed that each EPW
16 would have been taken by a minimum of one man I would
17 have thought to the back of the aircraft individually.
18 Maybe two guys perhaps. I can't remember exactly what
19 I would have briefed. But they would have been escorted
20 to the back of the aircraft and then walked on to the
21 aircraft and, you know, placed down into the position on
22 the aircraft and then guarded if you like.

23 SIR GEORGE NEWMAN: Did you watch the loading of the EPWs on
24 to the helicopters?

25 A. I would have been watching it as it was going on, sir,

1 yes.

2 SIR GEORGE NEWMAN: Did you observe anything you can now
3 tell me about as to the way in which that operation
4 went?

5 A. No, sir. Nothing, nothing springs in my imagination --
6 in my memory of anything that happened untoward or --
7 no.

8 SIR GEORGE NEWMAN: Well, did the loading of the helicopters
9 take place in accordance with what you thought was the
10 agreed plan?

11 A. I can't -- I can't remember if it wasn't exactly to the
12 plan that we had or not. You said earlier about the
13 numbers of people that were loaded on and that but
14 I can't remember -- I don't know how we divided -- why
15 that figure became -- you know, why the division of the
16 numbers was made like that. I can't remember why that
17 was, why that was like that on the day. You know --

18 SIR GEORGE NEWMAN: Do you understand, and you don't dispute
19 I take it, that it ended up with ten EPWs being on Heli2
20 and five on Heli1?

21 A. Right, sir, yes, I heard that earlier. And if that's
22 what has been stated then -- but I can't remember
23 exactly why or if that at all, that was why we had
24 unequal numbers. I don't know why that is or whether or
25 not there was fuel tanks on one aircraft, bigger fuel --

1 I can't remember.

2 SIR GEORGE NEWMAN: Putting aside the question of the fuel
3 tank, which I think there was on both?

4 A. Right.

5 SIR GEORGE NEWMAN: But putting aside the question of the
6 fuel tank, have you got any view about how practical it
7 was to have ten EPW on one Chinook laid head to toe down
8 the aircraft on the floor?

9 A. Well, no, sir. I haven't. But it -- and I don't know
10 why the balance of the numbers. Again, I don't know why
11 that took place. It might have been, you know, a plan
12 that -- because of the time schedule we had to work in
13 it might have been that we needed to work out the
14 figures of groups of people that we needed to transport
15 and divide that by the time that we had. That could
16 have been an issue. Otherwise we could have taken, you
17 know, a lot less people and done it over a bigger period
18 of time. But with the constraints we probably made
19 a mathematical decision and said well we divide it by --
20 maybe. Maybe that's why we took that amount the first
21 time, I don't know. I can't remember.

22 SIR GEORGE NEWMAN: How long did you -- if you can't
23 remember you'll have to tell me this, you can't
24 remember. How long did you anticipate this operation
25 was going to take, picking up 63 EPW?

1 A. Well, I would have done a time appreciation with the
2 hours that we -- the flight, the darkness and the time,
3 the fuel, and all that would have been given to me and
4 a period of time, we need to finish by such and such
5 a time. I can't remember exactly what time that would
6 have been. And I would have done time appreciation and
7 divided it by the time it took to travel and return, the
8 time on the ground with the loading and unloading. And
9 I guess I would have divided that by three, sir, but
10 I can't remember exactly how long -- you know, I -- the
11 flight time was now. I think it's about 30 minutes
12 I think I said in ...

13 SIR GEORGE NEWMAN: Why would you have divided by three?

14 A. Well, I assume that's -- I divided it by three because
15 that's what I've stated in my statement, that would have
16 fitted into the time constraints that we had because of
17 the flight time. We couldn't have taken a massive
18 amount of people because it would have been, you know,
19 just ridiculous. So we've had to make it -- the least
20 the better, but we had a time constraint to factor in as
21 well.

22 SIR GEORGE NEWMAN: Right. Well, let's go to the journey
23 back. You have 15 EPWs distributed between the two
24 helicopters. Are you in communication with anybody as
25 you go back?

1 A. I would have communication back to my HQ, sir, yes.
2 I would have had communications with them.
3 SIR GEORGE NEWMAN: That's HQ-1 Middle East; is that it?
4 A. Yes, sir.
5 SIR GEORGE NEWMAN: Looking at the gisting guide, it's the
6 next one from the --
7 A. Yes.
8 SIR GEORGE NEWMAN: The first one from the bottom. HQ-1?
9 A. Yes, sir, I can see --
10 SIR GEORGE NEWMAN: Is that where you would have -- you have
11 the gisting guide?
12 A. Yes, sir, I have. I case it would have been HQ-1, sir.
13 If I stated that in my statement, then, yes, sir.
14 SIR GEORGE NEWMAN: All right. Who would you --
15 A. Yes, it would have been HQ-1 yes.
16 SIR GEORGE NEWMAN: How would have done this, through
17 a signaller?
18 A. Yes, I did have a signaller, sir, and probably he would
19 have been -- he would have been -- yes, he probably
20 would have signalled back to HQ-1, sir, that, you know,
21 what we were up to, what we were doing.
22 SIR GEORGE NEWMAN: But the content of what he's saying
23 comes from you, I take it?
24 A. Yes, sir.
25 SIR GEORGE NEWMAN: What do you remember, if anything, you

1 reporting back when you left the pick up point on the
2 way back to H-1 and 2?

3 A. That we were airborne and we were toward the location of
4 the H-1, how many EPWs we'd taken with us. That would
5 have been it, sir, you know.

6 SIR GEORGE NEWMAN: Right. In the course of the journey
7 back, did you have any communications that you remember
8 with anybody on H-2 through the signaller or otherwise?

9 A. At H-2? I don't believe so, sir, no. I can't see --
10 I would have -- no, I don't believe so, sir, no.

11 SIR GEORGE NEWMAN: When you get back to H-1, looking at
12 your statement -- look at your statement of 18 November,
13 would you?

14 A. Yes.

15 SIR GEORGE NEWMAN: To save time.

16 A. Yes.

17 SIR GEORGE NEWMAN: Sheet number 2 of 3.

18 A. Yes, sir. I've got that.

19 SIR GEORGE NEWMAN: About the middle of the page there?

20 A. Mm-hmm.

21 SIR GEORGE NEWMAN: On land on at the DOP. You see that?

22 A. On page 2, sir?

23 SIR GEORGE NEWMAN: On page 2 of the three in the statement
24 of 18 November 2003.

25 A. No, sir, I can't --

1 SIR GEORGE NEWMAN: You see the middle of the statement?

2 A. Where it's in italics, sir?

3 SIR GEORGE NEWMAN: Not really. Do you see the words, "To
4 the best of my knowledge there were no specific problems
5 with any of the EPWs on our aircraft"?

6 Are you looking at the statement you made to me or
7 are you looking at the November 2003 statement that you
8 made to the provost marshal and security services?

9 A. I'm looking at -- the only one I've got here, sir, is
10 the one I -- my last would have been my -- would have
11 been my last statement. This is about 8 March, sir.

12 SIR GEORGE NEWMAN: I think if you look that statement that
13 you have identified to --

14 A. Unless -- hang on, sir. I didn't see the statements
15 here.

16 SIR GEORGE NEWMAN: -- to me, I think you'll find it's
17 exhibited as BSA2 to that statement. Do you see that?
18 Take the statement which you've identified to me, as you
19 having made to me, signed on 8 March.

20 A. Yes, sir, yes.

21 SIR GEORGE NEWMAN: Turn over the pages.

22 A. Yes.

23 SIR GEORGE NEWMAN: And go to exhibit BSA/2. Then turn over
24 that page and you should see a witness statement dated
25 18 November 2003. Attached to your statement, do you

1 see?

2 A. Sorry, I brought my own.

3 SIR GEORGE NEWMAN: Okay?

4 A. Right, sir, yes.

5 SIR GEORGE NEWMAN: Are you with me?

6 A. I've got that page, yes.

7 SIR GEORGE NEWMAN: Good. The second page?

8 A. Yes, the second page, yes.

9 SIR GEORGE NEWMAN: In the middle of --

10 A. The thing, yes.

11 SIR GEORGE NEWMAN: There is just the last few lines, the

12 last few words on the line I'm after:

13 "On land on at the DOP."

14 Do you see those words?

15 "I exited the aircraft with Soldier B and the ARF

16 commander."

17 A. Yes, sir, just ...

18 SIR GEORGE NEWMAN: Plumb in the middle of the two punch

19 holes.

20 A. Owing to the conditions at the time ...

21 SIR GEORGE NEWMAN: A bit below that?

22 A. Right, sir. Yes, right, I'm with you now.

23 SIR GEORGE NEWMAN: "On the land on at the DOP I exited the

24 aircraft with Soldier B."

25 A. Ah right, yes.

1 SIR GEORGE NEWMAN: He's the signaller, right?

2 A. Yes, sir, yes.

3 SIR GEORGE NEWMAN: "And the ARF commander"?

4 A. Oh right, yes.

5 SIR GEORGE NEWMAN: You've identified him?

6 A. Yes, sir, yes.

7 SIR GEORGE NEWMAN: "To liaise with the American receiving
8 commander to organise the offload"?

9 A. Yes.

10 SIR GEORGE NEWMAN: All right?

11 A. Yes.

12 SIR GEORGE NEWMAN: Is that as you recollect it?

13 A. Yes, sir, yes. Yes.

14 SIR GEORGE NEWMAN: And at the time you went to do that,
15 were the EPW on your Helil -- which you travelled in, or
16 still on Helil?

17 A. Right. Yes, they would have been, sir. They would have
18 been, sir, because I would have liaised first before
19 I -- we've unloaded, yes.

20 SIR GEORGE NEWMAN: Exactly. So you go to liaise and then
21 you talk to the Americans?

22 A. Yes.

23 SIR GEORGE NEWMAN: And whether they were ready to effect
24 the handover?

25 A. Yes, yes.

1 SIR GEORGE NEWMAN: Dropping down:
2 "At this point I conducted the handover of the
3 specific property I previously mentioned."
4 A. Right.
5 SIR GEORGE NEWMAN: "And obtained a written receipt"?
6 A. Yes, sir.
7 SIR GEORGE NEWMAN: "From the American commander"?
8 A. Yes, sir.
9 SIR GEORGE NEWMAN: "Which I retained"?
10 A. Right. Yes.
11 SIR GEORGE NEWMAN: You did retain that?
12 A. Yes, I did, yes.
13 SIR GEORGE NEWMAN: Where is it now by the way?
14 A. It's at home, sir. I did --
15 SIR GEORGE NEWMAN: I know you have it at home. I don't
16 quite know why you've had it at home all this time, but
17 I knew you had it. Could I have it, please? Could you
18 ensure that it is handed over to the appropriate person?
19 A. Right. Yes, of course, sir, yes.
20 SIR GEORGE NEWMAN: Okay. Let's have that.
21 A. Yes.
22 SIR GEORGE NEWMAN: It won't be lost.
23 A. No, you can have it.
24 SIR GEORGE NEWMAN: Thank you. So you get that receipt:
25 "I get that receipt eventually."

1 As you say there:

2 "The two aircraft were to unload and the EPWs were

3 to join together in one group".

4 A. Yes, sir, yes.

5 SIR GEORGE NEWMAN: It's this next passage I want to remind

6 you of:

7 "After a short time I went to the rear of Heli2 to

8 inform the ARF to commence unloading and the ARF

9 commander, he went to Helil."

10 A. Right sir.

11 SIR GEORGE NEWMAN: Then you say:

12 "The ARF started unloading EPWs to the handover area

13 and I noticed that EPWs from Heli2 appeared to be slower

14 in offloading. So I decided to walk over and check on

15 their progress. I approached the rear of Heli2 and

16 spoke to the ARF sergeant ..."

17 That's the chalk commander, isn't it?

18 A. Yes, yes.

19 SIR GEORGE NEWMAN: "... to check on the delay."

20 Now can you remember, we have it in the statement

21 but I would like to get it from you in your own words

22 today if you can remember, what the conversation was,

23 the gist or effect of it, on that -- when you went over

24 and spoke to the chalk commander?

25 A. Yes. But I can't remember exactly the exact

1 conversation, sir.

2 SIR GEORGE NEWMAN: No.

3 A. But the gist was that I remember that there was a delay
4 because we -- obviously we had slightly less prisoners
5 to deal with, I appreciate that. But there was a large
6 delay of time at the back of the aircraft -- of Heli2's
7 aircraft. And I remember going over, as stated in the
8 statement, and saying, you know, "What's going on?
9 What's the delay? We need to get going." And then they
10 said there'd been like -- there had been a drama.

11 SIR GEORGE NEWMAN: Who is "they"?

12 A. Well one -- somebody at the back -- I can't remember,
13 sir, because I just walked over there and grabbed
14 anybody and sort of said who -- "What's going on, what's
15 the delay?" "Oh, there's been a drama." And then this
16 business with somebody's legs, you know, had fallen off
17 and that's when -- and then another prisoner, you know,
18 "We think he's dead."

19 SIR GEORGE NEWMAN: Somebody said --

20 A. Yes.

21 SIR GEORGE NEWMAN: Somebody in Heli2 said, "There's another
22 prisoner and we think he's dead"?

23 A. Yes, I think that's as I stated in my last statement,
24 yes, and I remember saying --

25 SIR GEORGE NEWMAN: I'm looking at the one that --

1 A. Yes, okay, sir.

2 SIR GEORGE NEWMAN: I'm looking at the one I started you
3 with, page 2 of 3?

4 A. Right, sir. And I remember saying, well, you know, "Is
5 he dead or is he alive?" What's, you know, the --

6 SIR GEORGE NEWMAN: Do you remember now where that
7 conversation took place? Was it at the front or the
8 rear of the heli?

9 A. No, it was -- I'm pretty sure, sir, it was at the rear
10 of the air -- the helicopter.

11 SIR GEORGE NEWMAN: Look at your statement, would you:
12 "The ARF sergeant said that there had been a drama."

13 A. Yes, sir.

14 SIR GEORGE NEWMAN: "And that a prisoner's legs had fallen
15 off"?

16 A. Right.

17 SIR GEORGE NEWMAN: "And another prisoner was possibly
18 dead"?

19 A. Yes, sir.

20 SIR GEORGE NEWMAN: "I walked to the rear of the aircraft"?

21 A. Yes.

22 SIR GEORGE NEWMAN: "And met an ARF member near the ramp"?

23 A. Right.

24 SIR GEORGE NEWMAN: "Who told me that an EPW had possibly
25 had a heart attack"?

1 A. Right, sir.

2 SIR GEORGE NEWMAN: "And may have reiterated that an EPW's
3 legs had come off"?

4 A. Right, sir.

5 SIR GEORGE NEWMAN: So it sounds as though you had
6 a conversation somewhere else other than at the rear of
7 the aircraft?

8 A. No. That was in the vicinity of the rear of the
9 aircraft, sir.

10 SIR GEORGE NEWMAN: Okay.

11 A. I wouldn't have boarded it. I don't remember and
12 I wouldn't -- I can't see why I would have needed to
13 have boarded the aircraft, sir.

14 SIR GEORGE NEWMAN: Okay. Then you asked the direct
15 question of somebody about the person who was suspected
16 to be a dead prisoner?

17 A. Yes, sir.

18 SIR GEORGE NEWMAN: Right?

19 A. Yes, sir, yes.

20 SIR GEORGE NEWMAN: I think your words you use -- and I want
21 you to confirm it because these are important. You say
22 what you have words were as you remember?

23 A. Well I said, "He's either dead or alive". Mm-hmm, you
24 know, and that's -- that's as -- you know, that was the
25 question, sir.

1 SIR GEORGE NEWMAN: What was the answer?

2 A. Well, "He's dead." "We think he's dead." I think --

3 hang on, I'm not going to -- I think that was it, the

4 reply, "We think he's dead", you know.

5 SIR GEORGE NEWMAN: So you then went to the American

6 commander, according to this statement you made in

7 November 2003, and you asked for a vehicle?

8 A. Yes.

9 SIR GEORGE NEWMAN: Were you around at the time that the

10 prisoner who was said to be or believed to be dead was

11 moved from Heli2?

12 A. I remember walking back towards where the Americans, you

13 know, were, walked back over to there and explained to

14 them that we needed a vehicle to go and collect because

15 of the chap whose legs had fallen off, and now

16 potentially with a deceased prisoner. I said we needed

17 a vehicle because to move those two back to the American

18 location -- and they've got vehicles. They had vehicles

19 there and I believe they had an ambulance on standby as

20 well. And I said we need to move over there, you know,

21 get them over to their location now, which is about 50,

22 60 metres away or something like that, 50 metres away

23 max.

24 SIR GEORGE NEWMAN: Do you remember whether you said to the

25 American officer, whoever, that you believed that there

1 was someone who was dead?

2 A. I -- yes, I would have said that, sir.

3 SIR GEORGE NEWMAN: You say. "I would have said it". Do

4 you remember saying it?

5 A. Yes.

6 SIR GEORGE NEWMAN: You do?

7 A. I'm pretty sure -- I'm pretty sure I would have said

8 that, sir, yes, most definitely.

9 SIR GEORGE NEWMAN: All right. What came into your mind of

10 the significance of the fact that there was somebody on

11 Heli2 who appeared to be dead or was said to be dead or

12 believed to be dead? What did all that mean to you?

13 A. Well, I didn't go into a complete question and answer

14 session at that time. I accepted what had been said to

15 me. I could obviously see that the guy with no legs,

16 that was obvious to me, and the potentially deceased

17 person was immobile and taken over towards the

18 Americans. What was going through my head? It was

19 moving these guys into the -- in to the -- over to the

20 Americans as quickly as possible. I mean we were

21 literally taking troops, EPWs from the back of

22 an aircraft and moving them 50 metres to their location,

23 and that was part of the grouping that needed to go with

24 the EPWs. It was the most obvious thing to do at the

25 time. There was no point keeping, you know, the issue

1 there at the back of the aircraft, it didn't make any
2 sense.

3 SIR GEORGE NEWMAN: How important did it seem to you that
4 somebody who had travelled on the aircraft who had been
5 alive at the beginning was dead on arrival? How
6 important did that seem to you?

7 A. Important enough for me, sir, to report it up the chain
8 of command. But, as I said, it was also in my mind at
9 that moment in time to carry on with what we were tasked
10 to do. I wasn't -- I didn't sit down for ten minutes
11 and mull it over in my brain or anything like that.
12 I just carried on with what the issue was, what we were
13 dealing with, sir. But obviously I reported it straight
14 away and carried on. It didn't stop me and stop the
15 mission in as such, sir, no.

16 SIR GEORGE NEWMAN: Did you have any belief or understanding
17 that, as the person in charge of the operation, there
18 was something you should do about the person believed to
19 be dead? By way of enquiry, by way of confirmation,
20 anything you believed you had to do?

21 A. No, sir, no, because by handing it over to our allies,
22 to the Americans, it was like walking from here
23 50 metres across to the other side and telling them
24 exactly what the situation was. They had
25 an infrastructure there that -- that was far more

1 superior to what we could deal with and it seemed
2 logical that that was the right way to go about
3 business. We didn't just unload people and get back in
4 the aircraft and fly off again or anything like that and
5 don't bother telling anybody. We did. We told -- you
6 know, I informed the Americans straight away what had
7 happened at the back, you know, from what I just
8 received, the information I'd just received and told and
9 told them, with their medical facilities that they had
10 available, et cetera.

11 SIR GEORGE NEWMAN: Did you see the transporting of the
12 person believed to be dead or dead on the vehicle to the
13 Americans? Did you see that operation taking place?

14 A. I might well have done, sir. I can't -- to be
15 100 per cent. I know there was a vehicle and it was
16 driving very, very, very slowly from the back of that --
17 where the incident was, because I'd moved back at this
18 stage to the Americans -- or to the American commander.
19 And that would have been going on as I was walking
20 back -- you know, I wasn't -- when I got back to him,
21 told him, yes, the vehicle would have been going to the
22 back of Lifter2 to collect and it would have been -- and
23 it would have been driven back. So all I would have
24 seen was a vehicle driving back to the Americans, sir.

25 SIR GEORGE NEWMAN: Look at paragraph 13, if you would, of

1 the statement you have made to this investigation.

2 A. Right, sir, yes.

3 SIR GEORGE NEWMAN: Have you got that?

4 A. Yes, sir.

5 SIR GEORGE NEWMAN: It starts at the top of the page.

6 A. Yes.

7 SIR GEORGE NEWMAN: Then drop your eye down it, if you

8 would.

9 A. Yes.

10 SIR GEORGE NEWMAN: About halfway through that paragraph:

11 "I asked for a vehicle to be sent across to pick up

12 the dead man and transport him 50 to 60 metres to where

13 the Americans were."

14 A. Yes, sir.

15 SIR GEORGE NEWMAN: "As I recall we put him on the bonnet of

16 the vehicle to carry him across to where the Americans

17 were."

18 A. Right.

19 SIR GEORGE NEWMAN: "If I hadn't been told that the man was

20 dead then, I still would have thought the best thing for

21 him would have been to be moved over to the Americans as

22 they had the best infrastructure including an ambulance

23 to deal with him. The Americans had a proper ground

24 base at H-1 whereas, although we had basic medical

25 equipment for our own usage, we didn't have any field

1 doctor or anything like that."

2 A. That's correct, sir, yes.

3 SIR GEORGE NEWMAN: Is that as you recall it?

4 A. Yes, sir, yes.

5 SIR GEORGE NEWMAN: So it seems as though you do recall the

6 dead body being transferred on the bonnet of a vehicle?

7 A. Right. Okay.

8 SIR GEORGE NEWMAN: All right?

9 A. Right, sir, yes.

10 SIR GEORGE NEWMAN: Is that so?

11 A. Yes, if I've stated that, yes. But it was -- I wasn't

12 walking next to him or -- it was a vehicle -- I mean

13 it's only 50 metres, I could see. It would have been

14 a vehicle moving across to -- to the Americans.

15 SIR GEORGE NEWMAN: Now what I would just like you to look

16 at -- have you got the radio log there, entry?

17 A. Yes, sir. Well, I've -- yes.

18 SIR GEORGE NEWMAN: Do you see that? The first page, much

19 of it is redacted.

20 A. Yes, I've got -- yes, yes.

21 SIR GEORGE NEWMAN: Do you see the entry -- it looks as

22 though it's an entry at 9.10, 2110. Do you see it?

23 A. I think so, sir. That's the only one -- that's the only

24 part of it --

25 SIR GEORGE NEWMAN: On that first page it says "CS at H-1".

1 Do you see that?

2 A. Yes, sir, I've got that.

3 SIR GEORGE NEWMAN: What does CS mean?

4 A. Call Sign.

5 SIR GEORGE NEWMAN: Call Sign at H-1, that's you?

6 A. I suppose it is --

7 SIR GEORGE NEWMAN: Is that right?

8 A. Well, yes, sir, I assume this is. If that's my message
9 that I've sent then, yes. Because it hasn't got my call
10 sign, it just says "Call Sign at H-1".

11 SIR GEORGE NEWMAN: Yes. "15 POW dropped" it says?

12 A. Right.

13 SIR GEORGE NEWMAN: Doesn't it?

14 A. Yes, sir. Well, yes, it looks like it, pretty --

15 SIR GEORGE NEWMAN: Well, I mean --

16 A. It's not very well printed, sir, that's all, I can't see
17 that well.

18 SIR GEORGE NEWMAN: Doing the best I can, that's what it
19 says.

20 A. Sorry.

21 SIR GEORGE NEWMAN: "15 POW dropped"?

22 A. Yes, sir, yes.

23 SIR GEORGE NEWMAN: "One" and I think it says "EN"?

24 A. Yes, I'll go with that.

25 SIR GEORGE NEWMAN: Which is enemy POW?

1 A. Yes.

2 SIR GEORGE NEWMAN: "Heart attack"?

3 A. Right sir.

4 SIR GEORGE NEWMAN: "Call sign. Refuel for next lift.
5 Re-lift ..."

6 And I can't make that --

7 A. I can't see any of what you just said there because it's
8 just doesn't exist on mine.

9 SIR GEORGE NEWMAN: I can't make that out. I can't make it
10 out on this.

11 Anyway, what we can make out let's talk about
12 briefly.

13 A. Right.

14 SIR GEORGE NEWMAN: This is a difficult one for you to
15 answer because it's a long, long time ago and you have
16 probably not been asked this question before. But,
17 looking at that message, can you help me as to whether
18 that message was set and thus entered into the radio log
19 at 2110?

20 A. Yes, sir.

21 SIR GEORGE NEWMAN: Before you went back to pick up the next
22 lot?

23 A. Right, yes.

24 SIR GEORGE NEWMAN: Or after you had picked up the lot and
25 had come back again?