

1 head --

2 SIR GEORGE NEWMAN: [REDACTED]

3 A. [REDACTED]

4 SIR GEORGE NEWMAN: [REDACTED]

5 A. [REDACTED]

6 SIR GEORGE NEWMAN: All right.

7 A. Can I say something else, sir?

8 SIR GEORGE NEWMAN: You can say whatever you like.

9 A. Thank you very much, and I'll try and do this without
10 emotion. We've all done many jobs since that job. But
11 if -- if SO39 hadn't taken control of that mission like
12 he did, for a very good young officer, it could have
13 been even worse than what you're dealing with now. He
14 kept things together. He gave drills for people and he
15 made it work with the limited resources and intelligence
16 and time, and we were at night. He made it work.

17 SIR GEORGE NEWMAN: Can I ask a follow up to that? Are you
18 all right? Tell me if you don't want to --

19 A. No, I'm good. Sorry.

20 SIR GEORGE NEWMAN: No, no. You take your time and compose
21 yourself. These are difficult questions. I have
22 a feeling -- or perhaps it would be more frank, I have
23 a reason to believe that this particular incident --

24 A. The actual mission itself, sir?

25 SIR GEORGE NEWMAN: -- has caused you in your life, and the

1 time since, particular stress and anxiety; is that
2 right?

3 A. Yes, it has, sir. Thanks for that. Thank you for that
4 putting that back in. Yes, it has, sir.

5 SIR GEORGE NEWMAN: It has?

6 A. It went from being commended to two snivelly people
7 coming and accusing me of something that didn't happen.
8 And if you read, at the start of my first statement, the
9 actual accusation that they put against us is absolutely
10 ludicrous. It couldn't have even happened.

11 SIR GEORGE NEWMAN: Now that came about, as we know, in
12 terms of date and time, from the anonymous telephone
13 call which -- sorry, the date of which I had written
14 down somewhere but I want to get it right. Here we are.
15 That anonymous telephone call is 2 June 2003.

16 A. I didn't know the date, sir, no.

17 SIR GEORGE NEWMAN: Well that's the date of it. So we're
18 talking about these events on 11/12 April, and then you
19 return back to the UK?

20 A. Yes, sir.

21 SIR GEORGE NEWMAN: I haven't got that date in my mind.

22 A. I couldn't tell you, sir. I've returned so many times,
23 I don't know.

24 SIR GEORGE NEWMAN: But anyway it was soon after 2 June that
25 you were then approached by the Provost Marshal and

1 Security Services for questioning?

2 A. Yes, sir.

3 SIR GEORGE NEWMAN: Prior to you being approached, had this
4 incident been nagging at you in any way for what it had
5 involved and what had occurred?

6 A. No, sir. I was being praised. It's in my SJARs for,
7 you know, my reporting periods, for doing what I did.
8 I was happy with a job well done and I still believe it
9 was a job well done.

10 SIR GEORGE NEWMAN: I have to ask you this because you will
11 realise that I get information --

12 A. Yes.

13 SIR GEORGE NEWMAN: -- which I have to follow up to
14 a certain extent. But have you ever to your
15 recollection publicly expressed an account or given
16 an account? And when I say public, I'm talking about
17 a public house.

18 A. I know what you're talking about, sir.

19 SIR GEORGE NEWMAN: You do?

20 A. Yes, and I'll tell you why I know, sir. And the answer
21 to your question is no and I sat through -- it could
22 have been two hours, it seemed like four hours so I'm not
23 sure, interview from the S -- from the police services
24 which was that length of time of no comment because they
25 first turned up and said they didn't have the strap

1 clearance to be able to talk about the things that
2 surrounded the incident. And they did the whole line of
3 processing and then said that at the end, that I'd been
4 in a public house saying that -- yes, what the --

5 SIR GEORGE NEWMAN: Saying you'd done things?

6 A. Yes, sir, and I haven't.

7 SIR GEORGE NEWMAN: You haven't?

8 A. No, sir.

9 SIR GEORGE NEWMAN: Well thank you for that. I had to put
10 that to you.

11 A. Yes, sir, I understand.

12 SIR GEORGE NEWMAN: Don't speculate and don't tell me
13 anything you feel does not have at least some basis in
14 understanding. In essence I've been around long enough
15 to know that all events give rise to tensions and
16 sometimes people's different views about the way in
17 which things have gone can give rise to enmities between
18 individuals and so forth. Is there anything that you
19 can help me with or say to me which you think I can take
20 as reliable as it can be that maybe -- perhaps there
21 was somebody or some group of people, or whatever, who
22 wanted to spread rumours to give accounts which were not
23 true as to what had gone on? Can you help me as to
24 that?

25 Think about it before you say anything because you

1 are not bound to speculate with me. But I just have to
2 try and find where in this enormous jigsaw puzzle I put
3 that, whether in fact it falls off the table altogether
4 or where it goes. Can you see what I'm getting at?

5 A. I do, sir.

6 SIR GEORGE NEWMAN: So you tell me what you can.

7 A. And I speak from the hip, I've always done that. I can
8 give you dynamics as in we had an auxiliary unit with
9 us. One person in fact was supposed to be a corporal.
10 He was told he wouldn't hold that rank of corporal
11 because he was now serving with a full-time unit. He
12 took great offence to that. He made things very
13 difficult throughout his time being with us. So there
14 is that dynamic.

15 The LO expected to come across to us as -- this is
16 hard dynamics to give us RAF -- I'm going to say it, RAF
17 Regiment gunners as the big I am, "I've done this, I've
18 done that", where he had men who had served and men who
19 knew their job and their own mind. He didn't like that
20 and I am sure he must have found it hard to deal with
21 that, but there was a lot of dynamics.

22 SIR GEORGE NEWMAN: There were dynamics?

23 A. Yes, sir.

24 SIR GEORGE NEWMAN: Thank you. All right. Is there
25 anything more you can say to me which you think can help

1 me resolve this and make the findings in relation to this
2 death? Or have you told me everything you can?

3 A. I've told you everything I can, sir. I'd just --

4 SIR GEORGE NEWMAN: You would be repeating yourself if you
5 went over it?

6 A. Yes.

7 SIR GEORGE NEWMAN: There is nothing else that you observed
8 from anything else that went on which could explain what
9 happened?

10 A. No, sir.

11 SIR GEORGE NEWMAN: Well I know this has been a strain for
12 you, but I commend you for having gone through it and
13 I commend you for having come to assist me. Let me just
14 check from my team --

15 A. Yes, sir.

16 SIR GEORGE NEWMAN: -- that there isn't something I've
17 forgotten.

18 I am being told that I may have left myself in
19 absence of clarity about the two individuals. I have it
20 in my mind that S058 -- you know who I mean by that?

21 A. Yes, sir.

22 SIR GEORGE NEWMAN: Had to handle one of them once he'd been
23 restrained?

24 A. Yes, sir.

25 SIR GEORGE NEWMAN: Which one was that, the one with the

1 flailing arms on the ramp or the one with the flailing
2 arms on the aircraft?

3 A. The one with flailing arms on the ramp, sir.

4 SIR GEORGE NEWMAN: And who had charge of the one with
5 flailing arms on the aircraft?

6 A. I'm not sure on that, sir. I'm not ...

7 SIR GEORGE NEWMAN: All right.

8 A. I just grabbed the nearest person to me to -- so I could
9 go back to being the link man.

10 SIR GEORGE NEWMAN: Okay. Then very conveniently
11 -- I think there is nothing more?

12 A. No, sir.

13 SIR GEORGE NEWMAN: It's 1 o'clock. We will sit again at
14 2 o'clock. Thank you very much.

15 A. Thank you, sir.

16 SIR GEORGE NEWMAN: We have a bit of a programme for the
17 afternoon, but we must endeavour to get through
18 everybody by about 4.00 to 4.15. All right?

19 A. Sir.

20 SIR GEORGE NEWMAN: So that's what we'll do. Thank you.

21 (1.02 pm)

22 (The luncheon adjournment)

23 (2.05 pm)

24 SIR GEORGE NEWMAN: Now there are good personal reasons why
25 SO56 should come into the witness box. You need to get

1 away I'm told?

2 A. Sir.

3 SO56

4 Examination by SIR GEORGE NEWMAN

5 SIR GEORGE NEWMAN: Now you have made a statement to the
6 investigation?

7 A. Sir.

8 SIR GEORGE NEWMAN: You have it in front of you there. You
9 have signed it, 22 February?

10 A. Sir.

11 SIR GEORGE NEWMAN: You are content I can take that as your
12 reliable and truthful evidence about what you can
13 remember in connection with these events?

14 A. Yes, sir.

15 SIR GEORGE NEWMAN: And it's also a case in which -- there
16 were earlier statements in December 2003 and July 2012?

17 A. Sir.

18 SIR GEORGE NEWMAN: You refer to them in this statement. So
19 they are covered and I can take that as your reliable
20 evidence?

21 A. Sir.

22 SIR GEORGE NEWMAN: I don't know how much you've seen today,
23 but I am not going to take you through these statements.
24 I just want to go to one or two highlights which you can
25 tell me about. I gather you were the person who covered

1 for another gunner on the aircraft and that you also
2 assisted SO40?

3 A. Sir.

4 SIR GEORGE NEWMAN: And at the front of the aircraft you
5 were next to SO50, is that right?

6 A. I believe so, sir, yes.

7 SIR GEORGE NEWMAN: Now when you came back to H-1 from the
8 pick up, are you with me?

9 A. Sir.

10 SIR GEORGE NEWMAN: Is it right that you were then guarding
11 SO40's EPW?

12 A. (The witness nodded).

13 SIR GEORGE NEWMAN: Whilst SO40 was helping remove the
14 unresponsive from the helicopter?

15 A. As SO40 was taking said EPW with the prosthetic legs
16 back to the line I was his cover at that point, coming
17 off the aircraft.

18 SIR GEORGE NEWMAN: Did you at any time see an EPW flailing
19 about with his arms or anything like that?

20 A. No, sir.

21 SIR GEORGE NEWMAN: This was at the point where you took off
22 from the pick up point. You mentioned this in the
23 statement, but you don't remember it now?

24 A. No, sir.

25 SIR GEORGE NEWMAN: Do you now remember anything about the

1 removal of unresponsive EPW from Lifter2?

2 A. Only that there was a vehicle at the back on the
3 tailgate which was said to be the place the unresponsive
4 EPW was getting put onto.

5 SIR GEORGE NEWMAN: Which was said to be?

6 A. Yes.

7 SIR GEORGE NEWMAN: Who said it was?

8 A. Because in that -- in my previous statements that's what
9 I believed was about to happen because I was one of the
10 last to leave the back of the tailgate when he was still
11 on the --

12 SIR GEORGE NEWMAN: So you could see the unresponsive --

13 A. I had to pass it to get off.

14 SIR GEORGE NEWMAN: To get off?

15 A. Yes.

16 SIR GEORGE NEWMAN: And you saw a vehicle there. A Humvee,
17 was it?

18 A. I assumed it would be a Humvee, yes, because it was a US
19 force.

20 SIR GEORGE NEWMAN: Did you see the body of the unresponsive
21 person moved by anybody?

22 A. I don't recall.

23 SIR GEORGE NEWMAN: Did you help drag the EPW off the -- or
24 an EPW off the aircraft?

25 A. I don't believe so, no.

1 SIR GEORGE NEWMAN: Is it because you haven't looked at your
2 statement recently?

3 A. No, sir.

4 SIR GEORGE NEWMAN: Mm-hmm?

5 A. No, sir.

6 SIR GEORGE NEWMAN: Is it fair to say, without me having to
7 go through the details in the various statements that
8 you have made, you haven't always gone along with what
9 you've said on the earlier occasion?

10 A. That's right, sir, yes, it would be fair to say.

11 SIR GEORGE NEWMAN: Why is that?

12 A. Not gone along with previous statements, you mean?

13 SIR GEORGE NEWMAN: Mm-hmm?

14 A. Just lack of memory of that event as it's further -- as
15 it's gone along.

16 SIR GEORGE NEWMAN: What am I meant to do with the earlier
17 accounts you gave which are there for the reading but
18 not subscribed to by you later? Am I to regard them as
19 unreliable? Can I regard them as corrected, or what?

20 A. The earlier statements, sir, will probably more accurate
21 because I remember more towards that -- more at that
22 point. But as referring to them now, I can't remember
23 the particular elements of it.

24 SIR GEORGE NEWMAN: What do you remember about the return
25 journey and the problems that there may have been, if

1 any, you remember with EPWs or two EPWs? What do you
2 remember? Just tell me now. Tell me in your own words?

3 A. Just from where I was in the airframe, there was just
4 some kind of kerfuffle in the centre of it as we were in
5 flight. As to the detail of what went off, I was
6 unsure. I couldn't really see from where I was
7 positioned.

8 SIR GEORGE NEWMAN: But a kerfuffle means what? I don't
9 know --

10 A. As in something happening in -- in the centre of the
11 airframe.

12 SIR GEORGE NEWMAN: By something, the something was what?

13 A. So that bods have -- bodies have had to go there to try
14 and assist with something.

15 SIR GEORGE NEWMAN: You mean gunners have had to go there?

16 A. Yes.

17 SIR GEORGE NEWMAN: In order to what with something, to
18 assist?

19 A. Just to assist each other. Because I don't know the
20 details of what happened, I can just see movement at the
21 centre and there seemed to be a lot of it.

22 SIR GEORGE NEWMAN: If you are reluctant to commit to
23 something, you tell me. But are we talking about you
24 having seen what you believe to have been gunners trying
25 to take control of an EPW who was out of -- needed to be

1 controlled. Is that what --

2 A. No, sir, just certain movements of individuals on the
3 back of the airframe moving round for whatever reason
4 because something was going off in the centre. Because
5 of the view of where I was from I couldn't see exactly
6 what was going on.

7 SIR GEORGE NEWMAN: Why should you remember it?

8 A. Because it was an incident that happened during that
9 flight, and that's what we're trying to determine.

10 SIR GEORGE NEWMAN: But why is it an incident? It doesn't
11 sound to me as if it was anything. All you were aware
12 of was people moving around at the back. You see what
13 I mean? It's sort of -- it's something --

14 A. I see what you're saying, sir.

15 SIR GEORGE NEWMAN: -- you are mentioning without the guts.
16 Either there was something going on but you can't say what it
17 was in detail but it needed somebody to do something, or
18 there was nothing going on and people were having a cup
19 of tea. Come on, just tell me what was going on as best
20 you can?

21 A. The best I can tell you is the fact that there was
22 commotion in the centre of the airframe.

23 SIR GEORGE NEWMAN: Ah, so we have commotion?

24 A. Yes.

25 SIR GEORGE NEWMAN: We have commotion because there is

1 an EPW who is commoting, is that it?

2 A. Sir.

3 SIR GEORGE NEWMAN: Mm-hmm?

4 A. Sir.

5 SIR GEORGE NEWMAN: Right. Let's grasp it now. Let's just
6 grasp it. Don't let's play around it. We are here to
7 try and get an account of what happened. I'm not asking
8 you to give me such detail as we can write a book about
9 it. But I want to get from you, there was a commotion
10 on the aircraft which you remember taking place?

11 A. Yes.

12 SIR GEORGE NEWMAN: And it involved an EPW or EPWs who were
13 causing a commotion?

14 A. I believe so, sir, yes.

15 SIR GEORGE NEWMAN: Right. That required people, namely
16 gunners, to do something about it; correct?

17 A. Sir.

18 SIR GEORGE NEWMAN: We've got that. Good. But you can't
19 help me as to what they did?

20 A. No, sir.

21 SIR GEORGE NEWMAN: And you can't help me as to what ended
22 the commotion?

23 A. No, sir.

24 SIR GEORGE NEWMAN: Right. Now have you got the spirit of
25 what we are doing?

1 A. Yes, sir.

2 SIR GEORGE NEWMAN: We are not sitting back just trying to
3 avoid committing to anything?

4 A. That's fine, sir, yes.

5 SIR GEORGE NEWMAN: I don't go along with that. I am not
6 here to listen to people who don't tell me what's
7 obvious. All right?

8 A. Yes, sir.

9 SIR GEORGE NEWMAN: Right. Now when it came to the removal
10 of the EPW, did you see anybody at the back of the
11 aircraft who was unresponsive?

12 A. One EPW, sir, yes.

13 SIR GEORGE NEWMAN: You did. What was he doing to be
14 unresponsive? Lying somewhere? Do you remember vaguely
15 where? At an angle, across the aircraft, or what?

16 A. From what I remember, sir, it's towards the rear of the
17 tailgate.

18 SIR GEORGE NEWMAN: The rear of the tailgate?

19 A. (The witness nodded).

20 SIR GEORGE NEWMAN: Was there anybody there with him doing
21 anything or attempting to do anything with him?

22 A. There was, but I don't remember who.

23 SIR GEORGE NEWMAN: It doesn't matter who. What was whoever
24 it was attempting to do?

25 A. Nothing at that time as I passed.

1 SIR GEORGE NEWMAN: Did you see something at some other
2 time, after you'd passed?

3 A. No, sir.

4 SIR GEORGE NEWMAN: Do you remember the EPW with the
5 prosthetic limbs?

6 A. Yes, sir.

7 SIR GEORGE NEWMAN: Tell me about that.

8 A. Well he was the EPW that myself and my opO were escorting
9 on to the airframe and positioned right at the front
10 with the loadie overlooking. And as he was at the front
11 of the airframe where we were struggling to get him to
12 lay flat. Eventually we did by just pulling his legs
13 and that's when the legs were removed from his torso.

14 SIR GEORGE NEWMAN: So he was a bit of a struggler?

15 A. Yes.

16 SIR GEORGE NEWMAN: This EPW?

17 A. Yes, sir.

18 SIR GEORGE NEWMAN: And it was as a result of his struggle
19 that his legs -- it became obvious that two of his
20 legs --

21 A. Sir.

22 SIR GEORGE NEWMAN: -- were artificial?

23 A. Sir.

24 SIR GEORGE NEWMAN: After his artificial legs had been taken
25 from him they were put somewhere, were they, in the

1 aircraft?

2 A. Just to the gap, just in front of where the loadie was,
3 sir, yes.

4 SIR GEORGE NEWMAN: Then when it got to the unloading of the
5 aircraft back at H-1 he had to be assisted off?

6 A. Sir.

7 SIR GEORGE NEWMAN: He was carried off?

8 A. Yes, sir.

9 SIR GEORGE NEWMAN: By one of your colleagues?

10 A. SO40, yes.

11 SIR GEORGE NEWMAN: SO40. Now turn your mind back --
12 because I don't want to have to take time going to the
13 statement. Turn your mind back, if you can, to the
14 other aspect of the unloading that we were briefly just
15 touching on. You have a situation in which SO40 removes
16 the POW with the artificial limbs. Then is there a time
17 when SO40 attempts to move an unresponsive EPW at the
18 back of the aircraft?

19 A. I don't believe so, sir, no.

20 SIR GEORGE NEWMAN: You don't remember that?

21 A. Not to my recollection he didn't, no.

22 SIR GEORGE NEWMAN: I'll be corrected if I am wrong. SO40,
23 I thought yesterday he did tell us ...

24 MR HENDERSON: Sir, this witness wasn't here yesterday.

25 SIR GEORGE NEWMAN: I know he wasn't, I know he wasn't.

1 Yesterday S040 gave evidence -- it could have been
2 the day before but I think it was yesterday. It matters
3 not when he gave it. The effect of his evidence was
4 that there was one heavy prisoner at the back of the
5 aircraft that he was endeavouring to move because he was
6 instructed/directed to do so, but that he was a big
7 figure and he couldn't move him successfully. Now is
8 this jogging your memory?

9 A. No, sir.

10 SIR GEORGE NEWMAN: Did you not see S039 assisting S040 to
11 take this heavy figure off?

12 A. I believe him being in that vicinity, sir, yes, S039.

13 SIR GEORGE NEWMAN: Sorry?

14 A. I believe him being in that vicinity at the back of the
15 tailgate, yes, as I passed.

16 SIR GEORGE NEWMAN: So now you are agreeing with me that at
17 some stage you did see S040 struggling with
18 an unresponsive EPW who was too big for him to handle
19 and you do have some recollection of S039 attempting to
20 move -- well helping him to move that person?

21 A. As in being at the back of the tailgate with the
22 unresponsive EPW.

23 SIR GEORGE NEWMAN: Yes?

24 A. I remember seeing S039 there, but not S040, no.

25 SIR GEORGE NEWMAN: Well while I have the reference, look at

1 your statement if you would. 24 June 2003, bottom of
2 page -- I have 94, bottom of the second page. Have you
3 got that?

4 A. Sheet number 3, sir, yes?

5 SIR GEORGE NEWMAN: Sorry, sheet number 2, bottom of the
6 page. You see the sentence beginning:

7 "On arrival at the US prisoner holding facility prisoners
8 were unloaded."

9 Do you see that, the sentence beginning about
10 four lines up from bottom of that page?

11 A. Sir, yes.

12 SIR GEORGE NEWMAN: "On arrival at"?

13 A. Yes, I've seen it, sir.

14 SIR GEORGE NEWMAN: Just read that to yourself.

15 "I recall S039 indicating to S040 to assist him in
16 removing the prisoner at the back. I could see them
17 both drag the prisoner by the arms off the aircraft.
18 The prisoner was face down."

19 That's what you've got written there?

20 A. Yes, I've seen it, sir.

21 SIR GEORGE NEWMAN: Now are we right or wrong on that?

22 A. Yes, it's correct, sir. Yes.

23 SIR GEORGE NEWMAN: And then you have a statement:

24 "By the lack of movement I presumed he was dead."

25 A. Sir.

1 SIR GEORGE NEWMAN: Is that right?

2 A. Yes.

3 SIR GEORGE NEWMAN: You still go along with that?

4 A. Yes.

5 SIR GEORGE NEWMAN: All right. Unless, subject to anything

6 I'm told ...

7 SO39, I know that you might want to say something

8 about this, but don't bother to say it now. All right?

9 I will give you the opportunity.

10 SO39: Apologies, sir.

11 SIR GEORGE NEWMAN: All right. Thank you very much.

12 MR HENDERSON: Is this witness free to go, sir?

13 SIR GEORGE NEWMAN: Of course he is.

14 MR HENDERSON: I'm obliged.

15 SIR GEORGE NEWMAN: Thanks very much for coming. I know it

16 has been of some anxiety for you in your personal life,

17 but I hope it all goes well.

18 A. Thank you, sir.

19 SIR GEORGE NEWMAN: SO39, you can either do it from where

20 you are or come forward. Do you want to say anything

21 about that last piece of evidence?

22 SO39: I would, sir, just to give you clarity. At this part

23 of the operation things went even faster and were very

24 confusing and we tried -- I tried to get some sort of

25 grip and control on it.

1 Now, as I said yesterday, I -- over the radio which
2 worked at that time, the personal role radio, my 2IC,
3 who you met yesterday, brought the walking EPWs off.
4 Two men who you -- you have heard from one you haven't
5 heard from the other one, stayed on. And I think that's
6 where some people are starting to get confused. I think
7 you will get clarity from one of the next witnesses on
8 that phase.

9 SIR GEORGE NEWMAN: Okay.

10 SO39: But with the darkness and what's going on the lads
11 are getting very confused here from what I can see.
12 This lad who you've just spoken to went off with my
13 2IC and ended up staying with the line of EPWs as they
14 were being cleared to go to the Americans. He was then
15 not privy to what was then going on because he was out
16 on the line with the walking people.

17 Does that make sense, sir, yes?

18 SIR GEORGE NEWMAN: It makes sense. The thing I wanted you
19 to do was to say your piece because although at the
20 moment I don't know where this fits into the jigsaw --
21 it doesn't immediately come into my mind as something
22 which is all that relevant, other than the fact that
23 there was a large body which was dragged off by
24 somebody. All right?

25 SO39: Right, sir.

1 SIR GEORGE NEWMAN: Okay. But we can come back to it as --
2 I won't leave you in a state of frustration about it,
3 all right?
4 Right, pushing on. SO57.
5 SO57
6 Examination by SIR GEORGE NEWMAN
7 SIR GEORGE NEWMAN: Right. Thank you for being here.
8 A. Thank you, sir.
9 SIR GEORGE NEWMAN: Your statement you've seen. You've made
10 a statement to this investigation, haven't you?
11 A. Sir.
12 SIR GEORGE NEWMAN: Signed it, content with it, I can take
13 it as reliable as far as possible?
14 A. (The witness nodded).
15 SIR GEORGE NEWMAN: It is the truth you are trying to tell
16 me?
17 A. It is.
18 SIR GEORGE NEWMAN: And you have made previous statements in
19 2003 and 2012?
20 A. Yes.
21 SIR GEORGE NEWMAN: Indeed later in 2014, I see?
22 A. Yes.
23 SIR GEORGE NEWMAN: So you have been around the house quite
24 a few times. Let's just try and cut to the chase a bit
25 on you. Is it right that at the pick up point you

1 collected a prisoner in company with SO42 and SO58?

2 A. Certainly 58 I can remember, but not so much 42.

3 SIR GEORGE NEWMAN: Right. Your position was you were one
4 of a pair?

5 A. Yes.

6 SIR GEORGE NEWMAN: Of the --

7 A. With SO58.

8 SIR GEORGE NEWMAN: -- guard and you were paired with SO58?

9 A. Correct.

10 SIR GEORGE NEWMAN: Then on the aircraft, after pick up, you
11 were next to SO40 on the aircraft; is that right?

12 A. I believe so, yes, sir.

13 SIR GEORGE NEWMAN: And also in company or nearby with
14 another gunner who is not on our list, all right?

15 A. Yes, I know what you're referring to there.

16 SIR GEORGE NEWMAN: I want you to just tell me, because
17 I read it but I would like to hear it in your own words,
18 what you saw about a prisoner -- in connection with
19 a prisoner lying on the floor of the aircraft. Can you
20 remember this well enough to tell me in your own
21 words?

22 A. Mm-hmm, is this the prisoner near the ramp?

23 SIR GEORGE NEWMAN: Yes.

24 A. So that was the second prisoner I think we took on
25 board. The first prisoner I think I was the guard and

1 the second time I was handling the prisoner going up the
2 ramp. And, you know as you see something out of the
3 corner of your eye that just takes your attention, and
4 it was for no more than one second, two seconds, just as
5 was mentioned before a kerfuffle -- but a commotion at
6 the ramp and it was obviously a struggle of some kind on
7 the right-hand side. And literally it was a second,
8 two seconds, no more, and then obviously carried on
9 moving the prisoner forward into the aircraft.

10 SIR GEORGE NEWMAN: And what did you see in the course of
11 this commotion taking place?

12 A. Well I didn't obviously see any of the events that led
13 up to it so actually being here today has given me a bit
14 more information as to what possibly had happened and it
15 does seem to fit the bill, because the struggle I saw
16 was possibly two people. I didn't -- it might have been
17 three, but one either side. And I think obviously what
18 was happening they were trying to restrain him and I did
19 see -- I think I put in my statement that punches. But
20 they weren't punches, they were sort of slaps.

21 SIR GEORGE NEWMAN: Prods or slaps?

22 A. Slaps, so it wasn't --

23 SIR GEORGE NEWMAN: Chops?

24 A. It wouldn't be a punch as in, no, a boxer would do. It
25 was a slap. And actually going back to the previous

1 evidence by SO38, that would fit in with trying to sort
2 of grab belts or something to pull someone down. So
3 that's effectively what I saw.

4 SIR GEORGE NEWMAN: And in seeing it, were you surprised or
5 what response at that time did you have?

6 A. Well I didn't really think about it too much at that
7 time in the situation because obviously I was doing
8 a job myself, which was handling a prisoner and taking
9 them on board. But I just assumed that something had
10 happened for someone to be using a bit of force to, yes,
11 restrain a prisoner.

12 SIR GEORGE NEWMAN: Yes. Can you remember to which part of
13 the body the force was being applied?

14 A. It looked like it was to the back, sort of lower down to
15 the back.

16 SIR GEORGE NEWMAN: Now it would help me quite some degree
17 in trying to identify who was who and what, not of the
18 gunners but of the EPW. Have you got any memory now of
19 the size of the individual who was having to be dealt
20 with at this stage or --

21 A. Not from just a glance that I had, no.

22 SIR GEORGE NEWMAN: I have the phrase "pretty big guy" from
23 your statement. Is that something you still go along
24 with?

25 A. If I put it in the 2003 statement which was what

1 I remember more accurately than anything else. But
2 obviously I did come across the other EPW later on who
3 was a big guy. So it could have been the same person.
4 SIR GEORGE NEWMAN: How long did you observe this struggle
5 going on for?
6 A. I mean, it was no more than a second I would say.
7 SIR GEORGE NEWMAN: All right.
8 A. Because obviously you have to put yourself into the
9 scenario at the time, which was it's dark, it's dusty
10 you've got goggles on, you're trying to get up a ramp
11 with a prisoner who is restrained. You don't really
12 have time to sort of stop and stare and take in
13 a situation. And obviously I was manoeuvring a guy up
14 the ramp as well so I had other things on my mind.
15 SIR GEORGE NEWMAN: Is it right that SO38 was seen by you to
16 be involved in this?
17 A. Well at the time I couldn't say that, no. Going back to
18 my first statement in 2003, which was the most accurate,
19 no, I couldn't. And possibly with the other statements
20 that I did later on, which I'm sure you've read through,
21 in that the RAF police actually named a person to me
22 before even an interview to say that they had admitted
23 involvement in something. So then that sort of skewed
24 my perception of my recollection.
25 SIR GEORGE NEWMAN: So you're not happy with that third

1 witness statement?

2 A. No, not at all. No, my clearest event of it would have
3 been the 2003 statement.

4 SIR GEORGE NEWMAN: And in terms of your fourth witness statement,
5 which is in 2014, again I think you have reservations
6 about that now; is that right?

7 A. Well, I mean obviously they said, "Why is there such
8 a big discrepancy between 2003 and 2012?" And that's
9 simply because 2003, it was the most accurate which
10 I remembered. The 2012 was -- information was given to
11 me and I think it was almost questions were put to me to
12 get a certain answer, that I felt -- which I don't think
13 was right.

14 SIR GEORGE NEWMAN: No. Well those of us who have been
15 round the block a few times know how these things
16 happen.

17 A. So obviously in 2014 it was put to me, you know, why was
18 there a difference. And I said, well, you know, 2003
19 was definitely my earliest recollection, the best
20 recollection, because that was nearest to the event. And
21 I couldn't remember, in 2012, half the things that had
22 happened. I certainly couldn't pinpoint anybody that,
23 you know, from facial recognition who was doing what
24 because it was such a -- you know, a short glance and,
25 you know, the environment of the aircraft, the noise,

1 the ... I just wouldn't be able to say with certainty
2 who was who.

3 SIR GEORGE NEWMAN: Well let's jump forward then to the
4 unloading. I'm dealing now with your first witness
5 statement which, from what you've told me today, you are
6 content to go along with?

7 A. Yes.

8 SIR GEORGE NEWMAN: I have a passage in which you say that
9 you had to manoeuvre your prisoner around the person who
10 was slumped on the floor, what you number position six
11 in the aircraft.

12 A. (The witness nodded).

13 SIR GEORGE NEWMAN: Are you happy with that?

14 A. Yes. I don't really recollect it too much now but --

15 SIR GEORGE NEWMAN: You are content with that?

16 A. (The witness nodded).

17 SIR GEORGE NEWMAN: You saw the position he was in. You
18 didn't take much notice of him. And you went off the
19 aircraft, and that was it?

20 A. (The witness nodded).

21 SIR GEORGE NEWMAN: Then you had to be directed by S039 as to
22 how to organise yourselves in order to get the EPWs over
23 to the Americans?

24 A. Yes, because I think we're obviously bringing the
25 prisoners off in the initial stages. S039 got us to line

1 them up, get them ready to transit them to where the
2 vehicle was waiting, which was maybe, I don't know,
3 100 metres away or so. I remember distinctly these guys
4 were really finding it difficult to walk because a lot
5 of their flip flops and things were left on board and
6 they were standing on stones and tripping over. So it
7 was quite a sort of -- a difficult walk.

8 SIR GEORGE NEWMAN: Right. Then I think you remember
9 seeing, as it was, SO40 carry one of the EPW who had
10 prosthetic limbs?

11 A. Yes, correct. SO40 and SO56 were carrying the amputee
12 towards the vehicle. And as I came back SO39 gave me
13 the legs and told me to go back and deliver them with
14 him. So I had to run back and find those guys.

15 SIR GEORGE NEWMAN: Now I want to go to the loading of the
16 Humvee. This is taking it from your first witness
17 statement. The Humvee comes over and your recollection
18 appears to be that one or two Americans got out and
19 spoke to somebody, possibly if not probably SO39?

20 A. Possibly. I don't know who he spoke to.

21 SIR GEORGE NEWMAN: And then is it right that you saw SO50
22 in company with another, SO57, handling a really heavy
23 person in the vicinity of the Humvee?

24 A. I am SO57.

25 SIR GEORGE NEWMAN: You are SO57, sorry, of course you are.

1 A. Yes, it was myself and SO50 who were sort of tasked with
2 getting the unresponsive prisoners into the back of the
3 vehicle, basically so they could shoot off and we could
4 shoot off.

5 SIR GEORGE NEWMAN: Was he a very heavy person?

6 A. One of them certainly was, yes, because it took us plus
7 either one or maybe two Americans to sort of help lift
8 them in.

9 SIR GEORGE NEWMAN: Where was he put?

10 A. Into the back of the Humvee. So it wasn't the most
11 ideal of transports for the job. So we just tried to do
12 the best we could and lift this guy in.

13 SIR GEORGE NEWMAN: Did he have to be dropped in, in effect,
14 over the side of the vehicle?

15 A. He wasn't dropped in but -- I mean, again, you have to
16 understand where we were. The tailgate probably comes
17 up to near enough your chest. So trying to lift someone
18 heavy with, you know, a degree of delicacy is very
19 difficult. So we just tried to do the best we could
20 to try and, you know, pop him in. But I think he did
21 slip a little bit. But he certainly wasn't dropped in.

22 SIR GEORGE NEWMAN: Was he totally unresponsive?

23 A. I don't know. I never checked any vital signs. We were
24 just sort of told, you know, look after them, or stand
25 over there, a vehicle is coming in a second, and put

1 them in the vehicle when they come.

2 SIR GEORGE NEWMAN: Did he appear to hit his head as he went
3 in?

4 A. He did a little bit, but obviously, again, you know, we
5 tried the best we could to sort of minimise anything.

6 SIR GEORGE NEWMAN: I know. I am not here on a path of
7 criticism. I am on a path of enquiry.

8 A. Yes, he did hit his head slightly.

9 SIR GEORGE NEWMAN: He hit his head?

10 A. Yes, yes.

11 SIR GEORGE NEWMAN: But it was sufficiently hard that you
12 winced a bit?

13 A. Yes, I mean -- well you do because, I mean, if -- you'd
14 hear something and -- you know, you do. And it was
15 enough to make you go ooh.

16 SIR GEORGE NEWMAN: I think you say in that first witness
17 statement that because of what had happened with this
18 particular EPW -- you in fact say more care was taken
19 with the second one?

20 A. He was lighter as well so it wasn't quite as --

21 SIR GEORGE NEWMAN: It was easier?

22 A. Yes, it was easier.

23 SIR GEORGE NEWMAN: Was he as equally unresponsive as the
24 first?

25 A. Again I don't remember if he was responsive or not.

1 SIR GEORGE NEWMAN: You were at the hot debrief, weren't
2 you?

3 A. I don't remember it now, but if I put that in the
4 statement.

5 SIR GEORGE NEWMAN: I think you were, first witness
6 statement?

7 A. Yes, because I'm sure it was just in a tent and, you
8 know, the tent was parted and someone just gave a bit of
9 a brief overview.

10 SIR GEORGE NEWMAN: I don't know whether it was called a hot
11 debrief because it was hot or whether it was a hot
12 debrief because it was a hot debrief I don't know.
13 We've been calling it a hot debrief, it's probably both?

14 A. Yes, that's fair to say, sir.

15 SIR GEORGE NEWMAN: Was it there that you learnt from the
16 liaison officer that somebody had died?

17 A. I believe so.

18 SIR GEORGE NEWMAN: Do you remember who said that?

19 A. No. I don't know if it was just a rumour that went
20 round or if it was someone that actually, you know,
21 verbally said it in front of everybody. But there was
22 definitely -- someone had mentioned it. Whether it was
23 a rumour or actual fact I'm not sure.

24 SIR GEORGE NEWMAN: Okay. Thank you.
25 I think that's it from me, but I have to check with

1 my team.

2 A. Can I just say another thing as well?

3 SIR GEORGE NEWMAN: Of course. I'd rather you volunteer
4 things than me having to --

5 A. There's still a few people that are sat behind me that
6 believe that it was me that was the one that put the
7 phone call into the police.

8 SIR GEORGE NEWMAN: Is it?

9 A. I can state categorically that it was not and I had no
10 intention of doing that. So I just wanted to put that,
11 you know, straight.

12 SIR GEORGE NEWMAN: Thank you. I see. So it has been put
13 straight to you that possibly you were the person who
14 made the anonymous phone call?

15 A. In round about figures, yes.

16 SIR GEORGE NEWMAN: And you categorically say it was not?

17 A. Correct.

18 SIR GEORGE NEWMAN: Thank you. All right. Just one minute.
19 Maybe I haven't drawn out of you what you can help with,
20 but what degree of commotion may there have been on
21 board the aircraft in the journey back?

22 A. I didn't see anything of that at all. Whether I was
23 facing the wrong way for what happened -- because
24 I think at one point I was actually -- I was so fixated
25 on my prisoner I was over them. And SO39 came and said

1 it's all right he's -- you know, he's okay, "He's not
2 struggling, you can back off". So I then sort of -- as
3 we're taught, if they're responding and they're passive,
4 leave them. If they don't, then you obviously
5 administer as much force as is necessary.

6 SIR GEORGE NEWMAN: Okay. Anything more you want to say?

7 A. No, sir.

8 SIR GEORGE NEWMAN: Thank you very much indeed.

9 MR HENDERSON: Can he be released as well, please, sir?

10 SIR GEORGE NEWMAN: Yes, all witnesses I finish with, unless
11 I say to the contrary, are released.

12 I think it's S043 next.

13 S043

14 Examination by SIR GEORGE NEWMAN

15 SIR GEORGE NEWMAN: S043, you were here yesterday I think,
16 weren't you?

17 A. And the day before, sir.

18 SIR GEORGE NEWMAN: I thought it was a familiar face. Good.
19 You are happy with the statement you've made to the
20 investigation which you signed?

21 A. Sir, I'm happy with the statement. I would just like to
22 draw attention to paragraph 5 of my statement to you
23 which refers to an element of my statement in 2012
24 compared to the statements in 2003 and 2004 and a slight
25 difference in there.

1 SIR GEORGE NEWMAN: What do you want to say about them?

2 A. I think it says it more eloquently in paragraph 5 of
3 the statement I gave to you, that due to the passage of
4 time and all my recollection probably the element of the
5 first two statements would probably be more
6 representative facts.

7 SIR GEORGE NEWMAN: Thank you. You were responsible for the
8 operation of the loading ramp, weren't you, and
9 maintaining some sort of running commentary on what was
10 going on to the pilots?

11 A. Yes, I was, sir.

12 SIR GEORGE NEWMAN: Have I got you -- you are the loadmaster,
13 are you?

14 A. That is my role within the air squadron, yes, sir, or
15 weapons systems operator as it's now called.

16 SIR GEORGE NEWMAN: Yes. Now help me and save time by just
17 telling me what you remember about first of all the
18 loading of the EPW at the pick up point?

19 A. Sir, an extremely dark night, very hot, very noisy,
20 a very unfamiliar environment for members of the
21 passengers on the aircraft. Someone like myself I was
22 perfectly at home with that environment because I'm
23 reasonably experienced. We had been given the brief, as
24 we've all said, about the necessity of getting the job
25 done and the people who may be involved, persons of

1 interest. We made an approach to the area. We made two
2 approaches as our aircraft had to overshoot due to
3 recirculating sand. So I had good look at that area and
4 could see there were lot of potential what I would call
5 enemy prisoners of war plus allied forces. We landed on
6 the second time.

7 Once the dust had settled there was a period, a small
8 period of waiting, and then I lowered the ramp when I was
9 sure it was safe to do so. And two members of the team,
10 one I wouldn't know but one I would assume would be
11 SO39, left the aircraft to link up with the other ground
12 call signs and the other individuals on the other
13 aircraft.

14 Again we waited there and a period later on SO39
15 returned to the aircraft and indicated that the rest of
16 the men bar two individuals -- and you'll have to
17 forgive me because not being familiar with the chaps --
18 I understand ciphers, I don't -- sorry, I can only go
19 by. That left with me two individuals on the aircraft
20 and the rest of the ARF exited and went off to process,
21 collect the prisoners until they did. Approximately
22 ten minutes later, in my reckoning, the first
23 individuals started coming back and I had cracked
24 a little bit of blue light in the cabin because it was
25 easier -- rather than being completely black light, it

1 would be easier for us, more advantage for the chaps to
2 see what they were doing.

3 I could see two individuals come back with
4 a detainee. And again that was brought to the back of
5 the aircraft. Now because of the nature of the area and
6 the threat involved I hadn't lowered the toe ramp. So
7 on this occasion the detainee was brought to the edge of
8 the ramp and there's about a 12-inch step to get up.
9 The detainee was stopped and a gentle pat on the
10 underside of the leg to indicate to lift your leg. And
11 he obviously understood that, stepped up and then was
12 brought on to the aircraft.

13 He was then taken up the cabin and as it's been
14 described there was a large fuel tank approximately
15 two-thirds of the way up the cabin. And I believe you
16 refer to the Chinook vehicle guidance system. Now you
17 also said you had seen a picture of it. Now I don't
18 know whether that picture was from a technical manual or
19 how we had it on the night.

20 SIR GEORGE NEWMAN: No, I think it was meant to be as you
21 had it on the night.

22 A. Okay.

23 SIR GEORGE NEWMAN: From some aircraft which was part of the
24 investigation which was subsequently carried out.

25 A. So not knowing what you know, the vehicle rail itself

1 has -- it's bolted to the floor by some plates, in
2 segmented plates. And each rail is probably the same
3 circumference as a railway rail but it's much more
4 lightweight aluminium and there's a rail on the outside
5 which is right next to the wall of the aircraft. But
6 the inside rail, we'd found if we removed the majority
7 of it we could save weight and it still did the same
8 job. So large sections of that inside rail were missing
9 from the cabin area, not the ramp.

10 The prisoner was taken right up to the tank
11 and then carefully laid on to the floor itself. The
12 handling party then retire and the watchmen, the chaps
13 planning overwatch would look after the prisoner.

14 At this point I was on the -- I will call it the
15 starboard side, because it doesn't matter what the
16 orientation is it's always the right side.

17 SIR GEORGE NEWMAN: I'm just going to slow you up.

18 A. Sorry, terribly sorry.

19 SIR GEORGE NEWMAN: It's so the transcriber can run behind.

20 A. Sorry, I will speak more slowly.

21 Okay. I was on the starboard side, the right-hand
22 side as you look towards the nose of the aircraft, and
23 that's where I stayed because I was attached by
24 a safety harness and an intercom lead.

25 After that the prisoners came reasonably rapidly and

1 they were loaded without incident. I did notice there
2 was a backlog as an individual had brought a prisoner to
3 the back and even though it wasn't unguarded it just
4 seemed that it was getting slightly out of kilter. But
5 that was sorted. Then one of the prisoners as he got to
6 the aircraft -- and by this point I had lowered a toe
7 ramp which made the whole entry much easier -- started
8 to become uncooperative and I believe he may have
9 flailed his arms around and had got out. There was
10 a small I would call it scuffle where people were trying
11 to control the individual, the two guards who were with
12 him. And at that point he was firmly gripped by two
13 of the individuals and with -- as I described, with
14 enough force to make sure he was taken off his feet and
15 put on the floor. But again in my statement I say that
16 having had experience of this before, prisoner handling
17 fights, I did not term that as a violent action. There
18 was intent but not violence.

19 That prisoner then laid down and I cannot remember
20 how he was controlled, but he then became slightly
21 compliant.

22 Other prisoners were brought on board and this
23 process again I will say lasted maybe 10, 15 minutes.
24 On finding we had ten prisoners, and I counted to make
25 sure I had my guard force because I didn't want to leave

1 anyone behind -- even though it was a -- I say a safe
2 location, it's moderately safe.

3 I then brought the toe ramps in and then as I was
4 walking back I noticed that one of the prisoners' legs
5 was near the rampage and I was concerned that if I'd
6 have brought the ramp up -- because I can also catch my
7 feet at that same location -- that the vehicle guidance
8 system might have pinched or crushed his ankle. So
9 I indicated -- I'm going to say to S039, or one of the
10 individuals around the back of the aircraft, to move the
11 prisoners up. Because of the extreme noise you cannot
12 have a meaningful conversation. You can shout in
13 someone's ear words and you will pick up the gist of
14 a conversation, but we could not talk like we are now.

15 So they physically moved a lot of the prisoners up
16 where I just wanted a leg moved out of the way, but it
17 all worked. We then departed that location,
18 approximately a 20 minute flight back to H-1 to drop the
19 prisoners off.

20 SIR GEORGE NEWMAN: Anything else about the loading or the
21 flight back that you want to tell me?

22 A. So in my statement -- I think you will probably ask me
23 was there a commotion, I'll say. In my first statements
24 of 2003 and 2004, I state that I cannot remember anything
25 happening like that. In my statement of 2012, I state

1 that there may have been a commotion and explained what
2 I think may have happened.

3 Now I cannot tell you exactly why that difference
4 is. But having been questioned in a different way in
5 2012 and given more evidence, and also told what was --
6 what the investigators -- "This is what happened. Tell
7 me if this happened or not", I may have taken that and
8 confused it with my original memories.

9 There was another incident of the POW with the
10 prosthetic limbs, and I was made aware of that at some
11 point during the flight over the intercom from my other
12 colleague, S062. That was on the intercom. He
13 explained to me by, "You will never believe this, the
14 ones got no legs." On looking back into the cabin,
15 because my prime aim was to look out and make sure that
16 we didn't hit the ground, I noticed that the guard was
17 searching a prosthetic limb, looking inside. It worried
18 me a little bit because of the nature of the
19 individuals. My first thought was, well, they haven't
20 been searched as thoroughly as I would probably expect.
21 I would say that it's difficult enough being in a war
22 zone with all your limbs, and I felt a little bit of
23 pity for the chap, but I would say it was noted by the
24 crew.

25 SIR GEORGE NEWMAN: Right. I am taking this quickly because

1 you have given a confirmatory general statement. So far
2 as the prisoner who caused a problem at the beginning,
3 you have given an account of that?

4 A. Yes.

5 SIR GEORGE NEWMAN: And I can take that from ...

6 A. You may, yes.

7 SIR GEORGE NEWMAN: Then moving on, you have just mentioned
8 the leg-less EPW. Let's go to unloading.

9 A. Yes.

10 SIR GEORGE NEWMAN: There were, is it right, two EPWs who
11 required assistance because they were motionless, plus
12 the leg-less EPW, so three in all?

13 A. Yes, that is correct. Do you want me to explain the --

14 SIR GEORGE NEWMAN: Yes, anything you can add which sheds
15 light on it, by all means.

16 A. Upon landing at H-1, and I am not aware of where at H-1
17 we landed -- if you imagine an airport half the size of
18 Heathrow but with no buildings but all the
19 infrastructure and runways, it's quite a big place -- we
20 passed over a small compound and a building and a fence
21 and landed about 100/150 metres away from that. We had
22 stopped, and when it was safe to do so I had lowered the
23 ramp and there was a pause with what we were going to
24 do. I believe we were not going to initially offload
25 our prisoners because S039 wasn't happy with that, and

1 he wanted to go off and confirm what he was to do with
2 them. So he left the aircraft and shortly after he came
3 back with: we'll get the prisoners off, an indication,
4 not oral, just hand sign.

5 Moving over to the starboard side of the cabin, to
6 unclutter the exit and putting toe ramps down, the
7 prisoners were then led off. I remember the first two
8 prisoners being taken off and then the third one,
9 I think it was the third one, it was in the latter half
10 of the prisoner numbers, was not moving. So a small
11 amount of cajoling was used as in trying to pick him up.
12 He would not move. So that was then left. The next
13 prisoner was again picked up. I believe he would not
14 move either. From then on the next prisoner was
15 cooperative and got up. And from my recollection, and
16 again I could not tell you which of the SOs from the ARF
17 it was, but the group offloaded the individuals similar
18 to their onload, pairing up and walking the individuals
19 over into the 4 o'clock of the aircraft where, about
20 200 metres away, in my recollection, was a meeting party
21 and I now know them to be Americans.

22 That happened. We then had a period of what to do.
23 So myself and I believe two other individuals, I believe
24 one was SO40, were left on the aircraft. We looked at
25 the unresponsive individual, and I believe I may in one

1 of my statements say that I shone a blue light torch to
2 give a little bit more illumination, and he appeared to
3 be unresponsive.

4 My initial thoughts left of arc was he was now
5 trying passive resistance as to where he may have tried
6 active resistance on getting on and he now realised he
7 couldn't do that so he was going to be passive. Then he
8 may have fainted through the shock because he may not
9 like flying. I do not know. I am making suppositions.
10 Or there may have been a medical reason. At no point
11 did I make a leaping assumption that the individual was
12 dead, but there was lots of left to right of arc
13 potential problems that this individual could have had.

14 Understanding that the mission needed to move
15 forward, because we have allied units who are fixed in
16 a dangerous location and a point of disadvantage with up
17 to I believe we found out there was another 40
18 prisoners, it was imperative on us to move it along. If
19 the individual was unconscious or if there was a medical
20 problem, in my opinion, having assessed the situation,
21 I felt that it was right and proper that more help could
22 be offered to this individual by moving him off a very
23 dark, a very noisy aircraft, in which we could offer no
24 support for him, we had very limited medical support, if
25 it was a medical problem, and the best place for him was

1 to be moved to the next level of care or part of the
2 capture system.

3 SIR GEORGE NEWMAN: So he's moved off in a Humvee?

4 A. So a vehicle is I believe called for. During this time,
5 again this may have happened before or after, it is
6 decided to take the limbless -- the chap with no legs,
7 off the aircraft. I remember him being carried down the
8 aircraft because it's only 78 inches high and to put
9 someone on piggyback I think he would have interfered
10 with the roof.

11 SIR GEORGE NEWMAN: Okay.

12 A. He was then taken off the back and placed on, as I found
13 out, SO40's shoulders in a piggyback fashion.

14 SIR GEORGE NEWMAN: Right.

15 A. He was piggybacked. I then thought that he was going to
16 be just kept near the aircraft, but SO40 jogged off into
17 the darkness with this individual on.

18 SIR GEORGE NEWMAN: Yes.

19 A. I think his statement states that he was extremely tired
20 on his return.

21 SIR GEORGE NEWMAN: He was. He told me about that.

22 A. So at some point a vehicle turned up at the rear of the
23 aircraft, approximately 50 to 60 metres away, outside
24 the rotor disc, and two individuals got out and started
25 preparing the back of the Humvee. I recognised it as

1 a Humvee and it's a clamshell cover and then a tailgate.

2 At this time, individuals are coming and going from
3 the ARF and several of them pick up one of the
4 unresponsive casualties, bearing in mind it's very hot,
5 it's very dark, and they take him down the ramp. From
6 my recollection, he is a large individual, sturdy. They
7 then take him out. I believe it took more than -- it
8 took two, it didn't take a single one, took him out to
9 the Humvee, and then had to lift him onto the tailgate,
10 and I remember thinking that it's quite a lift.

11 I do not remember if they returned for the second
12 unresponsive captive or if other members of the ARF
13 picked the second unresponsive and took him also to the
14 Humvee.

15 SIR GEORGE NEWMAN: Okay.

16 A. The Humvee then was closed up and the -- well, I can
17 only assume the crew of the Humvee drove the vehicle
18 away to the reception station. Sometime around that
19 point, the ARF returned to the aircraft and the ARF
20 commander SO -- well, the ARF chalk, commander SO39,
21 indicated to me that all his individuals were on board
22 and then we continued with the mission.

23 SIR GEORGE NEWMAN: Thank you. All right?

24 A. Yes.

25 SIR GEORGE NEWMAN: Very helpful. Thank you. You have

1 taken all the load of me asking you questions. Thank
2 you very much.

3 A. Thank you.

4 SIR GEORGE NEWMAN: As you have heard me say, if you want to
5 go, you can go.

6 A. Thank you.

7 SIR GEORGE NEWMAN: S061, I reckon it is now.

8 S061

9 Examination by SIR GEORGE NEWMAN

10 SIR GEORGE NEWMAN: Can you just verify, your statement to
11 the investigation has been a true and accurate account
12 of what you recollect?

13 A. Yes, sir.

14 SIR GEORGE NEWMAN: You did make witness statements prior to
15 that, indeed I think three witness statements --

16 A. Yes, sir.

17 SIR GEORGE NEWMAN: -- prior to that. Is there anything --
18 are you content that I should regard the contents of
19 those witness statements as reliable?

20 A. I am happy with it all, sir.

21 SIR GEORGE NEWMAN: You were paired, weren't you, for the
22 purposes of this exercise with S050?

23 A. That's correct, sir. I worked in conjunction with S050
24 as a gun pair, a gun pair being a number 1 and 2. I was
25 a GPM machine gunner and S050 acted as my partner, as it

1 were. So we worked as a team.

2 SIR GEORGE NEWMAN: Is it right you were towards the rear of
3 the helicopter, near the ramp, when the EPW who caused
4 a commotion when being loaded was loaded on?

5 A. As I recall it, sir, the EPW, this is my recollection,
6 had already been placed in his position and it caught my
7 eye that he was stood up with his arms free. That was
8 the unusual situation from that scenario which -- yes,
9 as I remember it. I don't remember as he came on him
10 being uncooperative. I recall it as he had been placed
11 down and then he'd stood up again with his arms free.

12 SIR GEORGE NEWMAN: And this is before takeoff?

13 A. I believe so. I believe so.

14 SIR GEORGE NEWMAN: And then we get another incident that
15 you remember after takeoff, as I understand it?

16 A. I recall it as just being one incident, sir. There
17 might be discrepancies, but that's how I remember it.

18 SIR GEORGE NEWMAN: I thought there was someone else you
19 recollected standing up after takeoff?

20 A. I think the standing up point is the same situation, but
21 I think in my statements I couldn't remember --

22 SIR GEORGE NEWMAN: I see.

23 A. -- if it was either as we were on the ground or when we
24 were taking off.

25 SIR GEORGE NEWMAN: What about during the disembarkation

1 stage? What do you remember there?

2 A. From listening to others -- and I don't want to sort of
3 use their evidence as putting words into my mouth --
4 I don't recall the guy with no legs being removed, and
5 I don't remember the guy being unresponsive. The reason
6 that is is because I think that when we landed I was at
7 the back, on the ramp, and I could possibly have been
8 someone who had got out of the way to get off to allow
9 room. So therefore I am not 100 per cent sure about the
10 sort of details of the disembarkation.

11 If I can just say, sir, from the last witness I was
12 one of the guys who remained on the airframe when
13 everybody else had left.

14 SIR GEORGE NEWMAN: Thank you. Then, so far as the
15 aftermath is concerned, you remember all of you being
16 congratulated for doing a good job?

17 A. The impression I got was that it was a job done well,
18 sir, in the circumstance, the circumstance was, in my
19 recollection, obviously something that escalated quite
20 quickly in terms of the short notice -- we were,
21 I suppose, a quick reaction force -- and this was, this
22 operation, was put together quickly. Obviously the
23 chain of command were working hard, doing their roles,
24 and obviously we were working hard doing our thing. So
25 from my perspective at the end, yes, it went well,

1 everyone came back safely and it was a job done.

2 SIR GEORGE NEWMAN: Anything in your mind now which you can
3 tell me about? Did you experience any sense of tension
4 or stress or anything on the part of the gunners or
5 anybody?

6 A. Tension and -- at what point, sir?

7 SIR GEORGE NEWMAN: Anxiety about the --

8 A. Is that before, during or after?

9 SIR GEORGE NEWMAN: Well, the whole time, any time.

10 A. I think obviously we are in that theatre and that was
11 possibly our first major job so, yes, it was -- I can
12 only speak for myself. I can't say how --

13 SIR GEORGE NEWMAN: But you weren't inexperienced, were you?

14 A. So that operation was 2003 and I was -- I finished my
15 basic training in 2001, sir. So, you know, I was
16 two years in.

17 SIR GEORGE NEWMAN: All right. Thank you. There is always
18 something I forget, I am sorry. (Pause)

19 It's okay. Then fine, thank you very much, and
20 thank you for attending.

21 A. Thank you, sir.

22 SIR GEORGE NEWMAN: And for making the statements you have,
23 or at least the statement to me, and cooperating. Thank
24 you very much.

25 A. Am I free to leave, sir?

1 SIR GEORGE NEWMAN: And you are free to go, thank you very
2 much.
3 SO41.
4 SO41
5 Examination by SIR GEORGE NEWMAN
6 SIR GEORGE NEWMAN: Okay, SO41.
7 A. Hello, sir.
8 SIR GEORGE NEWMAN: You have been here --
9 A. Yesterday.
10 SIR GEORGE NEWMAN: Yesterday, was it?
11 A. Yes, yesterday.
12 SIR GEORGE NEWMAN: I thought I remembered seeing you
13 yesterday. So you know the drill. You have made an IFI
14 witness statement?
15 A. Yes, sir.
16 SIR GEORGE NEWMAN: You are content with that? You signed
17 it and dated it?
18 A. Yes, sir. Factually correct the statements are, mine
19 was a little unusual in that I provided more detail in
20 the 2012 statement than I did in the original statement.
21 I believe this to be that the interview technique was
22 a lot more objective in 2012.
23 SIR GEORGE NEWMAN: A lot more what?
24 A. Objective.
25 SIR GEORGE NEWMAN: Objective.

1 A. And a lot more professionally run, whereas I feel the
2 statement in 2003 was almost bigoted in the fact that
3 the whole questioning technique was centred around SO38,
4 SO39 and SO42, as if the interviewing people were trying
5 to come to a preordained conclusion, whereas the 2012
6 one was a lot more objective, a lot more comfortable
7 environment, I was able to talk freer, and that's why
8 there is more detail in that statement.

9 SIR GEORGE NEWMAN: Thank you very much. So, in terms of
10 your evidence to me, you would like me to pay attention,
11 in particular, to the 2012 statement?

12 A. Albeit it's factually correct, sir, I just think that
13 the varying interviewing techniques, the 2012 was more
14 successful, but anything I did say in 2003 --

15 (The stenographer requested that the witness speak more
16 slowly)

17 SIR GEORGE NEWMAN: Sorry.

18 A. Obviously there would be an element --

19 SIR GEORGE NEWMAN: Keep an eye on the lady. She will let
20 you know if you are going too fast.

21 A. No, they are both in their own merit. Obviously 2003
22 will be more accurate for the clarity and the timely
23 manner and 2012 would be better because the interview
24 technique was better.

25 SIR GEORGE NEWMAN: Thank you. I don't need to go through

1 what you have in your statements. It is merely
2 repeating that which you say is accurate anyway.

3 A. Yes.

4 SIR GEORGE NEWMAN: But so far as your EPW was concerned?

5 A. Yes.

6 SIR GEORGE NEWMAN: Do I take it you didn't encounter
7 resistance from your EPW?

8 A. Not that I can remember. I think I had more than one,
9 sir, and I think, as I say in my statement, it was quite
10 interesting to see the different range of human emotion,
11 because it's people head to toe essentially separated.
12 Some seemed genuinely scared, some you could feel crying
13 and some were very --

14 SIR GEORGE NEWMAN: Some of the EPWs seemed genuinely
15 scared?

16 A. Yes, or crying, and then some were quite resistant.
17 I think one of the ones I had may have been sort of
18 struggling on the ground a little bit, like I could
19 sense that he was resisting.

20 SIR GEORGE NEWMAN: Try and speak slowly, would you. I am
21 sorry to interrupt you, because it's the very thing
22 I want you to do, to talk to me, but now I have to slow
23 you up, but it is the way it is.

24 A. So, with regards to each different prisoner, I probably
25 couldn't tell you how many prisoners I handled, perhaps

1 two, because that level of detail was overshadowed by
2 the subsequent incident.

3 SIR GEORGE NEWMAN: Which incident are you now referring to?

4 A. The one this investigation is into, sir.

5 SIR GEORGE NEWMAN: And what are you going to tell me about
6 that? Don't tell me too quickly.

7 A. Yes, sir. On the one hand, I think it was a new
8 environment for us all. The equipment in 2003 was very
9 different from now. So, for instance, now in routine we
10 have helmet-mounted night vision, whereas back then we
11 didn't, it was an aircrew thing. So within the
12 helicopter it would be entirely feasible for any
13 individual to struggle to see one or two metres from
14 where they are, both due to lack of night vision, the
15 confusion within the aircraft and the brown light
16 conditions when we landed on target.

17 However, when I was with my prisoner I happened to
18 be looking towards the tailgate, I think some sort of
19 sense of duty, just to watch everyone on, pretty much
20 like the air load master was doing, a bit of just the urge
21 to get airborne. When the aircraft is on the ground
22 it's obviously a very vulnerable time for it. So
23 I happened to be looking at the tailgate when the
24 prisoner in question was brought on.

25 SIR GEORGE NEWMAN: What did you see?

1 A. I saw the air load master facing away from the
2 helicopters, him facing outwards, and the main image in
3 my head is of a pair of hands that were too far away to
4 be -- too far apart to be restrained, and it seemed that
5 his body language, he was lunging or lurching towards
6 the aircrewman, towards the air load master.

7 I viewed that, myself, as a serious threat to flight
8 safety and air operations, and I believe that I was
9 about to take action. However, before I could
10 physically do anything, I saw another individual sort of
11 force his body weight on to him and get that prisoner on
12 the floor, and I know that individual to be S038, and
13 there was another individual with him, who helped him
14 when he was down on the floor.

15 My initial gut reaction was that the quick thinking
16 and actions of S038 were highly commendable and
17 potentially kept that aircraft airworthy and allowed us
18 to lift from the ground in a timely manner without
19 endangering the aircraft or the aircrew.

20 SIR GEORGE NEWMAN: Thank you. Unloading. Do you want to
21 go to unloading next?

22 A. We can go turn to unloading, sir.

23 SIR GEORGE NEWMAN: You escorted your EPW off?

24 A. Not -- is that what my statement says, sir?

25 SIR GEORGE NEWMAN: I think it does, yes.

1 A. I was --

2 SIR GEORGE NEWMAN: Witness statement number 1.

3 A. We were -- so we were all parted into teams and pairs in
4 the rehearsals, as we've spoke about. That, sort of,
5 the lines merged on that with the increased amount of
6 prisoners we were going to have. I think my prisoner
7 I sat by, I think I stood him up to take him off the
8 helicopter, and as I was about to leave SO39 basically
9 tasked me to remain on the Chinook and that someone else
10 would take care of my prisoner, or words to that effect,
11 so I didn't actually leave the Chinook at that time.

12 A strange point to note, and I am not really sure
13 why this happened, but I believe I had absolutely no
14 idea I was back at H-1 at this point. I didn't know we
15 were returning to H-1. I knew there was Americans
16 there. I knew we were handing over prisoners. But for
17 some reason I didn't know we were at H-1. So my train
18 of thought was: why is this taking so long? We could be
19 in the middle of the desert, you know, in
20 enemy-controlled territory. We need to get out of here.
21 It's only after the last lift, when we took off again
22 and then landed, like, a few minutes later, I realised
23 we were at H-1 the whole time.

24 SIR GEORGE NEWMAN: So that we cover the essential ground,
25 we have SO40 dealing with the leg-less EPW?

1 A. Yes.

2 SIR GEORGE NEWMAN: We've got the American Humvee vehicle in
3 the vicinity of the rear of the aircraft?

4 A. Yes.

5 SIR GEORGE NEWMAN: When I believe you became aware that
6 there was still two EPWs lying on the deck?

7 A. Yes. So my recollection prior to the interviews -- my
8 mind has made, you know, made the inside of a helicopter
9 bigger, I suppose, it's only when we did the
10 reconstruction with the RAF police at Honington
11 I realised how close we were, next to each other. So if
12 the ramp is to my right now, and I am knelt by my
13 prisoner, the prisoner in question, who didn't get up,
14 would have been literally just behind me. So, although
15 close to me, I probably didn't really have any knowledge
16 of him until we got up to leave and I was tasked to stay
17 on the helicopter, because there was two people who
18 weren't moving, or three if you include the person with
19 no legs.

20 SIR GEORGE NEWMAN: What about the two motionless EPWs?

21 A. So I was told that there is a vehicle coming. May --
22 the words "medical support" or even "ambulance" may have
23 been used, or maybe that's what I was expecting in my
24 head, and then I saw the vehicle turn up and that it was
25 just a Humvee. So I basically thought the limited

1 capability that we have medical-wise would be, you know,
2 the best thing to do is get him evacuated as quickly as
3 possible. I just found it was weird it was a Humvee.

4 SIR GEORGE NEWMAN: You found it what?

5 A. Strange that it was a Humvee and not a battlefield,
6 I suppose.

7 SIR GEORGE NEWMAN: I see. What did you think was the
8 problem with the two motionless people?

9 A. Well it's an entirely subjective statement, sir, but
10 I believed -- because of the lack of any tangible
11 mechanism of injury, for want of a better word,
12 I believed they were faking, just to be obstructive.
13 Impetuous children do it, don't they? You know, they
14 remove your ability, your legs, and you see --

15 SIR GEORGE NEWMAN: Did your view change on that though?

16 A. Not until the following day where the rumours -- so
17 I wasn't actually -- I can't remember who formally told.
18 There was a sort of rumour environment the next day when
19 people were just milling about. And the two rumours
20 that I heard was that one of the prisoners had died and
21 the other one was that SO38 may get written up as
22 a commendation, possibly mentioned in dispatches, for
23 his actions on the aircraft.

24 SIR GEORGE NEWMAN: You did help -- you helped put one of
25 them on the Humvee vehicle, didn't you?

1 A. Yes, sir.

2 SIR GEORGE NEWMAN: As you were doing that, did you still
3 think he was faking it?

4 A. That wasn't a consideration to me at that time.
5 I wanted to get on the aircraft and go. So I went up to
6 the vehicle and said to the American, "Where do you want
7 him?" And he said, "Put him in the back of a Humvee."
8 To my mind it was now his responsibility. The loading
9 of that vehicle and where he went in that vehicle and
10 the taking in safe custody of that prisoner, to my mind
11 was his job now. I had delivered a prisoner to him and
12 that was the end of my task.

13 SIR GEORGE NEWMAN: Help me, there is a slight inconsistency
14 in what I have seen. You are telling me that you
15 thought they were probably faking it?

16 A. No, I said that was my gut feeling. I didn't --

17 SIR GEORGE NEWMAN: Your gut feeling, but on the other hand
18 you knew or believed that there was going to be medical
19 attention given to them?

20 A. Yes.

21 SIR GEORGE NEWMAN: How do you reconcile those two
22 positions?

23 A. No, I got told that there was a vehicle coming.
24 Potentially the words "medical aids" was used, I can't
25 remember. You've got to imagine my rank at that time

1 and I didn't voice my gut reaction. If someone is lying
2 down it will be a very natural thing to cover all bases
3 and get medical aid. My own personal gut reaction,
4 which I didn't voice because we were on a Chinook, it's
5 very loud, was that they're probably faking it -- or he
6 was probably faking it because I saw him kick off in the
7 aircraft. He obviously had a -- obviously everyone had
8 a drama in getting captured, but he obviously was not
9 complying like the majority of the people on that
10 aircraft were.

11 SIR GEORGE NEWMAN: Okay. Anything else you want to tell
12 me?

13 A. No, I think that's it, sir.

14 SIR GEORGE NEWMAN: I think we've covered it.

15 Yes. In this process of trying to work out who was
16 unresponsive, who was difficult in the flight --

17 A. Yes.

18 SIR GEORGE NEWMAN: -- and tying the two together, which is
19 part of my task, can you help me on that at all as to
20 whether the people you saw unresponsive at the end --

21 A. Yes.

22 SIR GEORGE NEWMAN: -- were the people who had been causing
23 a commotion in the course of --

24 A. Yes, so I think when he was restrained or was no -- when
25 he was made to be in a condition where he was no longer

1 a threat to flight safety, as he was, I think in that
2 process he moved from the centre of the aircraft towards
3 the right-hand side as I'm looking out the ramp. So to
4 my mind I think it's quite easy to identify that person
5 because everyone else was head to toe in quite
6 a straight line, quite a uniform manner, and this
7 prisoner was on -- seemed to be on the outside.
8 However, for the majority of the flight -- you've got to
9 imagine, you know, I had my back to him. This is
10 probably what I've pieced together in my head. So
11 I probably assumed that that was the same person.

12 SIR GEORGE NEWMAN: All right.

13 A. I believe it to be. I've spent the last 15 years
14 believing that I was the one who put the person who this
15 investigation is about on to the Humvee. We can
16 probably go into ways about why I believe that, but,
17 I don't know -- that's what I've naturally assumed for
18 all these years with obviously the ensuing, you know,
19 'could I have done better' sort of thing and obviously
20 reliving that for the last 15 years.

21 Despite all the subsequent operations that I've done
22 over that time, obviously we've been on a campaign foot
23 for 10 years, this one has stuck in my mind
24 considerably.

25 SIR GEORGE NEWMAN: Because it's somebody dying, as you

1 ultimately learn --

2 A. Yes.

3 SIR GEORGE NEWMAN: -- in circumstances where you were
4 present?

5 A. Yes. Regardless of -- you know, I believe there's
6 been -- you know, it's been alleged or in the press that
7 he wasn't a bad bloke. I believed that they were, you
8 know, bad people. However, it is still human life. You
9 know, it would be preferable to be able to say in this
10 one without -- without that happening .

11 SIR GEORGE NEWMAN: Thank you. Thank you very much.

12 A. Thank you, sir.

13 SIR GEORGE NEWMAN: I think, finally, S050.

14 S050

15 Examination by SIR GEORGE NEWMAN

16 A. Hello, sir.

17 SIR GEORGE NEWMAN: Good afternoon.

18 A. Hello.

19 SIR GEORGE NEWMAN: You have made an IFI statement?

20 A. Yes.

21 SIR GEORGE NEWMAN: You are content with that? It's the
22 truth and you've signed it as accurate and I can rely on
23 it?

24 A. I've made a number of statements over the years. The
25 discrepancies and the omissions that were in the

1 original ones, the early ones, I believe that's been
2 dealt with in my most recent statement. I'm happy to
3 revisit any of those areas if you'd like to, but, as you
4 can see, it's all written down.

5 SIR GEORGE NEWMAN: You were paired with SO61?

6 A. Yes, that's correct.

7 SIR GEORGE NEWMAN: You remained on the aircraft at the pick
8 up point?

9 A. Yes.

10 SIR GEORGE NEWMAN: You didn't see anything in connection
11 with the suppression of any difficult EPW on loading?

12 A. No.

13 SIR GEORGE NEWMAN: But you were involved in the unloading
14 or at least were witness to the unloading of the two
15 unresponsive EPW at H-1?

16 A. Yes.

17 SIR GEORGE NEWMAN: In the course of the flight back were
18 you aware of anything, a commotion or anything else,
19 which was going on?

20 A. One of my statements refers to having seen one of the
21 EPWs moving or jerking mid-flight which I believe to be
22 the legless individual. But I'm not sure whether that
23 was correct or not. I think it was refuted by the
24 people conducting one of my statements later on, that
25 that wasn't the case. But that's what I reported at the

1 time as having seen, one of the EPWs moving, which
2 I then later learnt there was a chap with no legs and
3 put those two instances together.

4 SIR GEORGE NEWMAN: You have heard the evidence no doubt
5 this afternoon from your colleague, but you do remember
6 being party to the loading of the Humvee with the two
7 unresponsives?

8 A. Yes.

9 SIR GEORGE NEWMAN: Without meaning any disrespect to either
10 of them, describing one as fat and the other as thin; is
11 that right?

12 A. Yes, that's what it says in one of my statements, yes.

13 SIR GEORGE NEWMAN: Do you remember in the course of loading
14 of one of them any form of bang or noise which would
15 indicate perhaps some part of his body had hit the side
16 of the vehicle?

17 A. Sorry, on the front page, as described by S040, then
18 I was present there when the bang happened when trying
19 to load one of the EPWs into the Humvee.

20 SIR GEORGE NEWMAN: What did you think the bang was?

21 A. Again he kind of expressed it as I would have expressed
22 it myself, it was more of an 'ooh, that may have hurt'
23 kind of bang.

24 SIR GEORGE NEWMAN: I was going to go now to the aftermath.
25 When you returned back to the tent in the aftermath, did

1 you learn then that it was being said one of the EPWs
2 was dead on arrival?

3 A. I've got no recollection of the immediate after event
4 and I have made no reference to it in any of my
5 statements.

6 SIR GEORGE NEWMAN: What about the first witness statement,
7 paragraph 3 on page 3?

8 A. Sorry, I may have missed that one. The July 2003 statement?

9 SIR GEORGE NEWMAN: It would be 18 July.

10 A. Yes.

11 SIR GEORGE NEWMAN: Page 3.

12 A. Sheet number 3?

13 SIR GEORGE NEWMAN: Yes.

14 A. Okay. Yes, if that's what it says then, yes, that must
15 have happened, yes. Yes, I don't remember it now,
16 I have no recollection, but that was at the time. Yes,
17 sorry, I've missed that one.

18 SIR GEORGE NEWMAN: You have explained to me such
19 discrepancies or inconsistencies or differences between
20 the earlier statements and --

21 A. Yes.

22 SIR GEORGE NEWMAN: -- what you've given to me. Anything
23 else you want to say, having heard witnesses? You have
24 just been here today, have you?

25 A. Yes, just today.

1 SIR GEORGE NEWMAN: Anything you want to tell me about what
2 you've heard today?

3 A. I've kind of deliberately not read any of the previous
4 witness statements or tried to not get involved in it so
5 it doesn't cloud my recollection of the event really.
6 And I appreciate now it's been a considerable period of
7 time, so recollection is waning really. But having read
8 through my own witness statements, and I spoke with my
9 representative before about it, it was confusing me when
10 I was reading them. So we talked about discrepancy.
11 I hope I've cleared that up in my most recent statement.

12 In terms of handing over the two unresponsive EPWs,
13 then, yes, I did help carry them both off. I did help
14 load them both in to the Humvee. And one of the
15 previous guys spoke about the challenge of loading those
16 people into the Humvee. Being around chest height, and
17 certainly one of them being of considerable bulk to be
18 able to do that, it wasn't the most appropriate method
19 of transport for the two guys, but it was the only
20 method of transport for the two guys.

21 SIR GEORGE NEWMAN: What did you think would have been
22 appropriate for their transport?

23 A. At the time, nothing. From past experience and exposure
24 over the last intervening years, then you would like to
25 hope for some kind of ambulance to lay them on.

1 SIR GEORGE NEWMAN: Did you think they were in need of
2 medical assistance?

3 A. At the time? You play it over in your mind since the
4 event and you think, yes, maybe we could have done
5 something differently. But then you try and think back
6 to the event and the information that you have at the
7 time and, like has been alluded to, the resources that
8 we had at that time to be able to provide any aid to
9 these people was non-existent. And in my mind then the
10 best course of action is to try and get them to
11 a facility as quickly as possible.

12 SIR GEORGE NEWMAN: Did you have these thoughts at the time
13 or anything resembling these thoughts at the time?

14 A. I think at the time -- and again it's clouded by what
15 I've subsequently learnt and read and heard, that at the
16 time I thought the best course of action is to try and
17 hand them to the Americans so that they can provide
18 appropriate aid if required to the two individuals. But
19 we weren't in a position to be able to do that where we
20 were. We could have -- we would have been extending the
21 time between having no aid and having some aid by trying
22 to achieve something. The best thing to do would be to
23 expedite the process.

24 SIR GEORGE NEWMAN: Did you think either or both of them
25 could be dead when you were handling them?

1 A. I don't believe I did. And again it's been alluded to
2 by a previous witness, which was exactly my thoughts
3 that time, that they could have been just laying there
4 for the sake of not wanting to be cooperative. I think
5 that was my kind of initial thought on how they were
6 doing. I don't remember where I picked them up from
7 or -- and I wasn't aware if -- I certainly didn't get
8 involved in any kind of initial triage or treatment of
9 them. I think that had been done before I came to the
10 point of loading them into the vehicle. So I wasn't
11 involved in there.

12 So to all intents and purposes my thought was that
13 they were being uncooperative and they didn't want to
14 walk. Thinking back now, then potentially they could
15 have fainted due to maybe breathing restriction from
16 sandbags and in a hot environment, stuffy in the back of
17 the helicopter. It could have been shock. There are
18 a myriad of possibilities of what could have caused
19 these two people to have to be carried off the
20 helicopter and put into the back of the vehicle, and
21 I can't say for sure what any of those possibilities
22 are.

23 SIR GEORGE NEWMAN: Okay. Okay, thank you very much. Thank
24 you.

25 A. Okay.

1 SIR GEORGE NEWMAN: That I think completes the day.
2 I haven't forgotten anybody, have I?
3 MR HENDERSON: Sir, I hesitate to get to my feet but you
4 did --
5 SIR GEORGE NEWMAN: I think that's a very sensible
6 hesitation to have.
7 MR HENDERSON: Well I will risk it all the same, sir, if
8 I may. You indicated to witness S055 that you may
9 recall him and, sir, I think there is a document which
10 I would invite you to put to him to see whether he can
11 offer any assistance as to the authorship. I am talking
12 about --
13 SIR GEORGE NEWMAN: You are right. Well you are not often
14 wrong, Mr Henderson, of course, but you are right as it
15 happens. I have it right here.
16 S055 (recalled)
17 Examination by SIR GEORGE NEWMAN
18 SIR GEORGE NEWMAN: Bundle 1, tab 2, S055. Just take
19 a moment to familiarise or remind yourself of that.
20 (Pause)
21 A. Yes, sir.
22 SIR GEORGE NEWMAN: You see the redacted pieces at the top.
23 But in between the two redactions on the right-hand side
24 there is "S Sergeant"?
25 A. Yes, Staff Sergeant.

1 SIR GEORGE NEWMAN: Mm-hmm?

2 A. It's that abbreviation for Staff Sergeant, yes.

3 SIR GEORGE NEWMAN: The confusion which arises on the
4 document is that it begins by saying, "I was the ARF
5 commander"?

6 A. Yes.

7 SIR GEORGE NEWMAN: And the confusion is, as I understand
8 it, that the person who made the statement was indeed
9 not the ARF commander. You were the ARF commander?

10 A. That's correct.

11 SIR GEORGE NEWMAN: And this is not your statement, as
12 I understand it?

13 A. That's right, I have never been a Staff Sergeant.
14 I think this statement belongs to -- or I believe that
15 title belongs to --

16 SIR GEORGE NEWMAN: LO?

17 A. Yes, SO53. However -- and then it's clearly
18 witnessed by someone from the unit that the ARF was
19 from.

20 SIR GEORGE NEWMAN: I thought it was you?

21 A. It may well, sir. I mean, it's redacted.

22 SIR GEORGE NEWMAN: I think it is you. It's redacted on
23 what I have, but I think it is you.

24 A. Okay.

25 SIR GEORGE NEWMAN: All right. Do you remember the

1 circumstances of it?

2 A. I think this is the statement that was prepared after
3 the event. I think we discussed it by video conference
4 between SO53, SO47, myself and SO39.

5 SIR GEORGE NEWMAN: Fine. Anything else you want out of
6 that?

7 MR HENDERSON: No, sir. I'm aware this witness has come
8 a very long way and I'm glad that we had the opportunity
9 to clear it up.

10 SIR GEORGE NEWMAN: Thank you. All right?

11 A. If I might just add a couple of points, sir.

12 SIR GEORGE NEWMAN: You can add anything you like.

13 A. What I would say is -- and we discussed this over the
14 video. I very recently returned from operations, not
15 from this part of the world but operations with similar
16 units and similar nations involved. And I think one of
17 the things that we spoke about in some depth whilst
18 I was deployed was that one of the things that struck me
19 since, having reflected on it -- and I'm no longer
20 a 22-year-old pilot officer, as much as I'd like to
21 think I was. It's that one of the things that was
22 particularly challenging about this mission was that the
23 command control relationships were not clearly
24 defined. And by that I don't mean the command and
25 control relationships within the ARF itself or indeed

1 within the specialist military unit, but the command and
2 control relationships that existed between the
3 Australian forces, the British forces and the US forces.
4 Clearly there is a dependency that each one of those
5 units has on each other. We've spoken about how, as
6 part of the Australian forces mission, they clearly
7 executed some form of interdiction and there were number
8 of targets that needed to be removed from the battle
9 space and removed to safekeeping somewhere, H-1. And
10 they were dependent upon us to execute that function.
11 Likewise we were dependent upon the Australians to
12 prepare them appropriately to hand them over to us and
13 then we were dependent upon the Americans to take them
14 away from us because we had no means of holding them.
15 The Americans were dependent on both us and the
16 Australians, for both receiving the targets, processing
17 them and then securely transiting them.

18 The operation was prepared for and completed in
19 haste and it kind of goes without saying, hopefully, but
20 this was one snapshot in the middle of a war which then
21 turned into a very long campaign. I think that --
22 I think it's fair to say that there are a lot of lessons
23 that were learnt from the early days of this particular
24 campaign, what we call Operation Telic. And those
25 lessons have been applied both to operations in Iraq and

1 Afghanistan and elsewhere, by this unit and others.

2 One of the roles that I was in whilst I was deployed
3 most recently was operational planning for tasks such
4 as -- similar to this, in a different scenario, but
5 applying -- with the benefit of hindsight that
6 operational planning team, multi-national operational
7 planning team, is able to draw on years of experience
8 and clearly better technology and clearly better
9 scalings of equipment. Every one in that -- or the
10 lion's share of the people in that system are each more
11 experienced. So that makes the system far more
12 effective.

13 What we have here is a snapshot of a hasty operation
14 which -- for which our ability to prepare -- all of us,
15 regardless of nation, to prepare for an operation such
16 as this was challenged by the fact we didn't really know
17 what campaign we were going to get ourselves into. So
18 you kind of make the best of what you have. You fall
19 back upon the principles of robust leadership, effective
20 skills and drills and the ability to trust your
21 superiors, your subordinates and your peers.

22 I made a point earlier about the empowerment of
23 individuals all the way down to the lowest level. The
24 system simply falls apart if you can't trust the most
25 junior of personnel to do their tasks effectively and to

1 act upon their own initiative. I know -- certainly the
2 individuals who were serving within the ARF, I know all
3 of them well and I continue to know all of them well.
4 I have worked on operations and in training with all of
5 the people sat behind me, and some of the people you've
6 seen over the last couple of days, prior to this
7 incident, during this incident, and since. And think
8 we've all taken a lot away from it. I know this
9 investigation and the circumstances around it have
10 impacted a number of us, and I include myself in that.

11 But what I would say or what I would offer is that
12 I'm proud of the job that these men did whilst they were
13 under my command. I was in command and as a result
14 I bear responsibility for what happened for the time
15 period for which we were operating and these personnel
16 were operating in accordance with my orders and
17 direction.

18 So I think I would ask that you bear in mind the
19 context and the circumstances that surrounds actions
20 such as this. It's not very clear when you read it from
21 these files and I appreciate the time and consideration
22 that's gone into reviewing vast quantities of
23 information, and I know that some of it is conflicting
24 and I know that some of it must be very confusing.

25 I think I speak for everyone when I say that we're

1 grateful for your time, sir, and for that ability.

2 SIR GEORGE NEWMAN: Thank you very much.

3 I have some other things to do by way of
4 investigation, other aspects, which involve the
5 reporting up the chain of command. That will take
6 a little time. But ultimately I will write a report and
7 in that report state my conclusions, make any
8 recommendations that I have for the future and refer to
9 any things which I think should have attention.

10 Essentially, I want to commend everybody. As I did
11 when I began on Tuesday, I commend all those who have
12 given their cooperation to me and I emphasise, again, in
13 circumstances in which there are quite a number of
14 people in various sectors who are doing their best to
15 make it more difficult for an investigation such as this
16 to take place with the cooperation of soldiers and so
17 forth; and I am grateful to everybody.

18 A. Thank you, sir.

19 (3.57 pm)

20 (The hearing adjourned)

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I N D E X

1
2
3 SO551
4 Examination by SIR GEORGE NEWMAN1
5
6 SO3851
7 Examination by SIR GEORGE NEWMAN51
8
9 SO5683
10 Examination by SIR GEORGE NEWMAN83
11
12 SO5797
13 Examination by SIR GEORGE NEWMAN97
14
15 SO43109
16 Examination by SIR GEORGE NEWMAN109
17
18 SO61122
19 Examination by SIR GEORGE NEWMAN122
20
21 SO41126
22 Examination by SIR GEORGE NEWMAN126
23
24 SO50137
25 Examination by SIR GEORGE NEWMAN137
26
27 SO55 (recalled)144
28 Examination by SIR GEORGE NEWMAN144
29
30
31
32
33
34
35