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| <p>1 Wednesday, 17 September 2014</p> <p>2 (10.00 am)</p> <p>3 (Proceedings delayed)</p> <p>4 (10.50 am)</p> <p>5 MS DOLAN: Sir, the first witness this morning is</p> <p>6 Dr Nathaniel Cary.</p> <p>7 DR NATHANIEL CARY (affirmed)</p> <p>8 Questions from MS DOLAN</p> <p>9 MS DOLAN: Dr Cary, can you give your professional</p> <p>10 qualifications, please.</p> <p>11 A. Yes, Master of Arts of the University of Oxford, medical</p> <p>12 graduate of the University of London. I hold</p> <p>13 a doctorate by thesis in medicine. I'm a Fellow of the</p> <p>14 Royal College of Pathologists and I hold a Diploma in</p> <p>15 Medical Jurisprudence.</p> <p>16 Q. Dr Cary, I believe you carried out a number of</p> <p>17 postmortems on behalf of the senior coroner for West</p> <p>18 Sussex in relation to the men whose deaths we are</p> <p>19 investigating?</p> <p>20 A. That's correct.</p> <p>21 Q. Dr Cary, I am going to ask you to deal with each one of</p> <p>22 the three postmortems that you carried out individually</p> <p>23 and then pause after each postmortem so that the</p> <p>24 interested persons can ask you questions about that</p> <p>25 death before we move on to the next person.</p> <p style="text-align: center;">Page 1</p> | <p>1 bullet fragments by me from the postmortem examination.</p> <p>2 Q. In that report and in that account are there any matters</p> <p>3 which are of relevance to the conclusions you come to in</p> <p>4 respect of Mr Morgan?</p> <p>5 A. Yes. Much of the material I recovered, which consisted</p> <p>6 of bullets, jacket material and bullet cores I think</p> <p>7 could not be identified by Mr Tomei as being from</p> <p>8 a specific ammunition type. However, at least one of</p> <p>9 the fragments which I recovered has been nominally</p> <p>10 attributed to 7.62 calibre which is a high velocity</p> <p>11 rifle type of calibre.</p> <p>12 Q. When you carried out the postmortem of Mr Morgan, the</p> <p>13 view you expressed in your report, you noted two wounds</p> <p>14 to the head?</p> <p>15 A. Yes.</p> <p>16 Q. Was that they had features typical of contact wounds?</p> <p>17 A. That's correct.</p> <p>18 Q. Having considered the additional evidence, could you now</p> <p>19 give us a summary of what your professional view is of</p> <p>20 the likely mechanism of death of Mr Morgan?</p> <p>21 A. Yes. I think contact, bearing in mind this appears to</p> <p>22 be injury due to high velocity rifle, contact seems less</p> <p>23 likely, but one still needs to explain the wound</p> <p>24 features and the features of these two wounds, one on</p> <p>25 the forehead and one on the cheek, the left cheek, they</p> <p style="text-align: center;">Page 3</p> |
| <p>1 A. Yes, of course.</p> <p>2 Q. Dr Cary, you carried out a postmortem of Mr Paul Morgan?</p> <p>3 A. Yes, that's right.</p> <p>4 Q. On 26 January last year?</p> <p>5 A. Yes.</p> <p>6 Q. What was the conclusion that you came to as to the cause</p> <p>7 of death of Mr Morgan?</p> <p>8 A. Cause of death was gunshot wounds to the head.</p> <p>9 Q. Dr Cary, I think when you did your postmortem report</p> <p>10 there were some aspects of the evidence that we have</p> <p>11 heard in court or will hear in court that you were not</p> <p>12 aware of?</p> <p>13 A. Yes.</p> <p>14 Q. And I think you have had an opportunity this morning to</p> <p>15 read the account, the secondhand account given by</p> <p>16 Mr Cobb yesterday of the account given to him of a man</p> <p>17 called S, as he is known, the person who says he was the</p> <p>18 driver of the car when Paul Morgan was killed?</p> <p>19 A. Yes.</p> <p>20 Q. And I think another document which you hadn't seen or</p> <p>21 been aware of the conclusions of until this morning was</p> <p>22 the forensic scientific report from the firearms</p> <p>23 specialist Mr Tomei who will be giving evidence later in</p> <p>24 the inquest?</p> <p>25 A. Yes, and in particular that relates to recovery of</p> <p style="text-align: center;">Page 2</p> | <p>1 were much larger than a 7.62 round in stable flight</p> <p>2 would produce. That would tend to produce a hole if it</p> <p>3 came from a distance. So the size of the wounds and the</p> <p>4 fact that they had splitting steered me towards the</p> <p>5 likelihood of contact.</p> <p>6 However, now that I'm aware of the precise</p> <p>7 circumstances in which Mr Morgan came to be shot, there</p> <p>8 is another possible explanation for the nature of the</p> <p>9 wounds other than contact, and that is that the bullets,</p> <p>10 the two bullets that hit him hit some intermediate</p> <p>11 target on the way. If you're shot within a motor</p> <p>12 vehicle the bullet may hit glass first before it hits</p> <p>13 you or it may hit the skin of the motor vehicle,</p> <p>14 the metal skin. Either of those have the potential to</p> <p>15 deform the bullet and also to cause it to lose its</p> <p>16 stabilisation in flight, which is achieved through the</p> <p>17 bullet spinning.</p> <p>18 As a consequence of that when the bullet then</p> <p>19 strikes, having hit glass or metal first, it can produce</p> <p>20 a much larger wound which represents the shape of the</p> <p>21 bullet having struck something else first.</p> <p>22 Q. And the wound that you saw, would that be consistent</p> <p>23 with that as a mechanism?</p> <p>24 A. The two wounds I saw would be consistent with that</p> <p>25 explanation rather than contact wounds. Over and above</p> <p style="text-align: center;">Page 4</p> |

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| <p>1 that you have to ask the question in the circumstances</p> <p>2 what had been the opportunity for a contact wound and it</p> <p>3 seems on the evidence I have been made aware of there</p> <p>4 would have been less opportunity for a contact wound.</p> <p>5 Finally, I would expect much more disruption had</p> <p>6 these been contact wounds from a high velocity rifle.</p> <p>7 So much more disruption than I identified.</p> <p>8 THE CORONER: Can I just ask you this: what about the fact</p> <p>9 that some fragments of the projectile or projectiles had</p> <p>10 been recovered, if it was --</p> <p>11 A. I mean that would suggest that these bullets had not</p> <p>12 been completely fragmented when they hit something else</p> <p>13 first. They were still largely intact, if not -- but</p> <p>14 deformed and no longer spin stabilised.</p> <p>15 MS DOLAN: Had it been a high velocity rifle at close</p> <p>16 contact range would you have expected to find the</p> <p>17 projectile?</p> <p>18 A. No, high velocity projectiles will often go through.</p> <p>19 That's not inevitable but they will often go completely</p> <p>20 through or break up such that you only find a very small</p> <p>21 amount in the wound track.</p> <p>22 So all in all I think my position, when you take</p> <p>23 account of all the evidence, is that this is likely to</p> <p>24 be more distant range with the two bullets that caused</p> <p>25 his death and in fact either of them could have caused</p> <p style="text-align: center;">Page 5</p> | <p>1 Q. You mention in your report two wounds. One I think is</p> <p>2 just above the right eyebrow and the other is below the</p> <p>3 middle corner of the left eye?</p> <p>4 A. Yes.</p> <p>5 Q. Can we be definitive that he was shot twice?</p> <p>6 A. Yes, absolutely.</p> <p>7 Q. Is there any way of telling which bullet struck him</p> <p>8 first?</p> <p>9 A. No, but they are close and they would be consistent with</p> <p>10 a burst of automatic gunfire with both bullets following</p> <p>11 a very similar path and therefore ending up producing</p> <p>12 wounds close to one another.</p> <p>13 Q. At page 5 of your report you mention two wounds lateral</p> <p>14 of the left eyebrow running close to horizontally. Both</p> <p>15 are very clean cut. The upper measures 1.5-centimetres</p> <p>16 long and is either a superficial laceration or an</p> <p>17 incised wound. The lower is similar and measures</p> <p>18 1 centimetre long including two fish tails at the</p> <p>19 posterior end, each 0.3 centimetres. I just wondered</p> <p>20 were you able to suggest a cause of that particular</p> <p>21 wound?</p> <p>22 A. Yes, I think it's bullet fragments, so parts of the</p> <p>23 bullet jacket actually exiting again. So the bullet</p> <p>24 breaking up and then bits coming out through the side of</p> <p>25 the forehead. That might be more, potentially more</p> <p style="text-align: center;">Page 7</p> |
| <p>1 his death with those having hit something first, an</p> <p>2 intermediate target.</p> <p>3 MS DOLAN: Thank you, Doctor, I have no more questions but</p> <p>4 there may be from others.</p> <p>5 Questions from MR FLINN</p> <p>6 MR FLINN: Dr Cary, my name is Mr Flinn, I represent the</p> <p>7 family of Paul Morgan at these inquests.</p> <p>8 A. Yes.</p> <p>9 Q. Just for the benefit of the family, could we just look</p> <p>10 at some of the terminology you have used and in your</p> <p>11 initial report you did use the term "firm contact</p> <p>12 wound"?</p> <p>13 A. Absolutely.</p> <p>14 Q. What does that mean?</p> <p>15 A. That means that the gun is held literally in contact</p> <p>16 with the skin.</p> <p>17 Q. So up against?</p> <p>18 A. Up against the person.</p> <p>19 Q. I take it from what you have clarified this morning that</p> <p>20 Paul's wounds showed features of a contact wound but</p> <p>21 that's consistent with the two possible causes, (a)</p> <p>22 there was a gun up against the head or (b) it was a high</p> <p>23 velocity weapon which was impeded on the way by</p> <p>24 something like a windscreen?</p> <p>25 A. Exactly.</p> <p style="text-align: center;">Page 6</p> | <p>1 likely if the bullets has already been deformed and</p> <p>2 disrupted by hitting an intermediate target.</p> <p>3 Q. Page 7 of your report, and paragraph (a) you talk about</p> <p>4 the internal signs of the wounds.</p> <p>5 A. Yes.</p> <p>6 Q. I mention here particularly about the tracks which the</p> <p>7 bullets traced. Now, I understand that the entry point</p> <p>8 of the wound above the eyebrow, it was just above the</p> <p>9 middle less fit of the right eyebrow and just to the</p> <p>10 right of the middle of the forehead. Is that correct?</p> <p>11 A. Exactly, yes.</p> <p>12 Q. And on dissection I understand you to be saying that</p> <p>13 that wound track enters the anterior cranial fossa and</p> <p>14 passes just to the right of the mid line. Now, please</p> <p>15 correct me if I'm wrong but it sounds to me from what</p> <p>16 you are saying there that the bullet was essentially</p> <p>17 passing directly from the front of the head towards the</p> <p>18 back of the head. Is that correct?</p> <p>19 A. Correct.</p> <p>20 Q. So obviously it is difficult to tell where the bullet</p> <p>21 was coming from depending on the way Paul was moving his</p> <p>22 head at a particular point, but that particular bullet</p> <p>23 appeared to be shot straight into the middle of his</p> <p>24 head, correct?</p> <p>25 A. Yes, and didn't sort of widely diverge either in one</p> <p style="text-align: center;">Page 8</p> |

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| <p>1 direction or the other. It went roughly front to back.</p> <p>2 Q. You also mentioned that there is a slight circular</p> <p>3 indentation on the inner aspect of the adjacent skull</p> <p>4 but there was no exit wound for that particular bullet.</p> <p>5 Is that correct?</p> <p>6 A. Absolutely, that is right.</p> <p>7 Q. And does that assist you in estimating perhaps the</p> <p>8 distance at which the bullet was fired or is that better</p> <p>9 directed to our ballistics expert?</p> <p>10 A. I think it assists me in that as we know that at least</p> <p>11 some of the fragmented bullet material was 7.62, which</p> <p>12 is high velocity round, and yet the bullet has not</p> <p>13 exited. It assists in that it provides some support for</p> <p>14 the fact that the bullet has been depowered somewhat</p> <p>15 before it strikes Mr Morgan. It has been depowered by</p> <p>16 hitting an intermediate target, such as the windscreen</p> <p>17 or part of the car.</p> <p>18 Q. Thank you. The second bullet wound, this is the one</p> <p>19 just below the left eye, touching the nose, I think you</p> <p>20 say in respect of that one at paragraph (b) on page 7</p> <p>21 the track appears to have passed backwards into the</p> <p>22 region of the brain stem.</p> <p>23 Is that a similar situation, we are talking about</p> <p>24 one going directly into the head or was it coming at an</p> <p>25 angle that you are able to explain?</p> <p style="text-align: center;">Page 9</p> | <p>1 others were and I suspected that the others had also had</p> <p>2 bits of bullet jacket exit through them but they had</p> <p>3 completely left the body and were therefore not</p> <p>4 recoverable.</p> <p>5 Q. How does that relate to the evidence we have already</p> <p>6 heard about the bullets going straight into the head</p> <p>7 from front to back?</p> <p>8 A. Well, it would provide some support that the bullets had</p> <p>9 already been deformed and fragmented and so on entering</p> <p>10 the hard bone at the front of the skull little bits</p> <p>11 broke off and went to the side.</p> <p>12 Q. I understand, so it is sort of shrapnel in a sense?</p> <p>13 A. You are right though if one had an intact high velocity</p> <p>14 round you might not expect it to fragment to that extent</p> <p>15 on first entry.</p> <p>16 Q. Just going back to a topic we touched on at the start,</p> <p>17 blackening around the wounds. What causes blackening?</p> <p>18 A. A couple of things really. I felt that the blackening</p> <p>19 provided support for contact or near contact because the</p> <p>20 gases that come out of the end of the gun, the gunshot</p> <p>21 residue, are often black and so they'll blacken a wound</p> <p>22 if at close quarters. However, there is also another</p> <p>23 phenomenon which is called bullet wipe which is the</p> <p>24 bullet itself has contamination by gunshot residue and</p> <p>25 in passing through tissues that may wipe off to some</p> <p style="text-align: center;">Page 11</p> |
| <p>1 A. The difficulty is that it did strike bone but it was</p> <p>2 roughly front to back. The bullets don't necessarily</p> <p>3 travel in straight lines, particularly if they are</p> <p>4 starting to fragment so bits can go off at an angle</p> <p>5 somewhat but it was roughly front to back and not in any</p> <p>6 major extent dissimilar from the other bullet.</p> <p>7 Q. In the next paragraph, paragraph (c) you write:</p> <p>8 "A fragment of bullet jacket was recovered from the</p> <p>9 inner aspect of the cluster of wounds over the left</p> <p>10 temporal region consistent with incomplete exit and</p> <p>11 suggesting that other fragments of jacket may also have</p> <p>12 exited leaving other wounds there. This appears to</p> <p>13 relate to fragments of a bullet jacket derived from a</p> <p>14 bullet entering the forehead region."</p> <p>15 A. Yes, exactly.</p> <p>16 Q. Apologies but I didn't quite follow that paragraph.</p> <p>17 What cluster of wounds over the left temporal region are</p> <p>18 you talking about?</p> <p>19 A. Just a number of small wounds on the left side of the</p> <p>20 head.</p> <p>21 Q. Internally?</p> <p>22 A. Externally. But they look like pretty superficial</p> <p>23 grazes or that sort of thing but it actually turns out</p> <p>24 that one of them had a piece of bullet jacket in it,</p> <p>25 providing a strong clue as to the what the origin of the</p> <p style="text-align: center;">Page 10</p> | <p>1 extent.</p> <p>2 Q. Is there any way of telling in this case which is the</p> <p>3 more likely, setting aside the other sort circumstantial</p> <p>4 evidence you considered?</p> <p>5 A. I think when you look at all the factors I think it is</p> <p>6 much more likely that these were not contact wounds and</p> <p>7 therefore this could not have been gunshot residue</p> <p>8 directly derived from the discharge of the gun itself.</p> <p>9 The other effect of course is these bullets have been</p> <p>10 repatriated and so you can get blackening that is simply</p> <p>11 a drying after the fact after death.</p> <p>12 MR FLINN: Thank you very much.</p> <p>13 A. Thank you.</p> <p>14 THE CORONER: Just so it is clear, either of these gunshots</p> <p>15 would be fatal in its own right?</p> <p>16 A. Yes, and rapidly so and I think if you look at it you</p> <p>17 could think of them in isolation. Bearing in mind they</p> <p>18 are very close together, as I said the most obvious</p> <p>19 explanation to me is they are a rapid burst of automatic</p> <p>20 fire and therefore he would have known nothing about it</p> <p>21 really. The brain stem is where vital centres are which</p> <p>22 control your breathing and heart beat so you can't have</p> <p>23 a really more rapidly fatal gunshot wound than one</p> <p>24 involving the brain stem.</p> <p>25 THE CORONER: Thank you.</p> <p style="text-align: center;">Page 12</p> |

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| <p>1 Questions from MS DOLAN</p> <p>2 MS DOLAN: Dr Cary, can I ask you about the postmortem you</p> <p>3 carried out on Carson Bilsland.</p> <p>4 A. Yes.</p> <p>5 Q. I think you conducted that on 12 February 2013 at East</p> <p>6 Surrey Hospital?</p> <p>7 A. Yes, I did.</p> <p>8 Q. What was your conclusion as to the cause of death of</p> <p>9 Mr Bilsland?</p> <p>10 A. The cause of death I have given as injuries caused by an</p> <p>11 explosion.</p> <p>12 Q. Can you say in a nutshell why it was you came to that</p> <p>13 conclusion in respect of Mr Bilsland?</p> <p>14 A. The body had been severely disrupted in a manner which</p> <p>15 is very typical of an explosion. The nature of that</p> <p>16 disruption was typical in my experience of someone who</p> <p>17 had been very close to an explosive device.</p> <p>18 MS DOLAN: Thank you. I have no more questions about that,</p> <p>19 but there may be from others.</p> <p>20 Questions from MR FLINN</p> <p>21 MR FLINN: Dr Cary, I am also representing the family of</p> <p>22 Carson Bilsland. Just a few questions.</p> <p>23 A. Of course.</p> <p>24 Q. In the report you provided you mentioned a number of</p> <p>25 items of clothing or fragments of clothing you were</p> <p style="text-align: center;">Page 13</p> | <p>1 junction is all in keeping with severe disruption to the</p> <p>2 trunk?</p> <p>3 A. Yes, I think because bearing in mind there wasn't much</p> <p>4 of the trunk there it's important to determine what's</p> <p>5 happened. You could have a traumatic amputation and</p> <p>6 perhaps still survive so it is important when you are</p> <p>7 concluding that someone has actually been killed by an</p> <p>8 explosive device that there is evidence of disruption of</p> <p>9 the whole body and to me that evidence of disruption of</p> <p>10 the trunk is provided by the fact that there is a small</p> <p>11 piece of part of the front of the rib cage and in my</p> <p>12 experience basically the closer you are to an explosion</p> <p>13 and the bigger the explosion the smaller the fragments.</p> <p>14 It's as simple as that. So that is quite a small</p> <p>15 fragment. It indicates he has been very close to an</p> <p>16 explosive device.</p> <p>17 Q. Are you able to gauge where the focus of the explosion</p> <p>18 was in relation to Carson's body?</p> <p>19 A. I think that's difficult but that finding would support</p> <p>20 it being closest to the trunk.</p> <p>21 Q. And you have already partially answered my next question</p> <p>22 which is: the closeness of Carson to the source of the</p> <p>23 explosion, I take it from what you have been saying that</p> <p>24 it was very close indeed?</p> <p>25 A. Yes. Obviously you have to be mindful of how big the</p> <p style="text-align: center;">Page 15</p> |
| <p>1 presented with?</p> <p>2 A. Yes.</p> <p>3 Q. One of those you mention was a heavy khaki coloured</p> <p>4 sweatshirt type fabric including one largely intact</p> <p>5 though in places shredded sleeve?</p> <p>6 A. Yes.</p> <p>7 Q. Were you quite confident that those items were from</p> <p>8 a sweatshirt as opposed to a trouser leg for example?</p> <p>9 A. I think that would be a possibility. Obviously I'm not</p> <p>10 a clothing examiner and those items may have been</p> <p>11 further examined and determined to be something other</p> <p>12 than a sweatshirt.</p> <p>13 Q. Of course.</p> <p>14 A. I think I called it -- I was possibly a bit cautious in</p> <p>15 the use of English. I said sweatshirt type fabric just</p> <p>16 so give the impression of what type of fabric it was</p> <p>17 rather than that it was a sweatshirt.</p> <p>18 Q. Indeed, thank you. You also mention in your report that</p> <p>19 there's fragments of costochondral junction?</p> <p>20 A. Exactly.</p> <p>21 Q. Is that the portion of the rib that meets the sternum?</p> <p>22 A. Yes, exactly. So to this sort of region, either side of</p> <p>23 the breast bone.</p> <p>24 Q. Could you explain your conclusion in your report that</p> <p>25 the presence of the fragments of the costochondral</p> <p style="text-align: center;">Page 14</p> | <p>1 explosive device was as well as how close you were.</p> <p>2 Q. Of course.</p> <p>3 A. Both of which will have a similar sort of effect.</p> <p>4 Q. Based on what you are able to examine, it is not</p> <p>5 possible, I suppose, to consider whether or not there</p> <p>6 were other injuries on Carson's body prior to death, but</p> <p>7 based on what you saw are you able to say that the</p> <p>8 injuries you identified that death would have been</p> <p>9 effectively instantaneous?</p> <p>10 A. Yes. As with Mr Morgan I don't think he'd have known</p> <p>11 anything about it, the nature and extent of explosive</p> <p>12 disruption. I couldn't exclude the fact, for instance,</p> <p>13 that he might have been shot before. However, there was</p> <p>14 nothing from the X-ray examination of the body that</p> <p>15 suggested that there were bullet fragments in his body.</p> <p>16 MR FLINN: Thank you very much.</p> <p>17 Questions from MS DOLAN</p> <p>18 MS DOLAN: Dr Cary, you also conducted a postmortem</p> <p>19 examination of Garry Barlow.</p> <p>20 A. Yes, I did.</p> <p>21 Q. Which you conducted on 26 January 2013 at East Surrey</p> <p>22 Hospital. Can you tell us what your conclusion from</p> <p>23 that examination was?</p> <p>24 A. Yes, certainly. So I again concluded the cause of death</p> <p>25 was injuries caused by an explosion. That had</p> <p style="text-align: center;">Page 16</p> |

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| <p>1 particularly disrupted the pelvic area and the lower 2 limbs but there were also multiple injuries elsewhere 3 including a severe head injury. I felt that the pattern 4 of disruption suggested the explosive device was closer 5 to his pelvic area and lower limbs. 6 Q. Did you find any evidence of any firearm related wounds? 7 A. No, I didn't. And that was on the basis again of X-ray 8 examination as well as my own visual examination of body 9 parts and indeed we had CT scanning that was reported on 10 an expert in military type injuries. So obviously his 11 evidence is important in establishing the lack of 12 firearms injuries. The only other kind of injury 13 I found was burning which is typical of the flashing 14 effect of a fireball produced by an explosion. 15 Q. And I think you also found some bruising which would 16 have been consistent with having one's wrists tied -- 17 A. Yes. 18 Q. -- but weren't related to the cause of death? 19 A. Yes, exactly. 20 MS DOLAN: Thank you, I have no more questions for you. 21 Questions from MR FLINN 22 MR FLINN: Dr Cary, on page 4 of your report you make 23 reference to some pale cloth which appeared to have been 24 cut and you suggest that it could have originally been 25 placed around the back to bind the wrists together.</p> <p style="text-align: center;">Page 17</p> | <p>1 A. Yes, exactly. So if my wrists were to be tied together 2 by a piece of cloth obviously that would have to be 3 secured in some way by a knot. But if someone then 4 wanted to remove that they would probably cut it rather 5 than unknot it and that was the state of affairs that 6 I discovered. 7 Q. Thank you. Slightly earlier. This is also under the 8 section "External appearance" and is at page 3 of the 9 copy of the report that I have. You talk about a point 10 where adjacent to the inner aspect of the remains of the 11 left upper thigh there is a loop of wire and an 12 irregular fragment of jagged metal. That wire, was that 13 attached to the fragment of jagged metal or were they 14 two separate items that you found? 15 A. It was next to it. I mean it's always very difficult 16 when you have an explosion as to whether these are just 17 bits of disrupted motor vehicle or bits of something 18 else that has been disrupted by the explosion or whether 19 it was actually something that was in place around him 20 and I think either would be possible. 21 Q. You have anticipated my next question which is, were 22 there any signs that those items had actually been 23 attached to Garry? 24 A. They might have been but I don't describe the loop of 25 wire, I describe it as adjacent rather than bound</p> <p style="text-align: center;">Page 19</p> |
| <p>1 I just wanted to explore in a little bit more detail if 2 possible what it was that caused you to form the view 3 that it might have been used to tie Garry's wrists. 4 A. Sorry, forgive me -- 5 THE CORONER: You may have a different print. 6 A. Mine's a different version. 7 THE CORONER: If you -- it is just before you have a section 8 that is headed "Marks of old injury", so from nothing to 9 do with any of this in which you put "none apparent" but 10 if you go up a little way from that in whichever print 11 you have. There is a paragraph that begins "On 12 removing". 13 A. So I said: 14 "On removing the upper clothing there is an 15 associated pale coloured cloth knotted binding which 16 appears to have been cut. This could have originally 17 been placed around the back to bind the wrists 18 together." 19 That is to some extent a speculation but bearing in 20 mind he also had bruising to his wrists on dissection 21 and that the piece of cloth was close to the wrists when 22 I saw it, that was a possible explanation. 23 MR FLINN: When you say knotted does that indicate that it 24 looked as though it had been twisted or formed into some 25 type of rope or restraint?</p> <p style="text-align: center;">Page 18</p> | <p>1 around. 2 Q. Yes. You mention injuries to a number of different 3 areas in the body in your report. I might summarise 4 them this way. Severely disrupting injuries to the 5 lower body and limbs? 6 A. Yes. 7 Q. Injuries in the trunk region and you also mention 8 injuries to the head, in particular the fracturing of 9 the bolt of the skull and the facial skeleton? 10 A. Yes. 11 Q. In respect of the trunk injuries did you see any signs 12 on Garry's body that those injuries could have been 13 caused by a beating rather than an explosion? 14 A. I think that would be very difficult because of the 15 nature and the extent of the explosive injury. I don't 16 think I would be able to exclude a degree of beating. 17 Q. Would you expect any bruising, for example? 18 A. Yes, and I didn't -- on what I was able to examine 19 rather than what was disrupted I didn't find any obvious 20 evidence of deep bruising that would stand out as being 21 nothing to do with the explosion. I mean the main 22 bruising I identified was to the wrists. 23 Q. Are you able to confirm that the cause of the injuries 24 to the lower body in addition to those in the head 25 region, which obviously are two quite different spheres</p> <p style="text-align: center;">Page 20</p> |

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| <p>1 of the body, are you able to confirm that the injuries 2 to those parts were caused by the same mechanism, ie 3 a single explosion? 4 A. I think so because the nature and extent of the head 5 injury was very severe, the amount of bone disruption 6 was very severe and likewise the lower limb and pelvic 7 injuries. So if for instance it was suggested that the 8 head injury might have been due to something else being 9 done to him it was at the very severe end of that and it 10 would make much better sense as being part of the 11 explosive damage. Sometimes the head would be very 12 violently thrown up against some solid structure and 13 that would cause some injury. 14 Q. Would it be fair to say that another piece of evidence 15 supporting that could be the fact that there seems to be 16 a continuity of injury going from the lower limbs up 17 through the trunk all the way to the head as well? 18 A. I think that's entirely fair, yes. 19 Q. You say that the explosive device was probably closest 20 to the pelvic area. Again, based on Garry's injuries 21 are you able to say how close Garry probably was to the 22 relevant explosion? 23 A. I mean, very close. He may have been either sitting on 24 it or had it on top of him. I wouldn't be able to say 25 whether the explosion primarily came from underneath him <p style="text-align: center;">Page 21</p> </p> | <p>1 your report you say there is no obvious binding marks on 2 the right and left wrists. Just so I can understand and 3 be clear, is it right that the signs of binding which 4 you are talking about emerged on dissection and internal 5 examination of those wrists? 6 A. Exactly. So it's looking at it from underneath. 7 Sometimes with binding, if it was done vigorously 8 enough, you'd actually get damage to the skin surface 9 and we get used to seeing that quite a lot as forensic 10 pathologists from people who have resisted handcuff 11 application. You will see injury on the outside, you 12 will also see it underneath. In this case the only 13 injury I identified was underneath so there wasn't 14 disruption of the skin. There was just bruising. 15 Q. Finally, Dr Cary, did you see any injuries aside from 16 the signs of bruising which you have mentioned which you 17 would be able to confidently say were not due to an 18 explosion? 19 A. No. 20 MR FLINN: Thank you very much. 21 THE CORONER: I just want to make sure that I understood 22 what you are saying that even if technically he had been 23 alive for a minute but for that minute he would have 24 been deeply unconscious? 25 A. Yes, exactly, because of the nature and extent of the <p style="text-align: center;">Page 23</p> </p> |
| <p>1 or was in effect on his lap but either would be capable 2 of producing this sort of pattern of damage. 3 Q. Presumably again that must be subject to the caveat that 4 it also depends on the size of the explosion? 5 A. Absolutely and there may be some evidence before this 6 inquest as to what was found at the scene. 7 Q. I take it from what you said earlier that in this 8 instance it is not possible to say definitively that 9 Garry was actually attached to the explosive device that 10 killed him. Are you able to give an estimation of the 11 probability of that being the case based on what you 12 saw? 13 A. Well, there was something that made him very near at the 14 time the device was triggered. There would be a range 15 of possible explanations for that. 16 Q. Again, a similar question to what I asked in respect of 17 Carson. Having regards to the injuries he sustained are 18 you able to confirm whether death would have been very, 19 very quick or instantaneous? 20 A. Virtually instantaneous bearing in mind the nature of 21 the head injury and even if he had some limited life 22 left for a minute or two the head injury would cause 23 deep loss of consciousness. 24 Q. We have already heard from Ms Dolan there were signs of 25 binding on the wrists. In paragraphs 3.2 and 3.3 of <p style="text-align: center;">Page 22</p> </p> | <p>1 head injury. 2 THE CORONER: Yes, thank you very much. 3 MS DOLAN: Thank you very much, Dr Cary. 4 THE CORONER: That is the end, is it? Thank you very much 5 indeed. 6 (The witness withdrew) 7 MS DOLAN: Sir, the next witness is Dr Chapman. 8 DR ROBERT CHAPMAN (sworn) 9 Questions from MS DOLAN 10 MS DOLAN: Dr Chapman, can you give us your full name and 11 your professional qualifications please. 12 A. I am Doctor Robert Charles Chapman. I hold a medical 13 degree. I'm a Fellow of the Royal College of 14 Pathologists. I hold a diploma in medical jurisprudence 15 and forensic pathology. I'm a Fellow of the Faculty of 16 Forensic and Legal Medicine. 17 Q. Dr Chapman, I think you conducted four postmortem 18 examinations on behalf to the coroner of Carlos Estrada, 19 Stephen Green, Sebastian John and Kenneth Whiteside? 20 A. Yes. 21 Q. I am going to ask you about those gentlemen in that 22 order and pause for questions after each. Can I first 23 of all ask you about your examination of Carlos Estrada 24 which you conducted on 27 January 2013? 25 A. Yes. <p style="text-align: center;">Page 24</p> </p> |

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| <p>1 Q. Turning to the final page of your report what was your 2 conclusion as to the cause of death of Mr Estrada? 3 A. The cause of death has been due to injuries caused by an 4 explosion and multiple gunshot wounds. 5 Q. First of all, dealing with the gunshot wounds. What did 6 you conclude in respect of the gunshot wounds? 7 A. There were severe ballistic injuries to the head and the 8 upper part of the trunk. It was not possible to fully 9 ascertain the number of gunshot wounds or their exact 10 tracks because of the complexity of the overall nature 11 of the injuries. It was clear that one gunshot wound 12 track had passed downwards from the top of the head to 13 exit through the base of the skull and caused a severe 14 brain injury. 15 Q. When you say the top of the head indicate the entry 16 area. 17 A. Indeed, let me just ... it was a gunshot entry wound on 18 the right side of the head. Fourteen centimetres, so 19 about up here on the right side of his head. 20 (indicated) And passing downwards through the base of 21 the skull and through the brain. 22 Q. I think I interrupted you. You were going to say about 23 the other injuries to the body. 24 A. There were also injuries to the trunk, damaging the 25 lungs and heart. These were ballistic injuries and</p> <p style="text-align: center;">Page 25</p> | <p>1 A. I think it's very difficult for the pathologist to say 2 without a lot of knowledge about the actual device 3 itself. I would imagine that it would be fairly close 4 to have caused the sort of severity of injuries that we 5 saw here. 6 Q. It is believed he was in a vehicle at the time. Is it 7 likely that that device would have caused damage to the 8 inside of the vehicle as well as to Carlos Estrada when 9 it went off? 10 A. I think that's a reasonable suggestion, yes, it would. 11 MR RICHIE: Thank you, that's all my questions. 12 Questions from MS DOLAN 13 MS DOLAN: Dr Chapman, you also conducted a postmortem 14 examination of Mr Stephen Green. 15 A. Yes. 16 Q. And that was conducted on the 11 February 2013 -- 17 A. Yes, it was. 18 Q. -- in the East Surrey hospital. And I think present at 19 that examination amongst other police staff and 20 coroner's staff was Dr Stephen Leadbeatter who was a 21 pathologist engaged by Mr Green, by Stephen Green's 22 father? 23 A. Yes. 24 Q. And what was your conclusion as to the cause of death of 25 Stephen Green?</p> <p style="text-align: center;">Page 27</p> |
| <p>1 there was a severe lower limb injury from a gunshot 2 wound track passing into the left upper thigh. There 3 were apparent further gunshot wounds to the lower parts 4 of the left leg. 5 Q. But you also concluded that death was an explosion and 6 multiple gunshot wounds. 7 A. Yes. 8 Q. What was it that led you to the view that an explosion 9 had been the cause of death? 10 A. There was severe explosive type soft tissue injuries and 11 bony injuries to the hands and to the lower limbs, 12 particularly around the knees and thighs and there were 13 numerous fragmentation device type injuries to the chest 14 and face. 15 Q. And you have given both those causes of death. Is it 16 possible to say which of the injuries, whether it was 17 explosion or gunshot wounds, which is the more likely 18 cause of death? 19 A. I can't separate them, no. 20 MS DOLAN: Thank you. I have no more questions. Others 21 will have. 22 Questions from Mr RITCHIE 23 MR RICHIE: Dr Chapman, I represent the family of Carlos 24 Estrada. The fragmentation device that must have gone 25 off, can you tell whether that would have been near him?</p> <p style="text-align: center;">Page 26</p> | <p>1 A. I gave the cause of death as being due to a gunshot 2 wound to the chest. 3 Q. What was it that led you to that conclusion? 4 A. It was possible to define a gunshot wound track passing 5 from the upper part of the right shoulder of Mr Green 6 downwards through the right first rib into the right 7 chest space. 8 Q. Could you indicate on yourself where? 9 A. So this is the gunshot wound approximately up here at 10 the top of the shoulder, passing downwards into the 11 chest through the first rib, which sits just behind and 12 below the collarbone. There was evidence of a gunshot 13 wound track passing through the right lung from top to 14 bottom and there was a collection of blood within the 15 right chest space resulting from that injury. 16 Q. Is it a single gunshot wound? 17 A. It is a single gunshot wound track. It was not possible 18 to find a projectile or to accurately define the exit 19 injury. There was considerable damage to the lower part 20 and right side of the chest and the abdomen as a result 21 of fire. 22 Q. As you said you identified fire damage to Stephen Green. 23 Which raises the question could his death have been 24 caused by fire rather than the gunshot wound you are 25 identifying?</p> <p style="text-align: center;">Page 28</p> |

7 (Pages 25 to 28)

1 **A. Yes.**
 2 Q. What was it that led you to come to the view it was
 3 a gunshot wound that caused the death?
 4 **A. First of all, there is evidence of a fatal gunshot wound**
 5 **track passing through the right subclavian artery which**
 6 **sits just below the right first rib and the evidence of**
 7 **bleeding from that blood vessel and indeed from the lung**
 8 **wound track into the chest space. This is a clear**
 9 **antemortem injury. The second thing is that --**
 10 Q. Can I just pause there just for those who aren't
 11 familiar with it, the subclavian artery, how important a
 12 vessel is that?
 13 **A. It is a major branch of the aorta which is the main**
 14 **blood vessel, the main blood vessel issuing from the**
 15 **heart. So it is an arterial blood vessel which carries**
 16 **blood, it is arterial blood pressure.**
 17 Q. Sorry, I interrupted you.
 18 **A. I found no pathological evidence of the inhalation of**
 19 **soot. Examination of the airways show them to be**
 20 **completely dry and clean and without any evidence of any**
 21 **sooty particles on the lining and certainly from**
 22 **a purely pathological viewpoint there was no evidence of**
 23 **smoke inhalation or the effects of fire or of having**
 24 **breathed in a sooty atmosphere.**
 25 Q. I think there had been consideration at the postmortem

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1 of doing a blood test which could also give you some
 2 information --
 3 **A. Yes.**
 4 Q. -- about that. And that blood test didn't take place?
 5 **A. Yes, that's correct.**
 6 Q. In the absence of that blood test does that affect the
 7 strength of your conclusions that this was a gunshot
 8 wound death and not a death from fire?
 9 **A. It doesn't, in short answer to your question. It's**
 10 **regrettable that that test was not done.**
 11 THE CORONER: Just explain to us what the test would be.
 12 **A. It is really a test for carbon monoxide in blood.**
 13 **A carboxyhemoglobin level, which is a component of**
 14 **smoke. Carbon monoxide is a common component of smoke.**
 15 **If one is alive at the time of a fire and breathes it in**
 16 **it gets getting attached to the haemoglobin in the blood**
 17 **and it can be tested for subsequently at post mortem.**
 18 THE CORONER: So that you might find a raised level of it if
 19 you analysed the blood.
 20 **A. Indeed. It would have been nice to have that. It would**
 21 **be a standard practice to carry that out under these**
 22 **circumstances. It was requested but for whatever reason**
 23 **it didn't get analysed for that particular substance.**
 24 MS DOLAN: In the absence of that information what effect if
 25 any does that have on the strength of your conclusion as

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1 to the cause of death?
 2 **A. I'm confident that the cause of death was the gunshot**
 3 **wound. This was a clear ante mortem fatal injury to the**
 4 **passing through the subclavian artery and the right lung**
 5 **and there was no pathological evidence of the inhalation**
 6 **of smoke in terms of contamination of the airway. So I**
 7 **would be very surprised indeed if smoke inhalation had**
 8 **played any specific role in this man's death.**
 9 MS DOLAN: Thank you, I have no more questions.
 10 Questions from MR OWEN-THOMAS
 11 MR OWEN-THOMAS: Dr Chapman, I represent Mr David Green, the
 12 father of Stephen Green. You conducted the postmortem
 13 examination on 11 February 2013 I understand?
 14 **A. Yes.**
 15 Q. The report I have is dated 25 October 2013.
 16 **A. Yes.**
 17 Q. Can you help me for the reason for the length of time
 18 between those two dates?
 19 **A. I think one is waiting in these circumstances for**
 20 **perhaps ballistic evidence or toxicological evidence.**
 21 **Items of that kind.**
 22 Q. I assume --
 23 THE CORONER: Can I just ask, I am so sorry to interrupt,
 24 that's the date of the statement but you tell me, do you
 25 make notes as you go along and so on, do you have

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1 contemporaneous notes of the examination?
 2 **A. Yes.**
 3 THE CORONER: So you are not thinking back, I just want to
 4 be clear, in October, to what you --
 5 **A. No. My practice is to make written notes during the**
 6 **examination and to compile the statement from those**
 7 **notes.**
 8 **MR OWEN-THOMAS: Sir, you anticipate my question. I assume**
 9 **you don't keep it in your mind. So you made written**
 10 **notes at the time. Did you dictate anything as you**
 11 **conducted the postmortem?**
 12 **A. No.**
 13 Q. Page 6 of your report, your witness statement, you talk
 14 about the wound track and the gunshot wound to the
 15 shoulder and in answer to questions from Ms Dolan you
 16 have answered much of what I wanted to ask about this,
 17 but just to be clear, you are satisfied that the defect
 18 to the soft tissue on the right shoulder was indeed
 19 a gunshot wound?
 20 **A. Yes.**
 21 Q. And that that wound passed through the right subclavian
 22 artery?
 23 **A. Yes.**
 24 Q. And you have explained already, I think it is right,
 25 isn't it, that that of itself was sufficiently serious

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| <p>1 to cause Mr Green's death?</p> <p>2 A. Yes.</p> <p>3 Q. There was no obvious exit wound but I understand from</p> <p>4 your report that there were some metal fragments which</p> <p>5 were recovered from the region of the liver?</p> <p>6 A. Yes.</p> <p>7 Q. Those metal fragments appear not to have been analysed</p> <p>8 in any way. Did you ask for them to be?</p> <p>9 A. It would be standard practice to retain them and hand</p> <p>10 them to the police present, yes.</p> <p>11 Q. Did you ever see any report in respect of analysis of</p> <p>12 those?</p> <p>13 A. I can't recall seeing a report.</p> <p>14 Q. Right, you didn't. Do you recall asking whether one had</p> <p>15 been carried out?</p> <p>16 A. I don't recall. I think my recollection would be there</p> <p>17 were very small metallic fragments which might be of</p> <p>18 limited value.</p> <p>19 Q. At the time you made your statement, according to page 9</p> <p>20 of it, you didn't have with you a list of the items you</p> <p>21 handed to the exhibits officer?</p> <p>22 A. No, I've never received a formal list.</p> <p>23 Q. So my next question is have you subsequently received</p> <p>24 a list?</p> <p>25 A. No.</p> <p style="text-align: center;">Page 33</p> | <p>1 recall specifically asking for the test to be carried</p> <p>2 out?</p> <p>3 A. I can -- it would be strange if I didn't ask for that to</p> <p>4 be done, let's put it that way. Obviously at this point</p> <p>5 in time I can't specifically remember the details.</p> <p>6 Q. When you wrote that email could you remember at that</p> <p>7 point, do you know, whether or not -- was it your</p> <p>8 impression that you had asked for that test?</p> <p>9 A. It was my impression that I had asked for that test,</p> <p>10 yes.</p> <p>11 Q. You see, dissatisfied with that Mr Green caused some</p> <p>12 enquiries to be carried out by the Minister of State for</p> <p>13 Justice and Civil Liberties, Mr Simon Hughes?</p> <p>14 A. Yes.</p> <p>15 Q. I understand his officials may have made contact with</p> <p>16 you. Is that right?</p> <p>17 A. I have seen -- there is in this bundle of papers</p> <p>18 a communication from him.</p> <p>19 Q. His officials appear to have been told this:</p> <p>20 "The forensic pathology of Dr Rob Chapman [and I am</p> <p>21 reading from that letter dated 12 June 2014] did not</p> <p>22 carry out a carboxyhemoglobin test as there was no</p> <p>23 evidence that Stephen had inhaled any smoke as his</p> <p>24 trachea were clear."</p> <p>25 It appears through your evidence that that actually</p> <p style="text-align: center;">Page 35</p> |
| <p>1 Q. You haven't. You record in your witness statement that</p> <p>2 you did recall blood being made available for toxicology</p> <p>3 and there has been a toxicology report?</p> <p>4 A. I have seen such a report, yes.</p> <p>5 Q. You have seen that dated March of this year. But I want</p> <p>6 to ask you about the carboxyhemoglobin test that</p> <p>7 Dr Leadbeatter recalls was intended to be carried out?</p> <p>8 A. I think we both intended that to be carried out at the</p> <p>9 time of the examination, yes.</p> <p>10 Q. You may have a copy of an email. On behalf of Mr Green</p> <p>11 I was asked to try to get hold of the results of this</p> <p>12 test in order that Mr Green could satisfy himself to the</p> <p>13 best possible extent as to whether or not Stephen was</p> <p>14 alive at the time of the fire. I have what I think is</p> <p>15 an extract of an email of yours and if I just read it</p> <p>16 you may recognise it. And it says this:</p> <p>17 "It appears that the laboratory was not asked to</p> <p>18 carry out a carboxyhemoglobin test in this case. This</p> <p>19 would indicate a failure of communication between me as</p> <p>20 the pathologist and the police personnel receiving the</p> <p>21 sample and making the toxicology request at the</p> <p>22 laboratory."</p> <p>23 Do you recall that as being the email you sent?</p> <p>24 A. Yes, I've got it in front of me, yes.</p> <p>25 Q. So just to understand that, is it the case that you can</p> <p style="text-align: center;">Page 34</p> | <p>1 is a misapprehension and it wasn't the case it wasn't</p> <p>2 ordered because you didn't consider it necessary?</p> <p>3 A. I think at the time of the examination I considered it</p> <p>4 appropriate to ask for that examination. So that is</p> <p>5 a misapprehension I think, yes.</p> <p>6 Q. Can I just tack you back then to the gunshot wound</p> <p>7 track?</p> <p>8 THE CORONER: Sorry, can I just follow that up and I think</p> <p>9 you subsequently commented, is this right, that learning</p> <p>10 that it hadn't been done, that if anything of the blood</p> <p>11 sample remained that the sensible thing would be to do</p> <p>12 the test?</p> <p>13 A. Yes.</p> <p>14 THE CORONER: Am I right.</p> <p>15 A. Yes, it would certainly have been sensible to carry it</p> <p>16 out if it had been possible.</p> <p>17 THE CORONER: Can I just make it plain that I have made an</p> <p>18 enquiry as to whether it is still possible to do it and</p> <p>19 I'm told that there is nothing of the sample that</p> <p>20 remains, just so you know.</p> <p>21 MR OWEN-THOMAS: Sir, yes.</p> <p>22 THE CORONER: Plainly if it could have been done then</p> <p>23 I would have asked for it to be done.</p> <p>24 MR OWEN-THOMAS: My understanding is that your coroner's</p> <p>25 office and Mr Charnock immediately made those enquiries</p> <p style="text-align: center;">Page 36</p> |

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| <p>1 on receipt of the email from the forensic pathology 2 service in April of this year so as of then such a 3 sample didn't exist. 4 THE CORONER: Sorry, I interrupted. You were going on. 5 MR OWEN-THOMAS: If I may just ask one brief question on 6 that. Are you able to assist with the length of time at 7 which such samples would remain viable and the length of 8 time they're likely to have been kept? 9 A. I think that's a specific question really for the 10 laboratory, for the toxicology people in the laboratory. 11 They would have different practices in this area. 12 Q. If I may just ask you now about the wound track that you 13 saw and ask you whether or not you were able to give any 14 evidence as to the likely calibre or size of bullet that 15 created the wound? 16 A. I think it's very difficult because of the amount of 17 damage which occurred subsequently in the fire. Let me 18 just look at -- 19 Q. You deal with it at page 9 I think -- 20 A. Thank you. 21 Q. -- of your witness statement as well as page 6. The 22 conclusion is at page 9. 23 A. Let me look at what I say. Yes, we have what I call 24 a poorly defined defect. This is the entry site about 25 a centimetre across. Really I can't say any more than <p style="text-align: center;">Page 37</p> </p> | <p>1 Q. And if you had felt that it was necessary to have the 2 results of those tests before completing your report you 3 could and presumably you would have deferred completing 4 your report until those results were available? 5 A. I could have said at that point, I'm not completing my 6 report until I've got this information. I didn't feel 7 that was necessary based on all of the evidence I had. 8 MS WATSON: Thank you. 9 Questions from MS DOLAN 10 MS DOLAN: Dr Chapman, can I ask you now about your 11 examination of Seb John. I think you conducted that 12 postmortem examination on 25 January last year at East 13 Surrey Hospital. 14 A. Yes. 15 Q. And your conclusion as to cause of death was what? 16 A. I gave the cause of death as being due to blunt head 17 injury. 18 Q. And again, can you describe what led you to that 19 conclusion? 20 A. Yes, there were I believe multiple areas of injury to 21 the face and head, both bruising, grazing and 22 lacerations, tears of the soft tissues, over the top of 23 the head particularly and towards the back of the scalp 24 vertex with underlying severe skull fractures and 25 evidence of underlying brain injury. <p style="text-align: center;">Page 39</p> </p> |
| <p>1 that. It's a bullet of approximately those sorts of 2 dimensions or less that would have passed through that 3 part of the body. 4 Q. And in terms of the velocity or the kinetic energy that 5 it had at the point of impact can you assist with that? 6 A. Again, I can't really tell you pathologically whether 7 this is a low or high velocity injury. 8 Q. Are you able to assist with the trajectory of the bullet 9 before it struck Stephen Green, did it come from above 10 or did it come from parallel or alongside him? 11 A. No, I can't tell you anything about what was happening 12 before it struck him. All I can say is that on his body 13 it was passing from his right shoulder downwards through 14 the right chest. 15 MR OWEN-THOMAS: Thank you, Doctor. 16 Questions from MS WATSON 17 MS WATSON: Just one question from the back of the court if 18 I may. My name is Claire Watson, I ask questions on 19 behalf of the Metropolitan Police. 20 Just by way of clarification in relation to the 21 carboxyhemoglobin test it is right, as with all tests 22 that you ask for you defer completing your report until 23 you have all of the necessary information from other 24 testing, ballistics, toxicology and the like? 25 A. Yes. <p style="text-align: center;">Page 38</p> </p> | <p>1 Q. And as to the mechanism of that injury, what were you 2 able to say about that? 3 A. I would say that he suffered several blunt impact 4 injuries over the scalp vertex and a further very heavy 5 impact to the right side of his head resulting in 6 a depressed skull fracture. The overall pattern of the 7 injuries could be explicable on the basis of a road 8 traffic or motor vehicle accident, him being within the 9 vehicle. 10 Q. And I think you were given some information that he had 11 been found within a motor vehicle? 12 A. Yes, I was aware of that and certainly the pattern of 13 injuries overall could be explained purely on the basis 14 of him being inside a vehicle which had crashed. 15 Q. And was there anything inconsistent with the death being 16 caused by injuries in a motor vehicle accident? 17 A. No, there wasn't. The proviso that I put into the 18 report was that taken in isolation the injuries to his 19 head, the group lacerations particularly could have 20 resulted from multiple blunt weapon impacts. In other 21 words, those could have been explained on a different 22 basis. 23 Q. And are you able to say from the pathological evidence 24 which of those possibilities is more probable? 25 A. I would say that if one takes on board the circumstances <p style="text-align: center;">Page 40</p> </p> |

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| <p>1 this man was found, is thought to have been involved in</p> <p>2 a vehicle and the injuries possibly occurring under the</p> <p>3 those circumstances, overall it is more likely that</p> <p>4 these injuries resulted from that motor vehicle accident</p> <p>5 or crash, but as I say, I can't exclude the other</p> <p>6 possibility.</p> <p>7 MS DOLAN: Thank you, I have no more questions for you.</p> <p>8 Others may have.</p> <p>9 Questions from MS GERRY</p> <p>10 MS GERRY: Dr Chapman, I ask questions on behalf of</p> <p>11 Sebastian John's family. Starting first of all with the</p> <p>12 comment you have just been asked about with regard to</p> <p>13 Sebastian being found within a motor vehicle. Are you</p> <p>14 able to assist with where that information came from?</p> <p>15 A. It would have come from the briefing police officers</p> <p>16 present at the examination.</p> <p>17 Q. Do you take notes during that briefing?</p> <p>18 A. I would normally take notes, yes.</p> <p>19 Q. Do you have the notes with you?</p> <p>20 A. Just looking at the collection of papers which I have.</p> <p>21 (Pause) I have notes which are really a generalised</p> <p>22 briefing concerning the entire incident as was</p> <p>23 understood at that time. They would indicate</p> <p>24 specifically to this person that there was obvious</p> <p>25 trauma to his head, that he had been identified in</p> <p style="text-align: center;">Page 41</p> | <p>1 understand it, was a 4 by 4 vehicle. Given what you</p> <p>2 know from the examination that you conducted of</p> <p>3 Sebastian is it inconsistent with him being in a vehicle</p> <p>4 which sustained that sort of damage?</p> <p>5 A. It's not inconsistent. Obviously it's a severely</p> <p>6 damaged vehicle. It's difficult to tell whether there</p> <p>7 is a lot of fire damage which occurred to the vehicle as</p> <p>8 well from the picture, but it wouldn't be possible for</p> <p>9 me to say that he couldn't have been in that vehicle.</p> <p>10 Q. It is our understanding from the evidence, obviously we</p> <p>11 have yet to hear it, that there were explosions in</p> <p>12 relation to some of these vehicles. Was there anything</p> <p>13 in relation to your examination of Sebastian John to</p> <p>14 suggest that he had been involved in any kind of</p> <p>15 explosive incident?</p> <p>16 A. There were no injuries really that would suggest he had</p> <p>17 been in an explosion.</p> <p>18 Q. So if it is the case as the evidence unfolds that these</p> <p>19 vehicles with the extensive damage received that damage</p> <p>20 as a result of explosions it would be unlikely in your</p> <p>21 opinion based on your examination of Sebastian John that</p> <p>22 he would have been in those vehicles?</p> <p>23 A. Certainly if he was still within the vehicle when the</p> <p>24 explosions occurred then he would have received injuries</p> <p>25 which were not present on my examination.</p> <p style="text-align: center;">Page 43</p> |
| <p>1 a particular means, by dental means. But there is no</p> <p>2 specific mention in these notes of a motor vehicle</p> <p>3 incident. That must have come in at some subsequent</p> <p>4 point. It hasn't come into these notes.</p> <p>5 Q. So it is your recollection that was said, is that right?</p> <p>6 A. Yes.</p> <p>7 Q. But you can't now assist with exactly by whom and when?</p> <p>8 A. Correct.</p> <p>9 Q. With regard to Sebastian, the evidence that we have been</p> <p>10 provided with so far, it is difficult to understand</p> <p>11 which particular vehicle Sebastian may have been in. So</p> <p>12 what I would like to do, if I may, is just show you some</p> <p>13 photographs of the cars involved in the convoy and if</p> <p>14 you could assist in, if you are able, to say whether</p> <p>15 what you found in relation to Sebastian John was</p> <p>16 consistent or inconsistent with the vehicles.</p> <p>17 I think you should have the screen in front of you.</p> <p>18 If I can deal first with vehicles B and then C and F</p> <p>19 which are three of the vehicles in the convoy which</p> <p>20 would appear from those pictures as being extensively</p> <p>21 damaged.</p> <p>22 MS DOLAN: If I can hand a larger hard copy.</p> <p>23 A. It is difficult to read off the screen. (Handed)</p> <p>24 MS GERRY: Dr Chapman, looking first at picture B which is</p> <p>25 the second one down on the right-hand side, that, as we</p> <p style="text-align: center;">Page 42</p> | <p>1 Q. Then just if I can ask you to look at picture D, which</p> <p>2 is on the bottom left-hand side just above the second</p> <p>3 picture up, the vehicle on its side. It would appear</p> <p>4 here this vehicle is on its right-hand side. Given that</p> <p>5 the injuries that you identified with regards to him</p> <p>6 were on the right hand-side does that assist as to</p> <p>7 whether that was possible he may have been in a vehicle</p> <p>8 which resulted in being turned on to its right-hand</p> <p>9 side?</p> <p>10 A. I don't think the final resting position of the vehicle</p> <p>11 is going to help very much with correlating the injuries</p> <p>12 with the position of the vehicle.</p> <p>13 Q. The most you can assist as a pathologist is he is</p> <p>14 unlikely to have been within a car that exploded but</p> <p>15 beyond that you are unable to help in your position as</p> <p>16 a pathologist?</p> <p>17 A. I think that's fair, yes.</p> <p>18 Q. In relation to the cause of death being related to the</p> <p>19 brain injury are you able to assist with how quickly</p> <p>20 Sebastian may have lost consciousness having sustained</p> <p>21 such an injury?</p> <p>22 A. I think he would have lost consciousness immediately</p> <p>23 given the severe nature of the impact injuries to the</p> <p>24 right side and the top of his head.</p> <p>25 Q. From what I understand from your report the brain moved</p> <p style="text-align: center;">Page 44</p> |

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| <p>1 quite significantly within the skull, is that right?</p> <p>2 A. I think that was the result of the collection of blood</p> <p>3 which is present over the brain and the brain showing</p> <p>4 some degree of swelling, but I think he would have</p> <p>5 certainly have lost consciousness extremely rapidly if</p> <p>6 not immediately on impact.</p> <p>7 Q. Are you able to assist with how quickly thereafter death</p> <p>8 was likely to occur?</p> <p>9 A. It is difficult. It would be fairly quick although, as</p> <p>10 I say, he was showing some signs of brain swelling which</p> <p>11 may take some minutes, if not a little longer to appear.</p> <p>12 But he would not have survived for any great length of</p> <p>13 time. That's for sure.</p> <p>14 MS GERRY: I have no further questions. Thank you.</p> <p>15 Questions from MS DOLAN</p> <p>16 MS DOLAN: Dr Chapman, can I ask you now about your</p> <p>17 examination of Kenneth Whiteside and I think you</p> <p>18 conducted that on 25 January 2013 again at East Surrey</p> <p>19 Hospital.</p> <p>20 A. Yes.</p> <p>21 Q. And turning to your conclusions what was your conclusion</p> <p>22 as to Kenny's cause of death?</p> <p>23 A. In my opinion he had died as a result of injuries caused</p> <p>24 by an explosion.</p> <p>25 Q. And what led you to the view this had been explosion</p> <p style="text-align: center;">Page 45</p> | <p>1 Q. At page 7 of your report you said there was some minimal</p> <p>2 haemorrhage associated with a gunshot entry wound on the</p> <p>3 right lower back. I just wondered if you could explain</p> <p>4 how that relates to the lack of bleeding along the wound</p> <p>5 track and if that has any impact on your conclusion that</p> <p>6 it was probably a post explosion injury?</p> <p>7 A. No, if one considers all the evidence together, there</p> <p>8 may be a very small amount of leakage into the skin from</p> <p>9 a puncture wound even if it has been caused after the</p> <p>10 circulation has collapsed. When one looks at the rest</p> <p>11 of the wound and particularly the internal organs</p> <p>12 through way this gunshot wound track had passed it was</p> <p>13 pretty clear to me that this can't really have occurred</p> <p>14 when there was an active circulation.</p> <p>15 Q. You don't mention any bruising in the chest region but</p> <p>16 you do mention finding quite a large number of fractures</p> <p>17 and I think that's at page 7 of your report, at least in</p> <p>18 the copy that I have.</p> <p>19 A. Yes.</p> <p>20 Q. I just wondered, did you see any signs that Kenny had</p> <p>21 been beaten prior to his death?</p> <p>22 A. I didn't see any evidence that would suggest a beating,</p> <p>23 sort of blunt weapon impact injuries, no.</p> <p>24 Q. On page 5 you talk about the number of injuries which</p> <p>25 are consistent with an explosion and you focus on the</p> <p style="text-align: center;">Page 47</p> |
| <p>1 injuries?</p> <p>2 A. Really the pattern and severity of the injuries to the</p> <p>3 pelvis, the region around the pelvis and the lower</p> <p>4 limbs, the nature of the soft tissues and bony injuries</p> <p>5 in those regions were those of an explosion.</p> <p>6 Q. I think you did identify a gunshot wound?</p> <p>7 A. Yes. He had suffered a gunshot wound passing through</p> <p>8 his back from his right to his left. The closer</p> <p>9 examination of that wound showed it had passed through</p> <p>10 quite a lot of vascular structures, blood vessels and so</p> <p>11 on but there was no bleeding along the wound track and</p> <p>12 in my view that injury had been caused following</p> <p>13 collapse or following the explosion. It had not played</p> <p>14 any part in his death.</p> <p>15 Q. So in the absence of a physiological reaction to it it</p> <p>16 suggested --</p> <p>17 A. Yes, I mean it is the sort of wound track you would</p> <p>18 expect to see had it been caused in life to have been</p> <p>19 followed by a lot of reaction, a lot of bleeding and</p> <p>20 there was no such reaction.</p> <p>21 MS DOLAN: Thank you, I have no other questions.</p> <p>22 Questions from MR FLINN</p> <p>23 MR FLINN: Dr Chapman, just a small number of questions from</p> <p>24 me. Just starting with the bullet track wound.</p> <p>25 A. Yes.</p> <p style="text-align: center;">Page 46</p> | <p>1 severe injuries to the lower limbs, both on the right</p> <p>2 and the left side?</p> <p>3 A. Yes.</p> <p>4 Q. Are you able to give an indication as to where the</p> <p>5 explosive force was concentrated and by that I mean the</p> <p>6 middle of Kenny's body or the lower part of his body?</p> <p>7 A. The most severe injuries were to the pelvic hip region</p> <p>8 and the lower limbs. So that was where the main force</p> <p>9 of the explosion impacted him.</p> <p>10 Q. Are you able to give an indication as to how close he</p> <p>11 was likely to have been to the source of the explosion?</p> <p>12 A. Again, I think as we heard before, it would depend on</p> <p>13 the kind of device but I envisage this being pretty</p> <p>14 close to him.</p> <p>15 Q. Within a number of metres or within a metre?</p> <p>16 A. Within a metre or a metre or two, depending on the kind</p> <p>17 of device.</p> <p>18 Q. And finally, are you able to confirm in this case as to</p> <p>19 whether or not the death from the explosion was likely</p> <p>20 to have been rapid or indeed instantaneous?</p> <p>21 A. Again, given the severity of these injuries this would</p> <p>22 have been a very rapid death.</p> <p>23 MR FLINN: Thank you very much.</p> <p>24 MS DOLAN: Sir, that concludes the pathology.</p> <p>25 THE CORONER: I just want to go back to just one thing. Can</p> <p style="text-align: center;">Page 48</p> |

12 (Pages 45 to 48)

1 you just help me, please, just so far as Mr Carlos
2 Estrada was concerned. Do you remember you gave the
3 cause of death as the injuries caused by an explosion
4 and multiple gunshot wounds and you explained that you
5 couldn't separate those two things out. Do you
6 remember?
7 **A. Yes.**
8 THE CORONER: I just wanted to ask you just about this: the
9 gunshot wound track which had come from the top of the
10 head, do you remember telling us about that?
11 **A. Yes, yes.**
12 THE CORONER: I think that in fact caused severe brain
13 injury, is that right?
14 **A. It did, yes.**
15 THE CORONER: Is that fatal in its own right though?
16 **A. Indeed, yes, it is.**
17 THE CORONER: Thank you very much indeed.
18 (The witness withdrew)
19 MS DOLAN: The next witness is the recall of Mr Cobb. Sir,
20 the Barlow family are returning to court because they
21 stayed out and Mr Cobb would like a five minute break.
22 THE CORONER: We will have a five minute break.
23 (12.00 pm)
24 (A short break)
25 (12.05 pm)

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1 THE CORONER: Mr Owen-Thomas, I was just asking, I just
2 wanted to follow up the matter about the fragments that
3 you asked about and I think Ms Dolan has identified what
4 may be the answer but Mr Tomei is coming so we can ask
5 him.
6 MR OWEN-THOMAS: I think by looking at the reference number
7 you can see that they did form part of Mr Tomei's
8 evidence, but that they weren't looked at any further.
9 THE CORONER: No, if they do, I think what he concluded
10 were, Ms Dolan can you help?
11 MS DOLAN: Yes, he identified the four items which he calls
12 pieces of foreign debris or fragmentation and he said
13 "there were various pieces of debris that were not in my
14 opinion firearms related. I have not examined them
15 further."
16 MR OWEN-THOMAS: Yes, the fragments from Stephen Green
17 appear to be the fourth of those set of four.
18 THE CORONER: I have obviously got it in mind because you
19 have asked about it.
20 MR OWEN-THOMAS: I am grateful.
21 THE CORONER: We can explore it with Mr Tomei.
22 MR OWEN-THOMAS: I am grateful.
23 THE CORONER: Yes, thank you. So Mr Ritchie.
24 MR MARK EDWARD COBB (continued)
25 Questions from MR RITCHIE (continued)

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1 MR RITCHIE: May it please you sir. Good afternoon,
2 Mr Cobb.
3 **A. Good afternoon.**
4 Q. You were provided in your position with the BP weekly
5 summary of risks, weren't you?
6 **A. That's correct.**
7 Q. And you were provided also with the BP liaison weekly
8 meeting notes?
9 **A. I was provided with those for the first two years at**
10 **In Amenas when I was in the operations manager position.**
11 **That is the document that was used as part of the**
12 **briefing at the IMT meeting each week.**
13 Q. So when did that stop?
14 **A. That would have been the end of 2010 when I went into my**
15 **new role.**
16 Q. So you think after 2010 you did not see the liaison
17 weekly meeting notes?
18 **A. That's correct, although those notes substantially**
19 **contain information from the weekly summary risks.**
20 Q. And you also had monthly meetings with your heads of
21 department, didn't you?
22 **A. That's correct, we had monthly team leader meetings.**
23 Q. Can I come to various terrorist actions and regional
24 events in a chronological way. I think I have already
25 given you a list so you know what I am going to ask

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1 about.
2 Firstly, the global terrorist database. This is an
3 open source database which can be just typed into Google
4 and it comes up. Have you ever accessed it yourself?
5 **A. No, I have not.**
6 Q. But would you expect that at Hassi Messaoud they would
7 access that for the registered attacks on oil and gas
8 facilities in Algeria?
9 **A. I think that is probably a fair assumption.**
10 Q. You don't know for sure but it is a fair assumption?
11 **A. Yes.**
12 Q. And a Statoil report tells us that there were 11
13 registered attacks on oil and gas industry facilities or
14 stuff, if I can put it generally, in Algeria over a six
15 year period up to 2011. Does two a year surprise you on
16 average?
17 **A. The number of 11 on oil and gas facilities surprises me.**
18 **That is inconsistent with what I remember.**
19 Q. With your recollection? Okay. Also in relation to
20 kidnapping of expats in Algeria it is clear from BP's
21 own documents, albeit the liaison weekly minutes, that
22 there were a lot of those happening in the four years
23 before the attack, namely 43 kidnappings of expats in
24 Algeria by terrorist groups. Were you aware of that
25 level?

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| <p>1 A. Yes, I don't recall the exact number but I do recall 2 a number of kidnappings that did occur in the 3 southernmost part of Algeria in particular. 4 Q. And they were doing it for money, weren't they? 5 A. Yes. 6 Q. I am going to come to Ghadames. BP operated out of 7 Ghadames just over the border in Libya. They operated 8 rigs there, didn't they? 9 A. I know that BP had an exploration programme in Libyan. 10 I know that Ghadames was one of the blocks in Libya but 11 it was not an area of direct interest for me in my role 12 in Algeria. 13 Q. Understood. The map that I have blown up here, sir, is 14 in the core bundle part 4, tab 41. It may be of some 15 assistance geographically as we go through some of the 16 events. There is one behind you if it assists you. It 17 is just behind that big photograph on the floor, 18 Mr Cobb. If that helps you then you are welcome to use 19 it or you can use a smaller one if it doesn't. But at 20 my age it helps to have things slightly bigger. 21 Now, there was an attack on a rig in February 2011, 22 Weatherford rig 802 in February of 2011. That was a BP 23 rig with BP staff although it may have been a JV. Were 24 you aware of that event? 25 A. I was aware that there had been a rig in Libya that had</p> <p style="text-align: center;">Page 53</p> | <p>1 porous borders, are they? 2 A. No. 3 Q. In March the Libyan regime fell and BP's own documents, 4 the weekly summary of risks, record regularly starting 5 then the wide availability of weapons in Libya. You 6 were aware of that, weren't you? 7 A. That's correct. 8 Q. You could call it a secondhand weapon shop to a certain 9 extent, couldn't you? 10 A. That's not how I'd refer to it but if that's how you 11 prefer to refer to it. 12 Q. Well, wide availability of weapons in Libya. People 13 could buy them there and your own BP weekly summaries of 14 risks show that even MBM, Mokhtar Belmokhtar was buying 15 weapons there? 16 A. That is what -- the reports that were given to me, yes. 17 Q. Moving to the spring of 2011 there is evidence to be 18 given, if it is relevant, by Brad McDaniel. May I just 19 ask you about Brad McDaniel. He is a fellow American, 20 did you know him? 21 A. I had only met Brad one time before, I think passing 22 through the airport. I knew who Brad was because Brad 23 had gone through a development programme with my own son 24 in BP, so. 25 Q. So contemporaries with your son, you maybe had met him</p> <p style="text-align: center;">Page 55</p> |
| <p>1 been ransacked about the same time that BP was in the 2 process of evacuating all of its personnel out of the 3 country. 4 Q. Understood. That didn't get into the weekly summary of 5 risks but it did come across your desk in some form? 6 A. I don't think it came across in written form on my desk. 7 I think it was probably something that I heard from 8 someone else but I can't recall exactly. 9 Q. Fine. Ghadames is 145-miles from In Amenas, that is 10 right, isn't it? 11 A. If that's the correct number I guess. I'm not sure. 12 Q. We have had people measuring it out but that wouldn't 13 surprise you. It is just over the border with Libya 14 isn't it? Did you consider that had any relevance to 15 security at In Amenas? 16 A. From what I heard of the event, no. 17 Q. If you had been told that there were six vehicles with 18 armed men demanding where the expat workers were would 19 that have changed your view? 20 A. Not necessarily because it was occurring in a different 21 country than the country in which we were operating and 22 in a country which had an ongoing civil war, whereas the 23 country I was operating in was still under the control 24 of the government. 25 Q. I understand that. But terrorists are no respecters of</p> <p style="text-align: center;">Page 54</p> | <p>1 once but otherwise no close personal friendship or 2 anything like that? 3 A. No, because the rigs were very remote to our central 4 operations and the rig people didn't change out through 5 our facilities per se at the BdV. They would normally 6 change out directly to La Recule, so he might have been 7 on a similar convoy. It is possible he could have been 8 on buses that I was on but I wouldn't have paid any 9 attention to it. 10 Q. Got it. He recalls an event in the spring of 2011 where 11 the south Tunisian military, south of Tunis is near 12 Ghadames, were reportedly attacked by surface to air 13 missiles from a large convoy of terrorists, did that 14 report ever get to your ears? 15 A. I never heard of that before. 16 Q. Thank you. It is not in the BP documents. I will move 17 on. In May the Algerian government is recorded in your 18 weekly liaison minutes to have decided to reinforce 19 security around Algerian oil and gas facilities with 20 24 hour desert patrols. So that was information within 21 your information. Did it come to your eyes? 22 A. Yes, I remember this specifically and I saw that as 23 a very appropriate reaction by the government of Algeria 24 to secure the security in the light of what was 25 happening in Libya.</p> <p style="text-align: center;">Page 56</p> |

14 (Pages 53 to 56)

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| <p>1 Q. That is a specific trigger set out in the crisis action 2 plan for considering whether you should raise the alert 3 level, increased presence of military. That is one of 4 the listed triggers, isn't it?</p> <p>5 A. I don't recall that specifically but if it's in the 6 document it's in the document.</p> <p>7 Q. I will just make sure that I have that absolutely right. 8 I think I took you to it yesterday and I think the words 9 are "increased overt presence of security forces", more 10 military. Overtly. So do you accept that that is one 11 of the specific triggers?</p> <p>12 A. Yes.</p> <p>13 Q. Thank you. In the autumn of 2011 a new group apparently 14 the MUJAO, was set up, the movement for monotheism and 15 Jihad in West Africa, with a sphere of influence over 16 southern Algerian. We have taken that from the weekly 17 summary of risks we saw so I assume you were aware of 18 yet another terrorist organisation being set up with an 19 operational sphere in southern Algeria by that?</p> <p>20 A. I remember specifically when MUJAO was formed. In my 21 recollection it was one of many that I had seen over the 22 years that seemed to form and then disappear over times 23 and new ones would reform.</p> <p>24 Q. Absolutely. In the early days in 97 when you came to 25 Algeria the big fight was up north, wasn't it, that was</p> <p style="text-align: center;">Page 57</p> | <p>1 A. I don't specifically remember the actions, but 2 I wouldn't disagree that that --</p> <p>3 Q. We will come to Tamanrasset and Ouargla in a minute and 4 the claims for that?</p> <p>5 A. Okay.</p> <p>6 Q. Then in the November of 2011, MBM is reported in your 7 own weekly liaison minutes as having benefited directly 8 from the weapons proliferation in Libya. You were aware 9 of MBM, the Marlboro Man, Mokhtar Belmokhtar, and him 10 being part of the AQIM group of terrorist organisations?</p> <p>11 A. MBM is someone that we had discussed from the very first 12 days that I entered Algeria. He had been one of the 13 terrorist who was closely followed in terms of looking 14 for news and information around him. Based on my memory 15 the majority of his activities in those early days had 16 to do with smuggling operations, principally cigarette 17 smuggling he was accused of.</p> <p>18 Q. Hence the Marlboro man tag?</p> <p>19 A. Yes.</p> <p>20 Q. But in the later years as we are coming to your time in 21 In Amenas, as we are going to see in a minute, he 22 adopted an Al Qaeda style approach or mantle, didn't he?</p> <p>23 A. It was purported that he had joined Al Qaeda, that's 24 correct.</p> <p>25 Q. Thank you. So coming to later in November, tab 9, there</p> <p style="text-align: center;">Page 59</p> |
| <p>1 where there were quite substantial numbers of terrorists 2 trying to bring down the government?</p> <p>3 A. Yes, there was a substantial number of attacks in the 4 northern part of Algeria in those days.</p> <p>5 Q. In those early days.</p> <p>6 A. Yes.</p> <p>7 Q. But that had to a certain extent been ameliorated or 8 partially defeated and in these later days we are 9 concentrating on where you worked in the south and the 10 MUJAO had relevance to operations in the south, didn't 11 it?</p> <p>12 A. Yes, my interpretation when I saw this was it had more 13 of an implication for Mali than it did for our operation 14 albeit I also knew there was a possibility that they 15 could cross the border into the very southern part of 16 Algeria and participate in kidnapping activities for 17 European tourists who had gown down in that area in the 18 mountains.</p> <p>19 Q. As far as the information in your documents was 20 accurate, they set up base in northern Mali, that is 21 where they were operating from as far as you could tell 22 from those documents?</p> <p>23 A. That's correct.</p> <p>24 Q. But they carried out actions within Algeria, didn't 25 they, we are going to come to them in a minute?</p> <p style="text-align: center;">Page 58</p> | <p>1 are news reports both from Larouche PAC news and also 2 from the Daily Telegraph that BP were informed by the 3 Algerian government that Saal, S-A-A-L, Baat, B-A-A-T, 4 was owned by the brother of a senior AQIM leader. Did 5 this information get to your ears before the attack?</p> <p>6 A. Absolutely not.</p> <p>7 Q. Not? Because I am going to take you to the tab there, 8 tab 9 if I may, to the Telegraph reports on that. The 9 first Telegraph report I would seek for you to look at 10 is 26 January 2013. So that's tab 9, sir.</p> <p>11 A. Okay.</p> <p>12 Q. And it is after the Larouche PAC and after the Liberte 13 article. Are you with me, Mr Cobb?</p> <p>14 A. I am.</p> <p>15 Q. It is reported there in the second paragraph that: 16 "BP which ran the plant in a consortium with the 17 Norwegian energy company Statoil and the Algerian 18 state-owned Sonatrach, said last night it was aware of 19 the allegations that a transportation contract had been 20 handed to a company run by the Ghediri family, the 21 owner's brother Mohamed Ghediri - better known as 22 Abdelhamid Abou Zeid - is the leader of Al Qaeda in the 23 Islamic Maghreb."</p> <p>24 So the report from the Telegraph is that BP had said 25 they knew about that in advance but your recollection is</p> <p style="text-align: center;">Page 60</p> |

15 (Pages 57 to 60)

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| <p>1 you didn't?</p> <p>2 MR POPAT: Just so that it is absolutely clear, as</p> <p>3 Mr Ritchie knows the report which is dated</p> <p>4 26 January 2013 says BP was aware of the allegations</p> <p>5 that are being made or were being made at that time. So</p> <p>6 perhaps the question could be put fairly to Mr Cobb so</p> <p>7 he's aware of exactly what is being alleged he did know</p> <p>8 or should have known.</p> <p>9 MR RICHIE: Were you aware of the allegations that there was</p> <p>10 a connection?</p> <p>11 A. Absolutely not.</p> <p>12 Q. You were not?</p> <p>13 A. And I cannot imagine that I would not have been advised</p> <p>14 of this had these allegations gone into BP.</p> <p>15 Q. It should definitely get to JOC, shouldn't it? If that</p> <p>16 information was within BP or that allegation was within</p> <p>17 BP it should get to the JOC, shouldn't it?</p> <p>18 A. I would say logically it would have been -- made its way</p> <p>19 through the weekly summary of risks on down into the JVs</p> <p>20 and to me, but I also at the same time would have</p> <p>21 expected something that was that significant as implied</p> <p>22 in this would have been brought directly to my attention</p> <p>23 if in fact that was made known to BP. So I find it very</p> <p>24 difficult to believe that that was the case.</p> <p>25 Q. I understand. If you just turn over to the next report,</p> <p style="text-align: center;">Page 61</p> | <p>1 allegation and he heard personally of it</p> <p>2 in November 2011. What would you have expected an</p> <p>3 employee to do if they had heard of that information?</p> <p>4 A. I would expect him to make it known within the JV to</p> <p>5 senior management.</p> <p>6 Q. I understand. I will move on then to December 2011, the</p> <p>7 next month. All of southern Algerian is reported to</p> <p>8 have been on high alert since the Libyan crisis. And</p> <p>9 that is from your liaison weekly meeting minutes --</p> <p>10 A. Excuse me, where are you now, which tab?</p> <p>11 Q. Forgive me, December 2011. Are you with me?</p> <p>12 A. Okay, yes.</p> <p>13 Q. All of southern Algeria is on high alert since the</p> <p>14 Libyan crisis and that is from your liaison weekly</p> <p>15 meeting minutes. Were you aware of that, by the end of</p> <p>16 the year, on high alert?</p> <p>17 A. Yes, I remember that the Algerian military saw the</p> <p>18 situation due to deterioration in Libya as a stepping</p> <p>19 stone for the need to take further action on their own</p> <p>20 behalf which followed up, as I am sure you will get to</p> <p>21 later on, with a number of additional troops and</p> <p>22 hardware deployed in the south to provide security for</p> <p>23 the companies operating there.</p> <p>24 Q. Thank you. And then in 2012 we haven't been able to</p> <p>25 identify when, Lamine Boucheneb's brigade, the MSJII,</p> <p style="text-align: center;">Page 63</p> |
| <p>1 another Telegraph media group report. From 29 January,</p> <p>2 again, after the event, and the first paragraph:</p> <p>3 "Sources close to Algerian intelligence services</p> <p>4 said the warning was given two years ago."</p> <p>5 The second paragraph:</p> <p>6 "The Algerian's assessment was that the management</p> <p>7 of the site which is a JV between BP and a Norwegian</p> <p>8 state company, Statoil, and Sonatrach, the Algerian</p> <p>9 state oil company, decided it was less of a risk to</p> <p>10 continue employing the company than cutting ties."</p> <p>11 So again it is a news report of what the Algerian</p> <p>12 intelligence services said they did two years ago.</p> <p>13 I assume as you had no knowledge of the allegation you</p> <p>14 had no knowledge of this?</p> <p>15 A. No, I had no knowledge of this and again, I'm astounded</p> <p>16 by reading this because had the Algerian intelligence</p> <p>17 services received this kind of information there is no</p> <p>18 doubt in any mind that they would have notified the JV</p> <p>19 specifically the senior Sonatrach rep on site who would</p> <p>20 have taken action on this kind of information.</p> <p>21 Q. Exactly, you would expect there to be action.</p> <p>22 Now, Brad McDaniels who is going to give live</p> <p>23 evidence, it is right that I inform you about his</p> <p>24 evidence in advance, has written in his witness</p> <p>25 statement that BP admitted they were aware of the</p> <p style="text-align: center;">Page 62</p> | <p>1 apparently released a video of themselves. The video is</p> <p>2 in the open source media which is before Her Majesty's</p> <p>3 Coroner. We have just taken a few snaps from it behind</p> <p>4 tab 11, showing men in 4 by 4s with guns in army</p> <p>5 fatigues driving around the desert. Were you aware of</p> <p>6 this group run by Lamine Boucheneb?</p> <p>7 A. No, if this is the same footage that came out in the BBC</p> <p>8 documentary, it appears to be the same footage as what</p> <p>9 I think I saw in the documentary, that was the first</p> <p>10 that I had seen that. I had not seen that beforehand.</p> <p>11 Q. But you were aware of Lamine Boucheneb, weren't you?</p> <p>12 A. No.</p> <p>13 Q. Were you aware of the MSJII?</p> <p>14 A. Not particularly, no.</p> <p>15 Q. Let's come forwards. There are post event reports from</p> <p>16 CNN, out of the mouth apparently of Rami El Obedei, the</p> <p>17 former head of intelligence for the national government</p> <p>18 in Libya that there were training camps for terrorists</p> <p>19 of various nationalities set up for a year in the desert</p> <p>20 town of Sabha not far from the Algerian border. There</p> <p>21 is nothing in your documents about that, Mr Cobb,</p> <p>22 nothing in the BP documents. Did you know, did you have</p> <p>23 any information about terrorist training camps in or</p> <p>24 around Sabha in or before this attack?</p> <p>25 A. No, I had no specific information or correspondence was</p> <p style="text-align: center;">Page 64</p> |

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| <p>1 given to me on that subject. However, I will say we</p> <p>2 always had a concern that if Libya did not come under</p> <p>3 control soon enough that it would offer an opportunity</p> <p>4 for terrorists to set up training bases there.</p> <p>5 Q. A stable albeit oppressive regime may have better</p> <p>6 control over a wholly unstable country, in effect?</p> <p>7 A. Well, any regime is going to have better control over</p> <p>8 a piece of geography than having no government</p> <p>9 whatsoever. I think there's many examples around the</p> <p>10 world of that today.</p> <p>11 Q. Yes, thank you, Mr Cobb. In January 2012 the Wali of</p> <p>12 Illizi was reported as kidnapped by terrorists and you</p> <p>13 specifically mentioned this in your witness statement so</p> <p>14 it is apparent that you were aware of reports of the</p> <p>15 Wali being kidnapped. That is right, isn't it?</p> <p>16 A. Yes, I was.</p> <p>17 Q. But you discounted that, didn't you?</p> <p>18 A. No, I did not discount that immediately.</p> <p>19 Q. But you have discounted it, haven't you?</p> <p>20 A. No, I did not discount it at the time. That caused me</p> <p>21 immediate consternation when I heard that.</p> <p>22 I immediately went to my liaison team to try to get more</p> <p>23 information to find out if there was any other</p> <p>24 intelligence sources that we could glean additional</p> <p>25 information from. In conversations with liaison team</p> <p style="text-align: center;">Page 65</p> | <p>1 solve some local dispute, isn't it?</p> <p>2 A. No. There's no mention of any security forces with him</p> <p>3 in here whatsoever. So all this did was substantiate</p> <p>4 what I had already been told by the liaison function</p> <p>5 that he travelled without a security detail, which he</p> <p>6 normally had with him at all times, and he put himself</p> <p>7 at risk by actually taking that risk.</p> <p>8 Q. "After crossing the border the kidnappers headed south</p> <p>9 before being intercepted by Libyan NTC rebels. The Wali</p> <p>10 was transported to Ghadames for medical treatment.</p> <p>11 Before being rush returned to Algerian by Deb-Deb. The</p> <p>12 3 x kidnappers made good their escape and are being</p> <p>13 actively sought by the Algerian government."</p> <p>14 You say you thought it was a local despite and</p> <p>15 settled pretty quickly, but in fact your weekly summary</p> <p>16 of risks from May of 2012 is on the page before. That's</p> <p>17 page 450. May I just show you that. So that by May</p> <p>18 BP's internal information document was saying this:</p> <p>19 "Hassi Messaoud", do you see that paragraph</p> <p>20 highlighted?</p> <p>21 A. I do, yes.</p> <p>22 Q. "A terrorist killed and two wounded. According to</p> <p>23 Ennahar newspaper on Saturday 12 May, citing an unknown</p> <p>24 security official, the Gendarmes killed a dangerous</p> <p>25 terrorist and seriously injured two others in the</p> <p style="text-align: center;">Page 67</p> |
| <p>1 I was told that the Wali had made a decision to travel</p> <p>2 without his normal security detail to the town of</p> <p>3 Deb-Deb I believe is where he was actually kidnapped or</p> <p>4 near Deb-Deb, and he had done that purposely because he</p> <p>5 did not want to inflame the situations any further than</p> <p>6 they actually were. He was trying to go down as</p> <p>7 a peacemaker. So this is what was said to me. So what</p> <p>8 it said to me in my own mind was that this certainly</p> <p>9 reinforces what we're already doing in terms of ensuring</p> <p>10 that any expatriate movements outside of the safe zone</p> <p>11 are done with military convoy only.</p> <p>12 Q. Your own internal document, albeit the liaison weekly</p> <p>13 meeting minutes, is at 123 of the orange bundle behind</p> <p>14 tab 13. I am going to read that to you once you have</p> <p>15 it. "South" is the heading:</p> <p>16 "Wali of Illizi kidnapping incident; Wali kidnapped</p> <p>17 whilst returning from a local demonstration at Deb-Deb."</p> <p>18 A. I am with you.</p> <p>19 Q. "It's been reported that 3 x armed individuals</p> <p>20 intercepted the Wali's vehicle near the region of</p> <p>21 Timeroutine, approximately 80 kilometres south of</p> <p>22 Deb-Deb. The Wali had been travelling with two local</p> <p>23 dignitaries and a driver when stopped."</p> <p>24 This is completely different from the information</p> <p>25 that you were subsequently given that he was going to</p> <p style="text-align: center;">Page 66</p> | <p>1 Hassi Messaoud area, after a routine patrol caught the</p> <p>2 terrorists trying to hijack a car belonging to a private</p> <p>3 company operating in the region.</p> <p>4 "The terrorist killed was one of the members of the</p> <p>5 group that participated in the kidnapping of Mohamed</p> <p>6 Eid, the Wali of Illizi, on 16 January."</p> <p>7 So by then wasn't it apparent to you that this</p> <p>8 wasn't just a little local dispute but a terrorist had</p> <p>9 kidnapped the Wali and had subsequently been shot by the</p> <p>10 Gendarmes?</p> <p>11 A. No, what I said to you was my understanding was that the</p> <p>12 Wali travelled down to try to mediate a dispute in</p> <p>13 Deb-Deb. I didn't talk about who or who did not kidnap</p> <p>14 the Wali.</p> <p>15 Q. Suffice to say by then it was clear from that report</p> <p>16 that the Gendarmes thought that terrorists kidnapped the</p> <p>17 Wali?</p> <p>18 A. That's what this says, yes.</p> <p>19 Q. Let's move to February of 2012. In Khencela, which is</p> <p>20 in the north of Algeria, 50 terrorists attacked a</p> <p>21 military camp according to the OSAC PowerPoint report.</p> <p>22 There is nothing of this in this BP documents. Were you</p> <p>23 aware of this large scale attack on a military camp?</p> <p>24 A. No, I don't remember that.</p> <p>25 Q. I'll move on. On 18 February 2012 an arms cache is</p> <p style="text-align: center;">Page 68</p> |

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| <p>1 reported to have been found south of In Amenas, 2 60 kilometres south of In Amenas. So that is fairly 3 close to where your facility was, including MANPADS and 4 other weapons, and this is recorded in Reuters on 5 18 February. This caused some consternation didn't it? 6 A. This got my attention, yes, it did. 7 Q. And you, as I understand it, had investigations carried 8 out into it? 9 A. I talked to, again, my liaison team to try to find if it 10 was possible to get any further information to confirm 11 this unequivocally. I know that they made a number of 12 contacts throughout the liaison team itself. I also 13 spoke to BP around this. I can remember conversations 14 in fact with Andy Collins over this issue because it was 15 so close to my site and there was an effort to go to the 16 embassies to try to gather additional information from 17 the embassies as to whether they thought this was 18 credible or not and eventually the word I got back from 19 Andy through the British Embassy was that they didn't 20 view this as credible. That it was a false report. 21 Q. Can we just look at the weekly summary of risks. I hope 22 I am not trespassing on your time, sir, and I would seek 23 to stop after the arms cache if that would be 24 convenient. 25 THE CORONER: You can trespass more on my time and you are</p> <p style="text-align: center;">Page 69</p> | <p>1 south of In Amenas, an energy producing Algerian region 2 near to the border." 3 I drop three lines: 4 "Libya said...condition of anonymity of the source. 5 The source said the cache was ... " 6 Forgive me, I dropped it I am reading stuff I didn't 7 mean to but I should read it to you anyway: 8 "The source said the cache was located following 9 a tip off from a smuggler who had been arrested. He 10 said it contained a large quantity of arms including the 11 shoulder launched missiles, a weapon which in some 12 variations could be used to bring down an aircraft. 13 This weapon seizure shows chaos in Libya is dangerous 14 for the whole region the source said. There was no 15 official confirmation of the discovery from the Algerian 16 government and there was no way of independently 17 verifying the source's account." 18 So, in effect, after investigation this report was 19 discounted by yourself as probably not true? 20 A. Well, we couldn't bottom it out as being absolutely 21 true, absolutely false. It was another indicator of the 22 instability in Libya, another indicator that on our site 23 we had to maintain the security protocols that we had in 24 force in a very robust manner. 25 Q. Thank you. Now, I will come to the car suicide bomb at</p> <p style="text-align: center;">Page 71</p> |
| <p>1 not at all but let's keep going. 2 MR RITCHIE: I am very grateful. So I am in tab 15, 3 Mr Cobb. I am going to look at the weekly summary of 4 risks report on this if I may. I think you will find 5 that on page 365. It is a summary of the Reuters 6 report: 7 "Missiles part of big weapons cache found in 8 a desert source. 9 "Cache tracked down after 'tip off' from arrested 10 smuggler. 11 "Libya instability creates risk of Al Qaeda 12 acquiring weapons. 13 "Shoulder fired missiles could bring down an 14 airliner. 15 "Algerian security forces have found a large cache 16 of weapons including shoulder fired missiles which they 17 believe were smuggled in from neighbouring Libya. 18 A security source briefed on the discovery told Reuters 19 on Saturday that the find follows warnings from 20 governments in the region that instability in Libya 21 after the end of Muammar Gaddafi's rule is allowing 22 weapons taken from Gaddafi's arsenal to fall into the 23 hands of Al Qaeda's north African branch and other 24 insurgent groups across the Saharan desert. The weapons 25 cache was discovered in the desert about 60 kilometres</p> <p style="text-align: center;">Page 70</p> | <p>1 Tamanrassat which is on 3 March 2012. If the map at 2 tab 41 could be put back on the screen. Tamanrassat is 3 down a little bit further south of Illizi. Illizi is 4 125 miles from the In Amenas site, Tamanrassat about 5 440 miles. Is that your recollection that Tamanrassat 6 is down there, as shown on the map? 7 A. Yes. 8 Q. So south of the plant. There were many reports of 15 9 Gendarmes or police either murdered or injured depending 10 on which report you see and three firemen dead and that 11 the MUJWA claimed this. 12 Firstly this came to your notice, this Tamanrassat 13 suicide bomb, didn't it? 14 A. It did. 15 Q. And it confirmed your understanding that the main risk 16 was suicide bombers were the sort of top of the list 17 rather than men with guns in vehicles attacking the 18 facility? 19 A. That is one thing it indicated to me. 20 Q. But it did also show that the AQIM based in Mali were 21 attacking southern targets, southern Algerian targets? 22 A. It confirmed to me that there was a continuation of the 23 attacks on government facilities and against government 24 security forces which had been the norm -- 25 Q. You were in bed with Sonatrach which is a government</p> <p style="text-align: center;">Page 72</p> |

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| <p>1 company.</p> <p>2 THE CORONER: Sorry, he hadn't quite finished.</p> <p>3 MR RITCHIE: I am dreadfully sorry.</p> <p>4 A. It confirmed to me again that the terrorists were</p> <p>5 targeting government installations and government</p> <p>6 security forces which we had seen numerous accounts of</p> <p>7 in the past leading up to In Amenas.</p> <p>8 MR RITCHIE: Yes, but you were in bed with contractually</p> <p>9 a government company, Sonatrach, weren't you?</p> <p>10 A. We did business with a government company, Sonatrach,</p> <p>11 yes.</p> <p>12 Q. So when you say, "I'm separating that off as something</p> <p>13 different, they're attacking the government", you were</p> <p>14 in a JV with a massive company producing enormous</p> <p>15 profits for the Algerian government?</p> <p>16 A. I used "government" in the context of the military, the</p> <p>17 Gendarmes or the military when I used the term</p> <p>18 "government". It was not an attack on oil and gas</p> <p>19 facilities and those were certainly key indicators that</p> <p>20 would have signalled a big change if there would have</p> <p>21 been an oil installation attacked.</p> <p>22 Q. Understood. Big change, oil installation.</p> <p>23 Let us move to 18 March where there are reports in</p> <p>24 the weekly summary of risks of AQIM increasingly</p> <p>25 focusing on the sandy hinterland.</p> <p style="text-align: center;">Page 73</p> | <p>1 Q. One of the triggers in the civil crisis plan for</p> <p>2 ramping-up from low to medium or high, isn't it?</p> <p>3 A. I don't recall specifically but if it's in the document</p> <p>4 then, yes.</p> <p>5 Q. BP's civil crisis plan, which I read to you yesterday,</p> <p>6 regional tension or terrorism is one of the indicators</p> <p>7 for moving up the alert?</p> <p>8 A. You are reading from the JV civil crisis plan; is that</p> <p>9 correct?</p> <p>10 Q. Yes, BP JV's civil crisis plan.</p> <p>11 A. That's not BP's plan. That's the JV's plan.</p> <p>12 Q. Forgive me, the JV of which BP is a partner?</p> <p>13 A. Okay.</p> <p>14 Q. Then in the April Algerian forces are reported to have</p> <p>15 killed 20 Al Qaeda MUJWA terrorists tracking two fuel</p> <p>16 tankers. That is in the weekly summary of risks. That</p> <p>17 will have come to your attention, won't it, Mr Cobb?</p> <p>18 A. Yes, it would have and it would have been indicator of</p> <p>19 the further success by the Algerian government in</p> <p>20 managing the terrorism for it within the country.</p> <p>21 Q. You can pick and mix here, can't you? On the one hand,</p> <p>22 you could say it is a success. On the other hand, you</p> <p>23 could say it is an attack on energy companies and indeed</p> <p>24 on energy companies moving their fuel from one place to</p> <p>25 another?</p> <p style="text-align: center;">Page 75</p> |
| <p>1 "Tuareg leaders headed for Mali in 4 by 4 vehicles</p> <p>2 with machine guns and multiple rocket launchers with</p> <p>3 poorly policed borders."</p> <p>4 That was in the weekly summary of risks so I assume</p> <p>5 that came to your eyes?</p> <p>6 A. Yes, I would have seen that.</p> <p>7 Q. I am grateful. Then later in March:</p> <p>8 "AQIM chief orders to strike back focusing on</p> <p>9 southern areas of Algeria."</p> <p>10 That is the very next week in your weekly summary of</p> <p>11 risks, so that would have come to your notice wouldn't</p> <p>12 it?</p> <p>13 A. Yes.</p> <p>14 Q. Then in the spring of 2012 there is an Islamist</p> <p>15 revolution in Northern Mali and a safe haven in effect</p> <p>16 to set up for terrorists and it is reported as a base</p> <p>17 for MBM, and you were aware in that spring of those</p> <p>18 events weren't you?</p> <p>19 A. Ask your question again, sorry.</p> <p>20 Q. That, Northern Mali was set up as a safe haven for</p> <p>21 terrorists because there was a revolution there?</p> <p>22 A. Yes.</p> <p>23 Q. That could properly be described as "regional</p> <p>24 terrorism", couldn't it?</p> <p>25 A. A fair description.</p> <p style="text-align: center;">Page 74</p> | <p>1 A. I don't recall the specifics of this. I am going to</p> <p>2 guess it's fuel tankers. I don't believe fuel tankers</p> <p>3 as being an oil installation.</p> <p>4 Q. As you wish. So then in April 2012 Tuareg rebels</p> <p>5 declare Northern Mali as an independent state and your</p> <p>6 own document uses the words "fueled by hemorrhaging</p> <p>7 weapons from Libya". And that is in the weekly summary</p> <p>8 of risks. So you would have been aware again of that</p> <p>9 report and what was going on in Northern Mali?</p> <p>10 A. Yes, I recall that.</p> <p>11 Q. I will come to May, if I may. Two terrorists were</p> <p>12 killed in Hassi Messaoud. One was one of the terrorists</p> <p>13 who kidnapped the Wali of Illizi. I have been through</p> <p>14 that with you already, but again that would have come</p> <p>15 across your desk. And in the very same document this is</p> <p>16 set out:</p> <p>17 "Islamist militants were taking refuge in the south.</p> <p>18 Western countries were worried. There is an ungoverned</p> <p>19 space where AQIM are able to operate with more freedom.</p> <p>20 Tuareg fighters with mixed nationalist and Islamist</p> <p>21 ideologies have established a mini state and MBM is</p> <p>22 there."</p> <p>23 That is in effect a summary of the weekly summary of</p> <p>24 risks that Mr Johnston has kindly disclosed. So that</p> <p>25 information would all have been in your mind?</p> <p style="text-align: center;">Page 76</p> |

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| <p>1 A. Yes, I also remember that.</p> <p>2 Q. Then in the May three terrorists were killed on the</p> <p>3 Algerian/Libyan border carrying 12 sub-machine guns and</p> <p>4 antitank missiles.</p> <p>5 That again was recorded in your weekly summary of</p> <p>6 risks. And that Algerian/Libyan border is -- you are</p> <p>7 140 miles from the top of it and maybe, I don't know,</p> <p>8 250 from the bottom. You are right in the middle of</p> <p>9 that Libyan/Algerian border in In Amenas, aren't you?</p> <p>10 A. That's correct.</p> <p>11 Q. So it is in your zone, that sort of capture of terrorist</p> <p>12 with weapons is in your zone, isn't it?</p> <p>13 A. It's in that border area, you're correct.</p> <p>14 Q. Then in the June there is a large scale terrorist attack</p> <p>15 by 50 armed men. But this is up in the north in Tizi</p> <p>16 Ouzzou. When these things happened in the north did you</p> <p>17 discount them as less relevant to your plant?</p> <p>18 A. It depended upon what the attack was. If the attack</p> <p>19 would have been in the north on an oil and gas</p> <p>20 installation it would have meant something slightly</p> <p>21 different than against, again, another government</p> <p>22 installation or government forces, because that war had</p> <p>23 been going on since the early 1990s.</p> <p>24 Q. And then in June a suicide bomber attacks the Ourgla</p> <p>25 Gendarmerie. Back to that big map that I have given</p> <p style="text-align: center;">Page 77</p> | <p>1 were doing all the right things to protect the</p> <p>2 facilities. We just had to make sure that what it was</p> <p>3 we put in place and that should have been done was being</p> <p>4 done in a robust manner.</p> <p>5 Q. And a week later, 3,000 soldiers are reported deployed</p> <p>6 plus helicopters along the borders with Libya, Niger and</p> <p>7 Mali and the security was ramped up in oil and gas</p> <p>8 regions. So by that month there can have been no doubt</p> <p>9 in your mind that that indicated that there is an</p> <p>10 increased over security presence for oil and gas</p> <p>11 facilities that was definitely occurring, wasn't it?</p> <p>12 A. What it meant in my mind was that the government was</p> <p>13 reacting to a concern they had of infiltration from</p> <p>14 either Mali or from Libya.</p> <p>15 Q. Yes.</p> <p>16 A. And it indicated to me at least in my mind that the</p> <p>17 government was taking proactive steps by putting more</p> <p>18 military, more hardware in the area, which I visually</p> <p>19 saw myself in In Amenas town as I drove through, the</p> <p>20 tanks, the helicopters, the troops, the new bases being</p> <p>21 expanded, so I saw it as a positive reaction on behalf</p> <p>22 of the Algerians to do what their commitment was to the</p> <p>23 operators and that was provide for our security.</p> <p>24 Q. No change in what in what the Gendarmes did though, was</p> <p>25 there?</p> <p style="text-align: center;">Page 79</p> |
| <p>1 you. If it helps that is tab 41. Ourgla is shown above</p> <p>2 Hassi Messaoud. About 370-miles it has been measured</p> <p>3 from the In Amenas facility. So that is where the</p> <p>4 attack took place, isn't it, Ourgla?</p> <p>5 A. Yes, that's according to this, yes.</p> <p>6 Q. It is a BP JV document. That's 75 kilometres from</p> <p>7 Hassi Messaoud and again it was claimed by MUJWA. So</p> <p>8 that was information that was available to you and that</p> <p>9 you were aware of?</p> <p>10 A. Yes, it was in the weekly summary of risk. I remember</p> <p>11 reading it.</p> <p>12 Q. In the next month, in July, 7,000 soldiers were reported</p> <p>13 to have been sent to southern Algeria to secure</p> <p>14 hydrocarbon facilities and that is in this weekly</p> <p>15 summary of risks so you would have been aware of that?</p> <p>16 A. Yes.</p> <p>17 Q. So instead of that in your mind being a trigger for</p> <p>18 increasing the alert at the plant you looked at it as we</p> <p>19 don't have to do anything, we're better protected?</p> <p>20 A. No, that is not entirely how we looked at it. In</p> <p>21 conversations again with the liaison function we talked</p> <p>22 about each one of these incidents. We talked about what</p> <p>23 actions or at least the recommendations I was given were</p> <p>24 on certain actions we needed to take and in every one of</p> <p>25 the cases it was felt and communicated to me that we</p> <p style="text-align: center;">Page 78</p> | <p>1 A. I can't recall whether the Gendarmes at those times</p> <p>2 stepped up patrol, did anything incrementally different.</p> <p>3 I just don't recall.</p> <p>4 Q. If there is any such evidence no doubt it will come</p> <p>5 before us.</p> <p>6 Then on 23 July after Vic Sneberg had specifically</p> <p>7 asked for an external report that report was provided by</p> <p>8 control risks to Statoil. Was that given to you?</p> <p>9 A. No.</p> <p>10 Q. Did Vic Sneberg, your joint member of the JOC talk to</p> <p>11 you about the report he was given?</p> <p>12 A. He was not a member of the JOC.</p> <p>13 Q. Forgive me, he was above you?</p> <p>14 A. He was on the CdG, Statoil's country manager.</p> <p>15 Q. Forgive me, my apologies. Did he or did your</p> <p>16 counterpart on the JOC pass any information about the</p> <p>17 control risk report to you?</p> <p>18 A. No, my counterpart was Tore Bech and he did not pass</p> <p>19 this on to me if he was aware of it himself.</p> <p>20 Q. So if you had been passed a report including the words</p> <p>21 "credible threat of a one-off high impact incident in</p> <p>22 the oil producing southern provinces" in a context that</p> <p>23 didn't specifically focus only on that, would that have</p> <p>24 worried you?</p> <p>25 A. What it would have done was cause me to ask for a joint</p> <p style="text-align: center;">Page 80</p> |

20 (Pages 77 to 80)

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| <p>1 meeting of the two JOCs because we also conducted what 2 we refer to as joint JOCs to have a discussion around 3 that and what it meant for our operations. 4 Q. And your JOCs you are talking about are In Amenas and 5 In Salah? 6 A. That's correct. 7 Q. Then in July, 29 July, your weekly summary of risks 8 states that the military warned the JV of a potential 9 attack at Hassi R'Mel gas station. Now, Hassi R'Mel is 10 shown on that big map, tab 41, above and to the left of 11 Ourgla and above to the left of Hassi Messaoud. So 12 there was a warning about -- recorded in your weekly 13 summary of risks, you would have seen that warning? 14 A. Yes. 15 Q. So that is a warning against an oil installation or a 16 gas installation? 17 A. Yes. 18 Q. So that is something that triggers more of a worry in 19 your mind generally, doesn't it? 20 A. To some degree, yes, but it was always my understanding 21 that many of the Sonatrach facilities did not have the 22 same level of military support, particularly Gendarme 23 support, at their facilities as the JVs did and I think 24 that was a result that we had the Gendarmes on our sites 25 because of the expat presence with the foreign</p> <p style="text-align: center;">Page 81</p> | <p>1 (2.20 pm) 2 MR RITCHIE: Mr Cobb, good afternoon. We had just dealt 3 with a military warning, the JV of a potential attack at 4 the Hassi R'Mel gas installation and then over the page 5 on 11 August, approximately 12 days after that warning 6 there was an armed attack on the Hassi R'Mel-Dellys main 7 gas pipeline where one of the armed protectors was 8 killed and what I seek to ask you is whether you knew of 9 that attack. 10 A. This one I don't specifically remember. I may have read 11 it but I just don't recall it. 12 Q. But it would certainly come under the category attacks 13 on energy installations? 14 A. Yes, it would. 15 Q. And then in August 2012 the FCO issued advice against 16 travel within 50 kilometres of the Libyan border and 17 using the words "increasing threat from terrorism", and 18 you will no doubt have been aware of that advice? 19 A. Yes. 20 Q. And it also included words "terrorists have been 21 involved in kidnaps within Algeria", sorry, this is in 22 Mr Johnston's exhibits, so I should turn to that to be 23 sure that I have the right source for it. It is tab 31. 24 It is a summary in the liaison weekly meeting minutes 25 that I read from, forgive me, summarising the FCO travel</p> <p style="text-align: center;">Page 83</p> |
| <p>1 operators. 2 Q. So if there was no expats on site there was no legal 3 requirement for them to have Gendarmes, was there? 4 A. I don't think so in the Sonatrach world. I'm not 5 entirely positive but I don't believe so. 6 Q. But I am not asking you whether you know about 7 Hassi R'Mel and whether they had Gendarmes. 8 Several media sources report increased military 9 measures around Hassi R'Mel which highlights the 10 potential threat of an attack in neighbouring oil 11 producing areas, and that is in your own weekly summary 12 of risks, so you would have been aware of that, Mr Cobb? 13 A. I would have read that, yes. 14 Q. And then 11 August -- 15 THE CORONER: Mr Ritchie, I am going to have to break off 16 there actually. 17 MR RITCHIE: I am sorry to be insensitive, sir. 18 THE CORONER: You haven't been but just if we are moving to 19 a new -- all right. I am going to have to break off 20 there. I am not going to be able to resume until 2.20. 21 Somebody will look after you over lunch. 22 A. Okay. 23 THE CORONER: So 2.20. 24 (12.50 pm) 25 (Luncheon Adjournment)</p> <p style="text-align: center;">Page 82</p> | <p>1 advice. So this is an internal JV document that these 2 words come from that terrorists have been involved in 3 kidnaps within Algeria and within the wider Sahel 4 region: 5 "The FCO believes further kidnap attacks are likely. 6 AQIM operates directly or through criminal gangs to 7 carry out kidnappings on their behalf or pass on their 8 kidnap victims for gain." 9 And that was the sort of information that you were 10 aware of that time? 11 A. Yes, this reinforced the need to continue our military 12 escorts for our convoys in my mind. 13 Q. Yes. And then on 17 September the weekly summary of 14 risks produced at Hassi Messaoud contained a report of 15 the military capturing a convoy smuggling weapons at 16 Illizi, and that of course, going back to C25 is the 17 main town, 125-miles south of In Amenas, from which many 18 of the staff at the plant came? 19 A. Some of the staff of the plant came from Illizi. 20 Q. And that report is of a convoy smuggling weapons caught 21 at Illizi, the weapons coming from Libya, eight AK47s 22 and 13,000 rounds of ammo and that would have reached 23 your attention, that report, because it was in the 24 weekly summary of risks? 25 A. That's correct.</p> <p style="text-align: center;">Page 84</p> |

21 (Pages 81 to 84)

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| <p>1 Q. Then in September 2012 the US government issued a repeat 2 warning first given in the September the year before 3 that information had been received that petroleum 4 companies in southern Algeria were potential targets for 5 terrorists. No doubt that would have reached your ears 6 as well? 7 A. Yes, this is one in fact that I asked for additional 8 information on. Given that it was a second warning and 9 the feedback that I received was there had been 10 a meeting with the embassy and at that meeting it was 11 said that there was no additional information, it was 12 just a repeat of the original warning. 13 Q. Yes, that didn't make it any less valid. It was 14 a repeat. 15 A. No. 16 Q. It wasn't a withdrawal of the warning. It was a warning 17 to energy installations that the US had information that 18 the energy installations were potential targets but the 19 information that you gathered from -- not personally but 20 your colleagues gathered was that there was no new 21 information to back up that warning? 22 A. That's correct. 23 Q. Then in October the liaison monthly summary of risks, 24 see if I have summarised that correctly at tab 34 -- no, 25 liaison monthly situation and procedure update. Page 85</p> | <p>1 A. Yes. 2 Q. And then can I come to November because the El Khabbar 3 is one of the newspapers specifically mentioned by the 4 other witnesses as read to garner information to put 5 into the weekly summary of risks. You are aware of this 6 newspaper, aren't you? 7 A. I have heard of El Khabbar before but it is not 8 something that I read myself. 9 Q. It is all in Algerian anyway but it is specifically 10 listed on the list of newspapers that are scoured by 11 those at Hassi Messaoud and this report is of 12 12 terrorists from the Ourgla region, just going back to 13 that C25, Ourgla is up there, 370-miles north of 14 In Amenas and just north of Hassi Messaoud. Are you 15 with me? 16 A. Yes. 17 Q. From that region, 12 terrorists reported to have been 18 arrested and papers were being delivered to the criminal 19 courts there and they were reported to have told the 20 authorities that they were preparing to bomb oil and gas 21 facilities. They were photographing installations 22 around Hassi Messaoud in preparation for launching 23 strikes and that they were supporters of MSJII. That is 24 Lamine Boucheneb's AQIM brigade. 25 This does not seem to have been captured by BP at Page 87</p> |
| <p>1 A document I don't think that was sent to you? 2 A. No. 3 Q. But an internal BP JV document. That is correct, isn't 4 it? It is not a document that goes to you? 5 A. It was a JV document, that's correct. 6 Q. A JV document? 7 A. Yes. 8 Q. It said the Algerian army had raised the alert level in 9 the south. How they could raise it from the previous 10 high I don't know but anyway, that's what that document 11 said but that didn't reach you? 12 A. No, that document I did not receive. 13 Q. Then on 31 October reports in the Magharehia newspaper 14 were that the Algerian authorities had arrested 12 15 insurgents who were going through the Illizi province, 16 that is the nearest big town to you, south, with 17 machineguns on their way to Northern Mali and then also 18 six smugglers from Ghadames, which I think you have 19 already identified as just over the border in Libya, 20 arrested in the same province, that means Illizi, on the 21 same day with 21 weapons. This doesn't appear to have 22 been picked up by BP. Were you aware of it? 23 A. No, I didn't, I have never seen that article. Not 24 before seeing it in this folder. 25 Q. In this folder? Page 86</p> | <p>1 all. Were you aware of it? 2 A. No, I do not remember this. 3 Q. If you had been given that information that a group of 4 12 terrorists specifically targeting energy 5 installations had been arrested in the spring before, 6 the spring of 2011, so a year and a half or just more 7 than a year and a half before, what would you have done 8 about it? 9 A. I would have searched for more information related to 10 it. 11 Q. All right. And if you had searched for more information 12 and found out that this was accurate, they were arrested 13 and that they did give authorities information they were 14 planning to bomb oil and gas facilities and 15 photographing them around Hassi Messaoud would you have 16 asked to bring Gendarmes into BdV? 17 A. What I would have asked would have been a joint meeting 18 of our JOCs once again to discuss the information we had 19 at hand and decide on the proper response to it at the 20 JOC level. 21 Q. Was bringing Gendarmes into BdV one of the options you 22 would have considered? 23 A. No, I don't think bringing Gendarmes into the BdV would 24 have been an option I considered. 25 Q. On 16 November the Algerian government announced that Page 88</p> |

22 (Pages 85 to 88)

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| <p>1 they were considering electronic border surveillance due 2 to fears over the porous border. Did you pick up on 3 that, that they were thinking of introducing that? 4 A. No, sir. 5 Q. And on 25 November the authorities announced, and this 6 was published through the weekly summary of risks, that 7 they had stepped up security around public departments, 8 barracks and particularly oil concerns. The increased 9 alert levels is aimed at thwarting any potential 10 terrorist attack. This you will have seen? 11 A. Yes, I remember this. 12 Q. And this is a direct mention of oil concerns, 13 particularly oil concerns and I assume we can include 14 gas in that? 15 A. Yes. 16 Q. So this should have triggered some action on the part of 17 yourself or the JV to reconsider the risks, shouldn't 18 it? 19 A. The risks were constantly under evaluation in the JV. 20 Every single day every single article that came out were 21 discussed and evaluated as to their credibility and the 22 impact on our facilities. In this case an article just 23 like one of the earlier ones I spoke about, when we saw 24 the authorities taking proper steps, ie increasing 25 security, we saw that as the appropriate response to the</p> <p style="text-align: center;">Page 89</p> | <p>1 was arranged at the plant for January and in the same 2 month the UN issued resolution 2095 which mandated an 3 African led international force intervene in Northern 4 Mali, basically to push back the terrorists' safe haven 5 state. Were you aware of that UN resolution? 6 A. I don't remember the UN resolution specifically but I do 7 remember conversation around that a UN force was trying 8 to be put together to go into northern Mali as a unified 9 force to overcome the safe haven the terrorists had set 10 up in Northern Mali. 11 Q. It is difficult to imagine a higher status of regional 12 tension and/or terrorism than that, isn't it? In your 13 neighbouring country there has not only been a terrorist 14 safe haven, overthrow of the government but now there's 15 going to be an international force being given 16 permission to go in and fight them? 17 A. I don't think any more so than what happened in Libya 18 with the overthrow of Gaddafi. 19 Q. So that is the second of them. And on 11 January the 20 French force did attack in Northern Mali and you became 21 aware of that pretty soon after, didn't you? 22 A. Yes, I remember when the French came in, came in with 23 force. 24 Q. And you didn't cancel the meeting of the VIPs coming to 25 the plant despite that, did you? Page 91</p> |
| <p>1 perceived threat. 2 Q. And then in November 2012 some of the drivers on strike 3 at the plant issued threats according to the evidence of 4 Garry Barlow in his email to Lorraine Barlow, exhibited 5 to submission 2 of Michael Derek Bond's statement and 6 also according to the witness Brad McDaniel. Did this 7 information ever reach your ears? 8 A. No, I would have expected if a threat like this would 9 have been made on the site just like the threat I was 10 asked about yesterday, that somebody would have 11 specifically brought to that my attention. Neither my 12 liaison department nor any individual employees ever 13 brought that to my attention. 14 Q. If they had would you have arranged for the Gendarmes to 15 interview the relevant striker? 16 A. In that case, yes. 17 Q. And then on 5 December MBM issued an online warning 18 announcing the formation of his new terrorist group, 19 Those who Sign in Blood, to oppose western influence 20 with all available force. This is a document set out in 21 US proceedings and also in the Statoil report. It is 22 not the weekly summary of risks. Were you aware of 23 this? 24 A. No, I don't remember this. 25 Q. Not picked up. By December, of course, the VIP meeting</p> <p style="text-align: center;">Page 90</p> | <p>1 A. No, there was no indications that there was any 2 increased threat directly to our facility to negate the 3 visit that was planned. 4 Q. Even when the Foreign Office two days later on 5 13 January issued slightly altered advice warning of the 6 possibility of retaliatory attacks against western 7 interests following the French intervention. You still 8 didn't think that was relevant? 9 A. I didn't have that FCO advice. 10 Q. Can I then come to the civil crisis plan and the alert 11 status. You had within the two years 12 before January 2013 regional terrorism, didn't you? 13 A. Yes. 14 Q. You had threats against oil and gas targets. We have 15 been through those. You had those, didn't you? 16 A. There were some, yes. 17 Q. You had border tensions, didn't you? 18 A. Yes. 19 Q. You had an increased overt presence of security forces 20 in the southern Algeria area? 21 A. Yes. 22 Q. Those were all indicators in the BP civil crisis plan 23 for you to consider moving up to alert status medium? 24 A. We operated at medium status already. 25 Q. What does that mean? You kept it at alert status low.</p> <p style="text-align: center;">Page 92</p> |

23 (Pages 89 to 92)

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| <p>1 What does it mean operating at medium?</p> <p>2 A. It means that all of the things that we had in place in</p> <p>3 terms of physical security, procedures and protocols</p> <p>4 were all based on a medium alert level. That was the</p> <p>5 way it was communicated to me. Albeit the actual</p> <p>6 indicators indicated a low level and I might say once</p> <p>7 again that's not a BP civil crisis plan, that is the JV</p> <p>8 civil crisis plan.</p> <p>9 Q. Forgive me, when I say BP I mean the JV in which BP is</p> <p>10 involved. I will come to core bundle 148 then. On the</p> <p>11 actions that are recommended if you move up to alert</p> <p>12 status medium. That is core bundle 1, tab 13, page 148.</p> <p>13 A. Tab 13.</p> <p>14 Q. Tab 13?</p> <p>15 A. Page what.</p> <p>16 Q. 149 actually, forgive me. If you move up to alert</p> <p>17 status medium, not high, medium, on the right-hand</p> <p>18 column is "Action", this 149 is the end of the</p> <p>19 right-hand column and the last bullet point is:</p> <p>20 "Discuss with authorities requirements for extra</p> <p>21 police or army protection."</p> <p>22 You never had that discussion with the JOC, you</p> <p>23 never recommended to the JOC that they should go to the</p> <p>24 Gendarmes and say "we need more protection in BdV", you</p> <p>25 never made that recommendation, did you?</p> <p style="text-align: center;">Page 93</p> | <p>1 thing for Tore? Absolutely.</p> <p>2 Q. Was the translator there translating?</p> <p>3 A. I know D. I cannot remember if D -- and I don't believe</p> <p>4 she was because Lotfi was in the meeting with me and</p> <p>5 with Lotfi there there is not a requirement to have</p> <p>6 a translator because he's multi-lingual. I do remember</p> <p>7 her being in the meeting.</p> <p>8 Q. You do remember her being in the meeting?</p> <p>9 A. I do remember her being at the meeting.</p> <p>10 THE CORONER: Who do you remember being at the meeting?</p> <p>11 A. DB.</p> <p>12 MR RITCHIE: So present but you query whether she was there</p> <p>13 as a translator rather than just being there?</p> <p>14 A. Yeah, I don't recall her being there as a translator as</p> <p>15 I say because Lotfi was there and he's multi-lingual but</p> <p>16 I do remember D coming up to me at the end of the</p> <p>17 meeting and just saying "I can't believe all this. It's</p> <p>18 the same things you discussed before. You guys have got</p> <p>19 to be tired of this by now." She was making small talk</p> <p>20 at the end of the meeting as we were trying to walk out</p> <p>21 of the building.</p> <p>22 Q. So your evidence as I understand it is she did not</p> <p>23 translate anyone having threatened "in the morning blood</p> <p>24 will be spilt"?</p> <p>25 A. Absolutely not.</p> <p style="text-align: center;">Page 95</p> |
| <p>1 A. No.</p> <p>2 Q. Two short issues then. Firstly, Tuesday,</p> <p>3 15 January 2013 and the meeting with the strikers. You</p> <p>4 have said in your witness statement -- sir, the</p> <p>5 reference is page 31 of Mr Cobb's witness statement --</p> <p>6 you say it was a very disappointing meeting?</p> <p>7 A. Yes it was.</p> <p>8 Q. Why?</p> <p>9 A. Because we continued to go back over the same ground we</p> <p>10 had covered before after reaching agreement that the</p> <p>11 strike would be put off for four months to give the JV</p> <p>12 time to work through the issues, the individual issues</p> <p>13 that the strikers had put forth to us.</p> <p>14 Q. They were threatening to strike again, weren't they?</p> <p>15 A. There were some people that were making noise about</p> <p>16 striking again. There was other people that were just</p> <p>17 demanding their rights, that it shouldn't take four</p> <p>18 months. There was just a lot of talk.</p> <p>19 Q. Tore Bech was at his wits' end, wasn't he?</p> <p>20 A. Tore was as frustrated with the strikers as I was.</p> <p>21 Q. Were you at your wits' end?</p> <p>22 A. Do you want to define wits' end for me?</p> <p>23 Q. Define it how you like.</p> <p>24 A. Was it a problem, was it affecting the business, was it</p> <p>25 creating stress for me? Absolutely. Did it do the same</p> <p style="text-align: center;">Page 94</p> | <p>1 Q. Finally, Paul Morgan is reported by Gary Rose and two</p> <p>2 other witnesses to have told them directly,</p> <p>3 face-to-face, "we have lost control of security, no one</p> <p>4 will listen to me." Were you aware of him feeling like</p> <p>5 that?</p> <p>6 A. No. I know that Paul was frustrated because he no</p> <p>7 longer had control over the guards when the transition</p> <p>8 was made to the Sonatrach affiliate, and as I stated</p> <p>9 earlier Paul and I and Fitz and Gary and John had</p> <p>10 numerous conversations around what the role of liaison</p> <p>11 would be in the future and liaison still had a very</p> <p>12 important role to play even though they didn't directly</p> <p>13 supervise the guards. Their role was to audit what the</p> <p>14 guards did and report back into senior management if</p> <p>15 there was any deterioration in the guards carrying out</p> <p>16 their duties from what they did before.</p> <p>17 Q. I understand that recitation of their role but I am</p> <p>18 struggling to understand and invite you to explain how</p> <p>19 you could not have known that the OLS considered that</p> <p>20 we, the JV, had lost control of security. You really</p> <p>21 didn't know he felt like that?</p> <p>22 A. No. Unless he came to me and told me that, which he did</p> <p>23 not, how would I know that?</p> <p>24 MR RICHIE: That is all my questions, sir. Thank you very</p> <p>25 much, Mr Cobb.</p> <p style="text-align: center;">Page 96</p> |

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| <p>1 Questions from MR OWEN-THOMAS</p> <p>2 MR OWEN-THOMAS: Mr Cobb, just a few questions from me, if</p> <p>3 I may. May I just --</p> <p>4 THE CORONER: Would you mind just explaining who you are and</p> <p>5 who you represent.</p> <p>6 MR OWEN-THOMAS: Yes, my name is Mr Owen-Thomas and</p> <p>7 I represent the father of Stephen Green, Mr David Green.</p> <p>8 Picking the last point my learned friend was asking</p> <p>9 you about, in terms of the conduct of the guards</p> <p>10 themselves, it appears to me that they did their job</p> <p>11 relatively well, and you had few complaints about access</p> <p>12 control, searching vehicles and matters such as that?</p> <p>13 A. In general or a specific timeframe?</p> <p>14 Q. In general. It was not a constant source of worry to</p> <p>15 the JV whether or not the guards were searching</p> <p>16 vehicles, checking passes, putting the T cards in the</p> <p>17 rack in the right place and that sort of thing?</p> <p>18 A. There was always an effort to follow up behind the</p> <p>19 guards and audit the guards and there was numerous times</p> <p>20 that I can remember where liaison had to specifically go</p> <p>21 in and address issues with the guards. Whether it was</p> <p>22 not being fully compliant with closing the gates and</p> <p>23 opening the gates when they should have been, whether it</p> <p>24 was their search procedures but they were always on top</p> <p>25 of it. They always took action to address anything they</p> <p style="text-align: center;">Page 97</p> | <p>1 camp?</p> <p>2 A. That's correct.</p> <p>3 Q. And so is it right to say that you would have a good</p> <p>4 idea of the day-to-day conduct of the Gendarme patrols</p> <p>5 around the integrated camp?</p> <p>6 A. Not necessarily. I have explained earlier, my office</p> <p>7 was in a building that had only one window in the back</p> <p>8 of that office building that looked out on containers.</p> <p>9 I couldn't see outside of the facility.</p> <p>10 Q. But you moved around within the integrated camp during</p> <p>11 the day?</p> <p>12 A. Yes, but the integrated camp was a very large facility.</p> <p>13 Just because you walked around in it you didn't have</p> <p>14 a view 360 degrees around you outside that camp</p> <p>15 perimeter.</p> <p>16 Q. If there were Gendarmes in a vehicle driving round the</p> <p>17 perimeter fence, say, every hour, every couple of hours</p> <p>18 you would have noticed something like that I suspect?</p> <p>19 A. Yes, but I think patrolling, and it is a round</p> <p>20 definition of patrolling, when we talk about patrolling</p> <p>21 that particular zone, the one zone that did allow expats</p> <p>22 to move in between the BdV and the CPF, that's not just</p> <p>23 the perimeter of the camp itself. That is an area large</p> <p>24 enough to where when they are driving around you would</p> <p>25 have to be out yourself on the road to see them out in</p> <p style="text-align: center;">Page 99</p> |
| <p>1 saw.</p> <p>2 Q. It wasn't something that occupied a lot of your time?</p> <p>3 A. No.</p> <p>4 Q. And it didn't present to you as a particular problem for</p> <p>5 the liaison officers either, did it?</p> <p>6 A. In what way?</p> <p>7 Q. They didn't come to you and say look, we just can't get</p> <p>8 on top of these guards, we can't get them to search</p> <p>9 bags, to search vehicles?</p> <p>10 A. No.</p> <p>11 Q. Any source of frustration from the liaison was unlikely</p> <p>12 to be because of the action of the guards, isn't it?</p> <p>13 A. I'm sure they had some frustration, any time that you</p> <p>14 have to repeat an instruction more than one time you may</p> <p>15 feel frustration over it.</p> <p>16 Q. You were asked earlier about the Gendarmes and the</p> <p>17 patrols they carry out. What I would like to do is just</p> <p>18 ask you some questions about your own experience of what</p> <p>19 you saw of the Gendarmes.</p> <p>20 You have explained in evidence that you didn't see</p> <p>21 them at night, not because they weren't there, you can't</p> <p>22 say one way or the other?</p> <p>23 A. Well, that's correct, because I didn't go out at night.</p> <p>24 Q. But as I understand it you spent a lot of your time at</p> <p>25 the integrated camp, either at the BdV or the companies</p> <p style="text-align: center;">Page 98</p> | <p>1 the distance as they patrolled around that area.</p> <p>2 Q. So is it your understanding, is it, that it was not</p> <p>3 a regular part of the zone 1 patrol to patrol the</p> <p>4 perimeter of the integrated camp?</p> <p>5 A. It was my understanding that it was a normal routine to</p> <p>6 patrol around the zone area, not specifically around the</p> <p>7 fence line of the BdV.</p> <p>8 Q. But as part of that obligation or part of that series of</p> <p>9 patrols within zone 1, let me ask you, did you ever see</p> <p>10 a Gendarme vehicle drive around the perimeter of the</p> <p>11 integrated camp?</p> <p>12 A. I saw Gendarme vehicles when I transited from the BdV to</p> <p>13 the CPF in the distance both to the, what would be on</p> <p>14 a map, if you were looking at it, the right-hand side of</p> <p>15 the road going towards CPF and also on the left-hand</p> <p>16 side of the road which is where VCP is on the diagrams</p> <p>17 that I have been shown previously.</p> <p>18 Q. What I am interested in is -- you would have been able</p> <p>19 to tell the difference, I suspect, between a general</p> <p>20 patrol in zone 1 and a Gendarme vehicle driving round</p> <p>21 the perimeter of the integrated camp checking the fence,</p> <p>22 looking at the CCTV cameras, checking gates were locked</p> <p>23 that sort of thing. That is what I am interested in.</p> <p>24 Did you ever see that?</p> <p>25 A. No, but I don't think it was the Gendarmes'</p> <p style="text-align: center;">Page 100</p> |

25 (Pages 97 to 100)

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| <p>1 responsibility to drive around and check the fence and 2 check the CCTV cameras. That was not their 3 responsibility. That was the responsibility of the 4 guards that worked for liaison initially and then worked 5 for SSL. 6 Q. Did you ever see Gendarmes on foot patrolling around the 7 integrated camp? 8 A. No. 9 Q. You were told I think, there were about 160 Gendarmes? 10 A. Yes, that is roughly the number I remember being told. 11 Q. Put to one side the escort duties from the BdV to 12 In Amenas. Other than on those occasions what is the 13 greatest number of Gendarmes you ever saw assembled in 14 one place? 15 A. Assembled in one place was probably when I escaped 16 myself and got to the Gendarmerie and saw all the 17 soldiers inside the Gendarmerie. 18 Q. Okay, before then, before 15 January. 19 A. The greatest number I saw at any one time was with 20 convoys. 21 Q. Convoys? 22 THE CORONER: How many would you see then? What, going to 23 and from the airport? 24 A. Yes, to and from the airport. Typically, the number 25 varied over time based on the Gendarme specific</p> <p style="text-align: center;">Page 101</p> | <p>1 A. How do you mean who took charge? 2 Q. Who took charge? 3 A. Well, there was a very clear set of instructions that 4 went along with the security alarm. As far as who took 5 charge within the camp itself, the responsible party 6 would have been liaison because it would have been up to 7 them to give the all clear to allow people to come out 8 of hiding once they deemed the situation to be safe. 9 Q. Was there any specific responsibility given direct to JV 10 employees in the event of the alarm being sounded other 11 than, we know people were told to go in their rooms, 12 lock their doors, turn their lights off? 13 A. To my knowledge, no, that was the instructions that was 14 given. 15 MR OWEN-THOMAS: Thank you, Mr Cobb. That is all I ask. 16 Questions from MS GERRY 17 MS GERRY: Good afternoon, Mr Cobb, I am Alison Gerry and 18 I'm asking questions on behalf of the family of 19 Sebastian John. I just have a few fairly specific 20 questions. My first is in relation to zone protection. 21 I don't know if you have in front of you a copy of your 22 exhibit to your witness statement. I will be told what 23 colour bundle it is in. Mr Cobb's own exhibits. I am 24 going to take you to a particular page. It is page 45. 25 I have referenced it in the -- it may also be in the</p> <p style="text-align: center;">Page 103</p> |
| <p>1 requirements for escort but generally it seemed to me 2 that it was between about 12 and 20 armed soldiers that 3 would be with the convoy. 4 MR OWEN-THOMAS: Putting to one side the convoys, so just 5 going about your business in the integrated camp, 6 perhaps on one of your trips to the CPF, what is the 7 most you ever saw driving around, walking? 8 A. A car load, you know, four or five guys in a vehicle. 9 Q. I know you have said that at night you couldn't see 10 whether or not there were patrols being carried out in 11 zone 1, I just want to ask you about that. Presumably 12 had there been the headlights of vehicles driving round 13 the integrated camp that is something you might well 14 have noticed from time to time on your way to dinner, on 15 your way to breakfast. Would you agree with that? 16 A. No, not necessarily. You know, having been told by the 17 liaison function that the Gendarmes did patrols 24 hours 18 a day around that particular zone, zone 1, it is 19 something that wouldn't even probably register in my 20 mind if I saw it. 21 Q. We know that there was an alarm that sounded in the 22 event of an incident happening and in the event of 23 a terrorist attack there was a particular sort of alarm 24 that was sounded. What was the procedure? When that 25 alarm was sounded who took charge?</p> <p style="text-align: center;">Page 102</p> | <p>1 core bundle. 2 MS DOLAN: It is tab 11 in the green bundle, Mr Cobb. 3 MS GERRY: I will ask you to look at page 6 of the report. 4 Just to make clear, this is the Algeria Association 5 Sonatrach BP Statoil In Amenas project security and 6 management plan from December 2012. 7 Under the heading of military protection if you go 8 down just above the numerals (i), (ii), (iii), the 9 military perform three tasks and the first one, zone 10 protection: 11 "Where applicable the military creates a 'safe 12 zone'. This is achieved by constant patrolling and 13 guarding of a defined zone, anything up to a 20 14 kilometre radius from a project location which enables 15 the project staff to move freely within this area. 16 During recent years the Gendarmes have reduced their 17 reliance on zone protection and reduced the distances 18 where free movement is permissible. Vehicles and 19 drivers are provided to the military by the project to 20 facilitate zone patrolling, however, the emphasis is now 21 on moving towards individual escort rather protected 22 free movement zones." 23 Just to be clear about your understanding and 24 knowledge in December 2012, is it right is it not, 25 that you were aware that the Gendarmes themselves had</p> <p style="text-align: center;">Page 104</p> |

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| <p>1 made a decision to reduce their reliance on zone 2 protection and in addition you were aware that the 3 vehicles and drivers for those patrols were being 4 provided by the project, is that right?</p> <p>5 A. That's correct.</p> <p>6 Q. And so you would have been aware as well that the 7 drivers being on strike would have had an impact on the 8 patrols that were taking place?</p> <p>9 A. No, that was not my understanding. In fact, that was 10 one of the issues that came up when the strike started 11 and one of the areas where it was very clear in terms of 12 defining minimum service and in conversations with the 13 liaison team, and particularly the Gendarmes, the 14 Gendarmes insisted that those vehicles would still be 15 made available to them. So when the Gendarme tells one 16 of the striking drivers that you've got to continue to 17 drive that vehicle they would. The drivers and their 18 reluctance to strike was more aimed on trying to either 19 create a business impact ie by not providing escorts 20 going out to the drilling rigs and the FRAC programme or 21 limiting the number of convoys that they would support 22 going to and from In Amenas to facilitate crew changes. 23 Everything else based on my understanding was status 24 quo.</p> <p>25 Q. I think in your evidence you did refer to this minimal</p> <p style="text-align: center;">Page 105</p> | <p>1 Q. Just moving down the page, just below the third little 2 numeral it says: 3 "It must be understood that with the possible 4 exception of rig site the military do not guard an 5 installation. They protect the zone and are ready to 6 react to potential threats. The project is responsible 7 for its own internal security at installations". 8 So it is right, isn't it, to say that while there 9 were patrols to whatever extent they were going on were 10 going on they weren't intended to guard the 11 installation. They weren't there specifically to guard 12 the In Amenas site. They were there in relation to the 13 zone protection that is referred to?</p> <p>14 A. Yes, but in guarding the site and in guarding the zone 15 they're also guarding the facility since they sit in the 16 middle of it. What this really refers to by "do not 17 guard an installation" is they do not sit at the front 18 guardhouse and do the same kind of duties that the local 19 guards that we had hired performed. Open and close 20 gates, these sort of things. Walk inside the perimeter, 21 check fences inside the perimeter, monitor the CCTV 22 camera system, those type of things. That to me is what 23 this refers to.</p> <p>24 Q. But it is right to say, isn't it, that that military 25 zone would have been patrolled even if the In Amenas</p> <p style="text-align: center;">Page 107</p> |
| <p>1 service and that is what you were referring to?</p> <p>2 A. Yes, minimal service.</p> <p>3 Q. And your understanding is that that was what was 4 happening, you got from who?</p> <p>5 A. From liaison.</p> <p>6 Q. From liaison?</p> <p>7 A. Yes.</p> <p>8 Q. Did you have any direct conversations yourself with the 9 Gendarmes about that?</p> <p>10 A. No.</p> <p>11 THE CORONER: Sorry, just help us, when you say your 12 understanding was what it was about the minimum service 13 and you got that from liaison. But who, do you remember 14 who you spoke to?</p> <p>15 A. It would have been, my conversations were always with 16 Paul and Fitz, the OLS. Always those were my two 17 contacts. I would sometimes have informal contacts with 18 the OLC on site but that was more kind of a nicety, 19 okay, a courtesy, but my business conversations that 20 related to security were always with the OLS.</p> <p>21 MS GERRY: Did you keep a minute or a record of these 22 conversations? Is there any documents where we can find 23 a reference to the impact or otherwise?</p> <p>24 A. No, I was not a person who kept a diary and kept notes 25 like that.</p> <p style="text-align: center;">Page 106</p> | <p>1 site hadn't been there, it was a military zone in and of 2 its own right?</p> <p>3 A. No.</p> <p>4 Q. It was only there because of the In Amenas site?</p> <p>5 A. The only reason the Gendarmes were on that site was 6 because there was an oil and gas operation that had 7 foreign partner involvement, expatriates on site.</p> <p>8 Q. Sorry, that is the Gendarmes. I was referring to the 9 military. The military zone area was there in any 10 event?</p> <p>11 A. Yes, that's correct, because the military zone 12 surrounded a number of oil and gas facilities, not just 13 In Amenas.</p> <p>14 Q. Can I just then ask you some specific questions about 15 the site. Do you have your statement there in front of 16 you?</p> <p>17 A. I don't, no.</p> <p>18 Q. I can read it. It is probably just as quick. So it is 19 paragraphs 37.3 and 37.4.</p> <p>20 A. Is it possible I could get a copy of that to see 21 while ...</p> <p>22 THE CORONER: I am sure it is.</p> <p>23 MS GERRY: It is on page 12 and it is in relation to the 24 barriers that were around the site. As I understood in 25 your evidence you referred to there being double</p> <p style="text-align: center;">Page 108</p> |

27 (Pages 105 to 108)

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| <p>1 perimeter fences but it is right, isn't it, as you set 2 out in -- 3 THE CORONER: Just hold on one moment because it is just 4 making its way over. (Handed). 5 A. Okay, what was the page number? 6 MS GERRY: It is page 12 and it is paragraphs 37.3. 7 MR POPAT: I think it may be that Mr Cobb has been handed 8 his police statement. 9 A. Oh, I have. That is exactly what it is. 10 THE CORONER: It may be either before or after. 11 A. I apologise. I had a copy of it in the room but 12 I thought I shouldn't bring it here to refer to so ... 13 (Handed) Once again that was page, what's the item 14 number? 15 MS GERRY: Page 12, 37.3 and 37.4. 16 A. Okay. 17 Q. My questions are around the extension camps and you 18 refer here to saying there was a single fence at the 19 ENGTP camp extension which had a temporary camp status. 20 Do you see where I am reading from? It is the second 21 substantive sentence under 37.3. The paragraph starts: 22 "There was a double perimeter fence around the BdV, 23 the CPF/IBO and the IACP camp and I note from the 24 appendices that it was 2 metres high and 5 metres apart 25 with razor wire on the outer fence and a barbed wire</p> <p style="text-align: center;">Page 109</p> | <p>1 pack. It doesn't really matter which one you use. If 2 you go to page 5 that is the one that is up on the 3 screen. Are you able to indicate where on here the 4 ENGTP and the SARPI camps were? 5 A. Only the ENGTP camp. The SARPI camp isn't on this 6 diagram. 7 Q. Whereabouts is the GTP? 8 A. It is at the very bottom left of the aerial photo. 9 Q. If you go above that and to the right can you see there 10 would appear to be a gap in the fence, some pathway 11 going through to the other camp, do you see that? 12 A. Into the construction area? 13 Q. Yes. 14 A. Yes. 15 Q. Was that in any way manned? 16 A. There was actually a guardhouse. I believe it's the 17 small white square that you see as you come in the area 18 that you are speaking about and there is another fenced 19 area right there, okay, and that's where access control 20 was. So all the workers who came in to that 21 construction area had to pass through that guardhouse, 22 that's where their T card board was set up to go into 23 the construction area. 24 Q. Similarly to the VCP1 and VCP2, that was manned by 25 security guards. Were those security guards employed</p> <p style="text-align: center;">Page 111</p> |
| <p>1 inner fence." 2 Are you with me? 3 A. Yes. 4 Q. Then you go on to say: 5 "There was a single fence at the ENGTP camp 6 extension which had a temporary and a single fence at 7 the lay down yard. The reason for this is that the 8 ENGTP camp did not house expats only Algerian nationals 9 and it was not considered a potential security risk to 10 the Algerian nationals such as the risks of kidnap 11 weren't as high as for the expats." 12 Then dropping down to 37.4 when dealing with the 13 perimeter vehicle barriers again you go on there to say: 14 "Barriers had not been installed at the ENGTP camp 15 and fly camp or the SARPI camp because there were no 16 expat workers residing at those locations." 17 Do you see that? 18 A. Yes. 19 Q. Can I just ask you to take up, hopefully you have it to 20 hand, the diagram that you were taken to previously to 21 indicate various parts of the camp. It is IA026. 22 A. I don't have a copy of that up here any more. What was 23 the page number? 24 Q. Mine is IA026. Do you have that in front of you? I am 25 not sure which page number you are using to mark your</p> <p style="text-align: center;">Page 110</p> | <p>1 separately by the contractors as opposed to by the JV? 2 A. Yes if memory serves me correct it was GTP guards who 3 were on this location because they were the contractor 4 to JGC, the prime contractor. 5 Q. Where you have contractors employing their own guards 6 how was that managed in terms of your own liaison staff? 7 Was there any oversight by your liaison staff of those 8 guards? 9 A. Well, they performed the same audit function they did on 10 all the guards. They would dictate directly to the 11 project team, the IC project team in this case, as to 12 what the access control procedure should be, how the T 13 card system would work and they were very mobile, they 14 were around that facility all the time, the liaison 15 guys. 16 Q. In terms of vetting and who was employed that was 17 something that was left to the contractors, wasn't it? 18 A. Yes, that would have been done by GTP. 19 Q. Can I just move then to CCTV. It would appear that the 20 CCTV on the site was manned 24 hours a day by the 21 guards, is that right? 22 A. That's my understanding, yes. 23 Q. And as I understand it, the guards watched the CCTV 24 within the control room, is that right? 25 A. Within the control room.</p> <p style="text-align: center;">Page 112</p> |

28 (Pages 109 to 112)

1 Q. In a control room. There was a control room and a radio
 2 room, as I understand it, in BdV?
 3 **A. There was a radio room where the OLS and Papa Charlie,**
 4 **which was the name of our radio operator, were. That**
 5 **was over in the 50 Man camp section, the building**
 6 **directly across the parking lot from my building. On**
 7 **this diagram, the same one you referred to a while ago,**
 8 **on page 5, the block around N is where this function you**
 9 **are speaking of would have been performed. That is also**
 10 **where the OLC was based.**
 11 Q. So in answer to the question were there guards who were
 12 24 hours a day manning and watching the CCTV within
 13 a control room, the answer is yes and it's where you
 14 have indicated, is that right?
 15 **A. Yes.**
 16 Q. Isn't it right that what the guards were instructed to
 17 do if monitoring the CCTV there was a concern, that they
 18 would raise the alarm?
 19 **A. I'm not sure what the exact instruction was, but I mean,**
 20 **if they saw something that -- in other words, if they**
 21 **would have seen the terrorists coming they would have**
 22 **automatically raised the alarm, yes.**
 23 Q. And it is right to say, isn't it, that as far as we
 24 understand it there was no alarm raised by any guards
 25 manning CCTV in the BdV?
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1 **A. I couldn't tell you. All I know is that alarm went off.**
 2 **I heard an alarm. I don't know who actually raised it.**
 3 Q. Are you aware whether there were CCTV cameras at VCP1?
 4 **A. I don't believe there were. However, if I might add,**
 5 **some of these cameras installed were movable cameras.**
 6 **Some were static and then there was a smaller number of**
 7 **movable cameras that were higher up that could be**
 8 **controlled by the guards to look out in the distance all**
 9 **around the facility. I'd be surprised if those cameras**
 10 **wouldn't have had the range to look out to VCP1.**
 11 Q. Moving then to gates. As I understand it, there was
 12 discussion about installing electronic gates but
 13 a decision was taken not to install them. Is that
 14 right?
 15 **A. I am sorry?**
 16 Q. Electronic gates. There was a discussion about possibly
 17 installing them at the entrances to BdV and the CPF?
 18 **A. Yes, there was discussion about putting in mechanised**
 19 **gates, okay, that's different from the turnstile which**
 20 **was an access control, personnel access control, yes.**
 21 Q. But the decision as I understand it was taken not to
 22 because it was seen preferable to ensure that the guards
 23 actually had to leave their guardhouse to go and
 24 physically inspect a vehicle and interact with people
 25 and the concern was if there was an electronic
 Page 114

1 mechanised gate they would just automatically shut it or
 2 open it without leaving the guardhouse?
 3 **A. That is absolutely true and that was my concern and that**
 4 **was also Tore's concern. We both voiced that exact same**
 5 **concern, that if the guards could simply push a button**
 6 **we'd be faced with the situation where they'd never**
 7 **leave the guardhouse. They'd start falling down on**
 8 **their duties about searching vehicles. They wouldn't be**
 9 **walking out seeing who was physically inside a vehicle**
 10 **and that was also combined with reliability issues as**
 11 **well because in a desert environment like we were in,**
 12 **the simpler in many cases is the better because**
 13 **obviously it's very high temperatures, there is a lot of**
 14 **sand and dust and it's tough on equipment.**
 15 THE CORONER: What did they have to do with the gate if it
 16 wasn't electronic or whatever word one uses?
 17 **A. It was just a manual sliding gate. So they would have**
 18 **to physically go out and they had to push it open.**
 19 THE CORONER: One way or the other.
 20 **A. Allow the car in, do their inspection, verify the**
 21 **personnel should be in and then they would physically**
 22 **close the gate back.**
 23 MS GERRY: While there was concern about ensuring the guards
 24 left their guardhouse at VCP1 and VCP2 is it still the
 25 same in relation to the BdV? Could there not have been
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1 a mechanised gate that would shut all the way across and
 2 seal off the BdV without those concerns?
 3 **A. I thought you were speaking about the BdV to begin with.**
 4 **There is no gates at VCP1 and VCP2. There is a vehicle**
 5 **check barrier but there are no gates.**
 6 Q. Because as I understand the instructions given to the
 7 guards in case of an armed incursion is to sound the
 8 alarm, radio in the alert and lock the gates?
 9 **A. Yes.**
 10 Q. So by locking the gates what gates are being referred to
 11 there?
 12 **A. That is the slider gate that you come to as you enter**
 13 **the camp.**
 14 Q. And by camp you mean the BdV?
 15 **A. The BdV, yes.**
 16 Q. I just then want to finally ask you, you have mentioned
 17 demanning in November 2012 because of the drivers
 18 strike, yes? When did you start to reman, if I can put
 19 it that way?
 20 **A. Actually I think the demanning began earlier**
 21 **than November. I don't remember the exact timeframe but**
 22 **it seems like it was more of a September/October**
 23 **timeframe when we took that decision to try to minimise**
 24 **the number of people on site as it became clear that it**
 25 **was going to be very difficult not only to conduct our**
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| <p>1 business. We had a lot of people sitting at the site</p> <p>2 that couldn't do anything because there was no convoys</p> <p>3 to get out to the field. We had to shut down our</p> <p>4 fracking programme, consequently we also had to shut</p> <p>5 down all the drilling operations in the field, but the</p> <p>6 decision then to reman was made after we got agreement</p> <p>7 with the striking drivers that they would go back to</p> <p>8 work and give us this four month window.</p> <p>9 Q. And that was in December?</p> <p>10 A. That was in December.</p> <p>11 Q. Presumably going from a demanned to a remanned situation</p> <p>12 in those sorts of circumstances wouldn't it be right to</p> <p>13 first reconsider what the essential staff are that you</p> <p>14 need to move back on to site?</p> <p>15 A. Actually it was kind of a slow process. It wasn't like</p> <p>16 we brought everyone back at one time. You physically</p> <p>17 couldn't do that because of the limitation of flights,</p> <p>18 the limitation -- how many seats you had on buses and</p> <p>19 everything else. As well as seats available on the</p> <p>20 inbound charter coming from the UK and Algeria. So</p> <p>21 there was somewhat of a slow ramp up process and</p> <p>22 obviously as the operations manager, in this case it was</p> <p>23 Tore's position and when Tore was off-site his</p> <p>24 back-to-back, who worked as operations manager, along</p> <p>25 with Hugh Edwards, the two of them kind of coordinated</p> <p style="text-align: center;">Page 117</p> | <p>1 Q. I said essential?</p> <p>2 A. What's that?</p> <p>3 Q. Essential. He wasn't an essential member of staff, was</p> <p>4 he, to the running of the JV?</p> <p>5 A. He performed an essential role and in that circumstances</p> <p>6 we were back to full staffing levels. Nothing had</p> <p>7 changed. We brought our staffing levels back up and he</p> <p>8 was no different than anyone else.</p> <p>9 Q. So you were back to full staffing levels having had the</p> <p>10 striking action for -- how long did that go on for?</p> <p>11 18 months?</p> <p>12 A. No.</p> <p>13 Q. The dispute --</p> <p>14 A. The dispute was over about a 16 to 18, roughly 18 month</p> <p>15 period. It went through a variety of different phases</p> <p>16 and as I explained earlier, we had technical staff who</p> <p>17 struck at one point. We had drivers who struck at one</p> <p>18 point. So, yes.</p> <p>19 Q. Was there actually any consideration given as to the</p> <p>20 speed with which you remanned and who you needed on site</p> <p>21 when?</p> <p>22 A. Yes, there was consideration given to who would be</p> <p>23 brought back first on the first flights and the second</p> <p>24 flights in order to get ourselves back up to a fully</p> <p>25 manned position, as I stated that would have been</p> <p style="text-align: center;">Page 119</p> |
| <p>1 who should be the first people back in in that first</p> <p>2 week and the second week and the third week and so</p> <p>3 forth.</p> <p>4 Q. As you say that slow process of remanning would be on</p> <p>5 the basis of who you need most and then gradually build</p> <p>6 up as time went on?</p> <p>7 A. Yes, space allowed you to get people in, that's correct.</p> <p>8 I think generally we were back to a fully manned</p> <p>9 position by the very beginning of January.</p> <p>10 Q. In relation to Sebastian, as we have heard, he was on</p> <p>11 a graduate programme, the Challenger programme. He was</p> <p>12 very recently employed by BP. As we heard from Nicola</p> <p>13 he was employed as a civil engineer to assist with the</p> <p>14 building of a canteen for one of the projects. Given</p> <p>15 the circumstances you were facing in December 2012 going</p> <p>16 into the beginning of January 2013 and given the travel</p> <p>17 advice from the Foreign Office that only essential</p> <p>18 travel to this area was recommended, why was it that</p> <p>19 somebody in Sebastian's position was brought on site at</p> <p>20 that time?</p> <p>21 A. What I can say is Sebastian was no different than anyone</p> <p>22 else who worked on that site and his security was no</p> <p>23 more important or no less important than anyone else's.</p> <p>24 Q. He certainly wasn't essential staff, was he?</p> <p>25 A. I think he had an essential role to do, yes.</p> <p style="text-align: center;">Page 118</p> | <p>1 a decision not made by me but by the operations manager</p> <p>2 in his direct reports who each one were departmental</p> <p>3 managers for the various departments on the site.</p> <p>4 Q. Just one final matter. We have been provided with three</p> <p>5 regulations, if I can call them that, in respect of</p> <p>6 Algerian law concerning security of site facilities.</p> <p>7 I don't know if you are aware of them. They have been</p> <p>8 put at the back of tab 36 in the core bundle. (Handed)</p> <p>9 MS DOLAN: Core bundle 1, tab 26.</p> <p>10 A. And your question related to this, I'm sorry?</p> <p>11 MS GERRY: I haven't asked a question yet. I just asked you</p> <p>12 to turn them up. Are you aware of these regulations?</p> <p>13 A. Not specifically, not in terms of these documents.</p> <p>14 These are not documents I would have been sent or would</p> <p>15 have read.</p> <p>16 Q. Let me ask you a general question then. Had there been</p> <p>17 a recognised need to require to request from the</p> <p>18 Algerian authorities that they provide you with further</p> <p>19 Gendarmes support or other support in order to meet any</p> <p>20 perceived increased risk. Could you go to the Algerian</p> <p>21 authorities and ask for that?</p> <p>22 A. I suppose you could. There is a process in terms of how</p> <p>23 we communicate through the system around security and</p> <p>24 that process was centred with Sonatrach and</p> <p>25 Hassi Messaoud. As you have seen in a number of these</p> <p style="text-align: center;">Page 120</p> |

1 documents we had to request military support, for
 2 example, every time we had a rig on site. If that rig
 3 moved then you had to request another -- you had to make
 4 another request for military for the new site. Each one
 5 of those had a timeline associated with it. You will
 6 note that in the liaison updates it's very apparent in
 7 there that they communicate through the Sonatrach chain,
 8 DPP and Hassi Messaoud in order to facilitate that.

9 Q. So the short answer is, yes, had you felt the need to
 10 ask for more assistance you could have done that?

11 A. Yes, there was a channel where that could have been
 12 done.

13 MS GERRY: Thank you, I have nothing further.

14 THE CORONER: Can you just help me with this before we go
 15 on. If the risk was increasing at a particular location
 16 would any thought be given to how experienced people
 17 were before deploying them there? Say, for example, if
 18 somebody had already spent a long time at a particular
 19 location and so was familiar with it and the way it
 20 worked might that be a reason for deploying them at
 21 a particular location if the risk was increasing, and
 22 conversely, if somebody was new and wholly unfamiliar
 23 with the location where the risk was increasing would
 24 that be a reason for not sending them there? It is just
 25 a question that you have been asked and can you help me

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1 about that?

2 A. No.

3 THE CORONER: Was there any thought given to that?

4 A. Again, I think we looked at everybody the same and if we
 5 had a new person coming on site and Seb is one who
 6 I actually escorted into the country myself and
 7 typically a new person who wasn't experienced, we would
 8 always try to tag an experienced person to them to help
 9 them through the process, to meet them in London at the
 10 airport, to fly in with them, to talk them through the
 11 processes and procedures, what they were going to go
 12 through with immigration and customs in Hassi Messaoud.
 13 How to get to the infield flight. How do get to the
 14 buses, the dos and don'ts. In the case of Seb
 15 I actually flew in, I was requested because the person
 16 who originally was going to do that for Seb for whatever
 17 reason the schedule changed. So I was contacted and
 18 asked "would you be willing to do that?" And I said
 19 "absolutely", so ...

20 THE CORONER: Thank you.

21 Questions from MS GOLLOP

22 MS GOLLOP: Mr Cobb, I represent Belinda Green, the wife of
 23 Stephen Green, Who wishes to convey to you her sorrow at
 24 what you have suffered and continue to suffer.

25 A. I'm also extremely sorry for her sorrow and what she

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1 continues to suffer.

2 Q. Could I ask you just to pick up Mr Ritchie's pocket
 3 sized map, the enormous?

4 A. This one?

5 Q. No. The very large.

6 A. The great big.

7 Q. This one?

8 A. Yes, please.

9 Q. If you can just hold that up in such a way that we can
 10 see it. Thank you. What I want you to do if you could,
 11 please, is in the broadest terms without sort of
 12 worrying about precise longitude and latitude, could you
 13 just indicate to us the area that you are talking about
 14 when you talk about the ring of steel?

15 A. The military protected zone? It's around this entire
 16 poster right here.

17 Q. Right.

18 THE CORONER: Sorry, you mean round the corners of the whole
 19 big map?

20 A. It's much, much larger than this. This is just the
 21 In Amenas facility and as I said, the military zone was
 22 not only there to protect In Amenas, it was to protect
 23 all oil and gas installations in that area.

24 MS GOLLOP: If you put that one down and if I could ask, if
 25 it would be possible for Mr Cobb to be handed the very

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1 much large scale one that has the -- do you have the one
 2 with country borders around it?

3 A. This one?

4 Q. Yes.

5 A. Okay.

6 Q. Can you indicate the ring of steel on that?

7 A. I can do it roughly.

8 Q. Yes, absolutely roughly.

9 A. It is going to run from above Hassi R'Mel down here
 10 through this oil section coming all the way down through
 11 In Amenas and then back around, I don't know how far
 12 south past Illizi it went, and then wrapped back around
 13 In Salah and came back up. So it was a fairly
 14 significant area right here and if you look at an oil
 15 and gas map of Algeria and you see all the various oil
 16 installations, gas installations, they are all within
 17 generally that area right there.

18 Q. Just focusing on the southeast where the border is with
 19 Libya?

20 A. Okay.

21 Q. Just again, not with too much specificity but generally,
 22 the outside of the ring of steel in that area would be
 23 exactly on the border with Libya, is that right?

24 A. Yes, it would have come all the way down Ghadames,
 25 In Amenas, down into here and then come around. So it

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1 **would encompass not all the border with Libya but a vast**
 2 **majority of that border.**
 3 Q. Where it does meet the border, the oil, the protected
 4 military zone, as I understand it, and tell me if I'm
 5 right about this, the ring of steel and the edge of the
 6 military zone is coterminous with the national border
 7 between Algeria and Libya?
 8 **A. I would have thought so, yes, yes.**
 9 Q. Thank you. You can put that down now.
 10 Looking at all of your evidence as a whole my
 11 impression is that you felt that a terrorist attack on
 12 In Amenas by men carrying guns in vehicles was
 13 a physical impossibility. Is that right?
 14 **A. I considered it to be inconceivable to me that a force**
 15 **that large, even given the border tensions, the regional**
 16 **instability, it would be possible for a force that size**
 17 **to make it through the military protection zone and then**
 18 **through the Gendarme presence to get there. Had**
 19 **I thought it was conceivable, one might ask: Mr Cobb,**
 20 **what were you doing on that site? I do not have**
 21 **suicidal tendencies.**
 22 Q. No, quite. I don't want to spend too much time on this,
 23 but just to be absolutely clear, what you mean when you
 24 say inconceivable, to me there are two types of
 25 inconceivable. One is you simply can't imagine
 Page 125

1 something. So say perhaps before 9/11 many of us could
 2 not have imagined, simply not brought into our
 3 imagination the idea of terrorists being able to fly
 4 aeroplanes into the Twin Towers for example. That sort
 5 of an imaginative impossibility. Are you with me?
 6 **A. Yes.**
 7 Q. The other kind of inconceivable is: I can imagine it but
 8 it seems to me so physically impossible in terms of
 9 logistically an incapability that I can't conceive it of
 10 being a credible threat in that way. Are you with me?
 11 **A. Yes.**
 12 Q. When you say inconceivable I have understood you to mean
 13 the last of those two definitions?
 14 **A. I think that's fair, yes. I might add that also what**
 15 **led to my feeling of it being inconceivable was having**
 16 **been in Algeria for a long time, having seen a country**
 17 **racked by terrorism for years and year and years, having**
 18 **seen the government's reaction and in many cases**
 19 **successes, and I know they also had failures but also**
 20 **the way that the terrorists typically who they targeted**
 21 **within the country, that all fed into that notion of**
 22 **being inconceivable in my mind.**
 23 Q. Yes. So what you are driving at there, I perceive, is
 24 the fact that before In Amenas terrorist attacks had
 25 conspicuously not targeted the oil and gas sector?
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1 **A. To some degree that's true, yes, that forms the basis of**
 2 **it.**
 3 Q. Or I suppose another way of saying that is even if they
 4 had targeted the oil and gas, and Mr Ritchie has taken
 5 you through the chronology and we have looked at some
 6 individual attacks, the ring of steel or whatever the
 7 layers of security and the military defence had been
 8 able to head those off at the pass?
 9 **A. Yes, yes going all the way back into my career and in**
 10 **Algeria, we always believed and we received intelligence**
 11 **much like the intelligence we have talked about in these**
 12 **articles today, we also received intelligence back in**
 13 **97, 98, 99, back in my early years there and in the**
 14 **conversations even back to those days with liaison, and**
 15 **I know there happens to be an expert in this courtroom**
 16 **today who worked at REB, we always felt that if there**
 17 **was going to be an attack on an installation it would**
 18 **be, I am going to use the term a mobile installation,**
 19 **ie a drilling rig because they have a tendency to be**
 20 **much more remote and they're movable. They're not**
 21 **static. And a static location, even though the rig**
 22 **might have military around it as well, it was further**
 23 **removed from those static facilities than -- so I mean**
 24 **that was always, you know, what we believed and the**
 25 **intelligence led us to believe that the rigs were a more**
 Page 127

1 **vulnerable target and more likely to be attacked than**
 2 **a static facility itself.**
 3 Q. Going back --
 4 **A. If I could I'd like to add just a little bit more. When**
 5 **you think about numbers, and again I have quoted that**
 6 **I think there was roughly 160 Gendarmes on the site, on**
 7 **a drilling rig there was 30 Gendarmes. So I think it is**
 8 **important, that kind of helps form that basis of my**
 9 **opinion and I think also the opinion of liaison people**
 10 **who I've talked to many of over the years.**
 11 Q. The ring of steel you have talked about is comprising
 12 the military and then the Gendarmes that you had at the
 13 Gendarme camp?
 14 **A. I use ring of steel because that was a slang word**
 15 **that -- yes, it is the military protection zone. So**
 16 **that's the first protection for the larger zone as**
 17 **a whole and then within that zone was the Gendarmes who**
 18 **were there specifically to protect a given installation**
 19 **or installations.**
 20 Q. Another component of that, an unseen component
 21 I suppose, is the Algerian internal security force,
 22 their intelligence service called I think, the DRS.
 23 That is in effect another component that is there to
 24 protect you, isn't it?
 25 **A. I would agree with that, yes.**
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| <p>1 Q. Have you read the Statoil report into what happened at 2 In Amenas? 3 A. No, I was sent the Statoil report and I will be honest 4 and say it was during a time where I was still extremely 5 tender inside, I'll put it that way, and I got about ten 6 pages into the report and I couldn't stomach reading any 7 more. So it still sits on my desktop on my computer but 8 I've not finished reading it. 9 Q. Just to save a little bit of time I am not going to ask 10 you to put it in front of you now but I am just going to 11 quote a little bit of it for you now and if you would 12 like to see the wider context we can get hold of the 13 report. We all have copies of it here. I just want to 14 quote this little bit and ask you about it. One of the 15 things that the officer of the report said is: 16 "No military force can guarantee complete protection 17 against determined terrorists for a licensed area the 18 size of Luxembourg situated close to a porous border." 19 My understanding from what you have said is that if 20 you take it back to 15 January 2013, you did think that 21 the Algerian military and the Gendarmes could guarantee 22 complete protection against an attack on In Amenas by 23 terrorists on the Libyan side of the border? 24 A. On the Algerian side of the border do you mean. 25 Q. Right, where you were on the -- Page 129</p> | <p>1 you that there won't be a terrorist attack in London 2 today. 3 Q. I would like to ask you a few specific questions just 4 about how you gathered intelligence actually at the BdV 5 and within the compound itself. Your witness statement 6 that you made for BP, do you have that still in front of 7 you? 8 A. I do, yes. 9 Q. If you just look -- I am not going to take too much time 10 over this -- at paragraph 12? 11 A. Page 3? 12 Q. Can you just read that through to yourself. (Pause) 13 A. I am sorry? 14 Q. Just quickly scan it through to yourself, just remind 15 yourself of what it is that you have said there. 16 A. Okay. (Pause) 17 Q. You are talking there, as I understand it, about being 18 aware of sort of gossip, rumour, general talk on site, 19 people discussing various bits of information that they 20 hear that they might come by, but just being aware of 21 any security related chat. Is that right? 22 A. No, it's not entirely that. That sometimes an event 23 could occur and before it ever -- before we, for 24 example, before BP determined that something had 25 happened and they put it in their weekly summary of risk Page 131</p> |
| <p>1 A. Yes, I believe that. I believe that they had 2 a responsibility to provide that security and from all 3 indications I saw I believed they were capable of 4 carrying out that mission. 5 Q. Did you consider that stretch of the border, right where 6 you were, the border of about 30-miles or so, from the 7 Libyan/Algerian border, did you regard it as porous? 8 A. I regarded it as potentially porous and there were 9 indicators that we have discussed earlier that clearly 10 showed that armed smugglers were capable of going across 11 that border, trying to move arms or whatnot. But I also 12 believed and saw indications that the Algerian military 13 recognised that they had to step up, they brought more 14 troops into the area and tried to eliminate the porosity 15 so to speak of the border. 16 Q. And you believed that they had done so successfully, 17 that they had it completely under control? 18 A. If I didn't believe they had it under control I wouldn't 19 have been there myself nor would I have allowed a single 20 member of my employees to be there. 21 Q. Were you ever given a guarantee by anybody that the 22 border was under control? 23 A. No. No more so than I think my own government can 24 guarantee that there will never be a terrorist attack in 25 the United States nor can the UK Government guarantee to Page 130</p> | <p>1 or liaison at Hassi Messaoud, what I specifically am 2 talking about here is there was a hierarchy that was set 3 up whereby the OLSs reported into the OLM in 4 Hassi Messaoud and it was a specific incident, I can't 5 remember what it was, where Anthony FitzPatrick, the 6 OLS, was chastised by his manager in Hassi for informing 7 me before he informed Hassi Messaoud. Okay, through the 8 official channels. So I was insistent that if there was 9 anything material from a security standpoint, incident, 10 chat, whatever it was, that I would be the first person 11 to hear it on that site. He certainly needs to call his 12 boss and let his boss know what he has heard. That's 13 the way the organisation is structured but I simply 14 wanted to hear it myself quickly. So that's what I was 15 really getting at when I said this. 16 Q. Thank you. If you then just keep turning over the pages 17 until you get to paragraph 104, which I think is right 18 at the end, you mention there some alleged threats to 19 expats at the plant, threats in relation of if any of 20 these hunger strikers die then a number of expats are 21 going to pay the price, that sort of rumour? 22 A. Yes, that's what was in Garry's email, correct. 23 Q. Did you hear of any such rumours? 24 A. This particular rumour, yes, there was noise around, 25 I had a meeting when this came up, not with Garry Page 132</p> |

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| <p>1 because it wasn't brought to my attention by Garry and 2 I can't specifically recall who brought it to my 3 attention and in a site of that size of 800 people there 4 are always rumours, there's always noise going around 5 the site. 6 Again, my first reaction to this and I can't 7 specifically remember whether I spoke to Paul or Fitz, 8 it would have been whoever would have been on site in 9 that timeframe and during the time I was there I would 10 have gone to them, my question would have been have you 11 heard of this? Is there anything significant to this? 12 Can you substantiate this? And it was one that even -- 13 we mentioned D earlier, I specifically asked D about 14 this because D was an extremely good English speaker. 15 She also happened to be right next to my office. She 16 was the plant manager's secretary when I was operations 17 manager. So she also performed secretarial duties for 18 me. So I knew D really well. So she was also one that 19 I went to, to specifically ask about this as well. 20 Q. Your relationship with Fitz and with Paul Morgan, a good 21 relationship with them? 22 A. I thought it was good. I mean, it was different with 23 both of them. Paul and I worked out together in the gym 24 at about the same time so we saw each other outside of 25 work hours. Generally my timing of dinner kind of</p> <p style="text-align: center;">Page 133</p> | <p>1 experts could answer those questions. 2 Q. Just quickly, one more part from the Statoil report and 3 it is a brief quote and it says this: 4 "Security in the JV is not an area where views and 5 feedback et cetera were actively invited." 6 You would disagree with that? 7 A. I would disagree with that. I don't know why that 8 comment's made in the report unless through interviews, 9 their interviews with Statoil employees that some of 10 them expressed that. Now, I will say that the Statoil 11 employees had a tendency to be a little more quieter 12 about things than some of the other expats on site. 13 Every culture is a little bit different, okay. Some 14 were more vocal. Some were very quiet. So maybe that's 15 what it related to, but other than that I wouldn't know. 16 Q. I want to move on and ask you about something else, the 17 threat level. When you were asked questions by Ms Dolan 18 yesterday you said, and this is my rough quote of what 19 you said, that "we thought that there was steady 20 security over a number of years." 21 I think you were talking about the years in the lead 22 up to 2013? 23 A. Okay. 24 Q. Do you remember saying that? 25 A. Yes, I made that statement when I looked -- when I look</p> <p style="text-align: center;">Page 135</p> |
| <p>1 coincided with about the same time I would see the 2 liaison guys in there. Not 100 per cent of the times 3 but a lot of the times. So I considered I had a good 4 relation with both guys. 5 Q. So concerns that have been expressed by others 6 subsequently about him communicating the fact that he 7 felt that security was out of control and he didn't want 8 to go back again, that came as a surprise to you? 9 A. That came as a complete surprise to me. 10 Q. There is some witness evidence from one of the later 11 witnesses that he felt that there was a culture that 12 people who were critical of security would be considered 13 troublemakers. Thoughts about that? 14 A. No, I don't think that's true whatsoever. I encouraged 15 people to speak up. If they had questions we would get 16 their questions answered. In many cases in some of the 17 intelligence we talked about today there was concern on 18 the site hence the reason we set up town hall meetings 19 and myself I -- if I was there I would conduct that 20 meeting. In my absence Tore Bech would conduct that 21 meeting and we always had liaison with us in that 22 meeting and we brought them there specifically because 23 they were the security experts so if people had specific 24 questions around security or something they'd heard or 25 something that was purportedly in the paper that the</p> <p style="text-align: center;">Page 134</p> | <p>1 at it holistically and I think about 16 years in the 2 country or whatever the exact timeframe I was, I had 3 seen a number of security incidents that occurred, okay, 4 and I had a general sense and you develop a general 5 sense of whether they are increasing in number, they're 6 kind of staying the same or they're deteriorating 7 significantly and my general sense was incidents within 8 the country, terrorist incidents within the country were 9 pretty much static. It was not going up and it was not 10 going down. 11 Q. Did you think that the security situation in 2012 was 12 better or worse than it had been in 2011 or the same? 13 A. I felt it was similar although there were some 14 indicators that told us we really needed to keep a close 15 eye on things. 16 Q. Again, to go back to the Statoil report. One of the 17 things they say about the threat level is that it was 18 "low alert level working as medium threat level" and 19 that that was lower than it had been for the majority of 20 2011. Is that correct? 21 A. Not to my knowledge. 22 Q. Because quite a lot of the material that we have looked 23 at, and Mr Ritchie has taken you through some of it, 24 indicates that across the region security was 25 deteriorating throughout 2012, wasn't it?</p> <p style="text-align: center;">Page 136</p> |

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| <p>1 A. Yes, I certainly couldn't say anything other than the 2 fact that regionally there were security issues. I mean 3 you had the downfall of a long-term despot in Gaddafi. 4 He ruled his country with an iron fist. Mali had been 5 reasonably calm and secure over the years. So, yes, 6 I would agree with the statement that regional security 7 had deteriorated.</p> <p>8 Q. If we go back to your witness statement, 9 paragraph 37.10. It is on page 14. This is talking 10 about guard towers and you say about halfway down that, 11 about three lines up from the bottom: 12 "As the perceived security situation decreased so 13 the military stopped manning the guard towers." 14 What do you mean when you say "as the perceived 15 security situation decreased"?</p> <p>16 A. Well, this specifically, this comment relates back to my 17 tenure at Rhoude de Baguel and when we started the 18 Rhoude de Baguel project in the first couple of years 19 the Gendarmes actually manned the guard towers around 20 the facility. As the perceived security situation 21 decreased, in other words, the threat decreased, the 22 Gendarmes stopped manning those towers. When I arrived 23 at In Amenas the towers weren't manned at In Amenas 24 either and it was apparent that the current security 25 situation in the area was not such that the Gendarmes</p> <p style="text-align: center;">Page 137</p> | <p>1 end of that briefing. It is page 7 of the internal 2 document under the heading "Other reading". 3 THE CORONER: There is the start of that at 245 but I don't 4 think it goes on. 5 MS DOLAN: Page 223. Is that it? 6 MS GOLLOP: It should start by saying "Western concern rises 7 over --" 8 MS DOLAN: Mr Cobb's exhibit page 223. 9 MS GOLLOP: I am grateful to my learned friend. (Handed) 10 This is part of one of your weekly summary of risk 11 documents for the middle of May 2012. So about eight 12 months before the attack occurs. This is some analysis 13 from the Financial Times. If you look at the second 14 paragraph that begins "Algeria and other North African 15 states". About five or six lines down it is talking 16 about Al Qaeda and the Islamic Maghreb and saying that: 17 "Their displacement to the south, western officials 18 and Algerians acknowledge may no longer be tolerable 19 with the arrival of militants from several parts of 20 Africa to the Sahel region armed with weapons looted 21 from Libya." 22 Then if you skip the rest to the next full 23 paragraph: 24 "Another western diplomat added we are worried that 25 there is a void, an ungoverned space where AQIM is able</p> <p style="text-align: center;">Page 139</p> |
| <p>1 felt it was necessary to provide a presence in those 2 towers.</p> <p>3 Q. And it would seem that no part of the deterioration over 4 2012 caused them to reassess the need to man the towers?</p> <p>5 A. No, there actually had been some conversations in the 6 past about -- but internally between myself and liaison 7 about should this be something the Gendarmes should be 8 doing? And those conversations really didn't bottom 9 out. There wasn't anything clear that we could take to 10 the Gendarmes to say, "we've seen this, we insist that 11 these towers be manned".</p> <p>12 Q. Can I ask you to look at, just on that note then, just 13 ask you to look at one of the exhibits to your witness 14 statement which is at, I hope, page 223.</p> <p>15 A. I don't believe I have that.</p> <p>16 Q. This should be BP witness statement. This is the BP 17 bundle, tab 4, exhibit to BP witness statement, 18 page 223. It is one of the weekly summary documents. 19 MS DOLAN: It is probably 24 in the core bundle then. 20 MS WATSON: 30 May 2012. 21 MS GOLLOP: Page 223. 22 MR POPAT: It is also in the core bundle at tab 24, page 244 23 I think. I am not entirely sure which bit Ms Gollop is 24 going to refer to. 25 MS GOLLOP: It is paragraph 3, week in detail right at the</p> <p style="text-align: center;">Page 138</p> | <p>1 to operate with even more freedom." 2 That sort of comment fits into your perception of 3 a general deterioration in security over the region, 4 yes?</p> <p>5 A. Your specific question again, please?</p> <p>6 Q. This sort of commentary, analysis, comments made by 7 western officials in Algeria fits into your general 8 perception at the time that across this region, across 9 the Sahel region there was a deteriorating security 10 situation in 2012?</p> <p>11 A. There was another indicator certainly for Mali.</p> <p>12 Q. That is Mali but we are also talking here across the 13 Sahel, which is a strip which goes across the Sahara, 14 Niger, Mali Mauritania and Libya. Is that not enough to 15 say to the Gendarmes, "look, we're 30-miles from the 16 border, we want some additional reassurance and peace of 17 mind, how about putting guards in the guard towers"?</p> <p>18 A. No, that's not how it struck us. Combined with the 19 information that we had later that the Algerian military 20 was moving significantly more troops back into the area 21 and also had dispatched troops to the southern border, 22 what it really meant to me was that Northern Mali in all 23 likelihood was going to become another Afghanistan. 24 I think that's what everyone's greatest fear was, that 25 it could evolve into a completely lawless area where</p> <p style="text-align: center;">Page 140</p> |

1 **Al Qaeda and other affiliated groups would be able to**
 2 **send fighters to be trained and so forth and then from**
 3 **there launch to other regions.**
 4 Q. If there had been Gendarmes in the towers at night they
 5 would have seen terrorists coming, wouldn't they?
 6 **A. I suppose so, yes.**
 7 Q. Just as a matter of practicality they would have been
 8 clearly visible at some distance approaching across the
 9 desert?
 10 **A. Yes, I'm unclear as to exactly how the terrorists**
 11 **approached the facility, but, yes, if every guard tower**
 12 **was manned around the facility in all likelihood someone**
 13 **would have seen vehicles coming that shouldn't have been**
 14 **out at that time of night.**
 15 Q. You were asked some questions by Mr Ritchie about, for
 16 example, if you had seen the El Khabbar newspaper
 17 from November 2012 about court documents being lodged,
 18 terrorists wanting to take photographs of oil and gas
 19 facilities, would you then have asked for guards in the
 20 guard tower and you said no, you didn't think you would
 21 have done that.
 22 I just want to explore with you a little bit about
 23 what it would have taken to get guards into the guard
 24 tower. Would you have had a very complicated and
 25 tortuous route to have to go up to Hassi and back to

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1 Sonatrach and through the JOC and so on in order to get
 2 that kind of a request actioned?
 3 **A. Well, firstly, it would have taken a recommendation by**
 4 **my liaison team, a specific recommendation to say we**
 5 **believe the situation has reached a point to where we**
 6 **don't feel comfortable unless there are Gendarmes in**
 7 **these towers. My instructions to them would have been**
 8 **to go and talk to the captain, Captain Hocine in this**
 9 **case, and make a request to him at a lower level. If**
 10 **Captain Hocine would have refused then I would have gone**
 11 **up through the channels to Sonatrach and DPP and Hassi.**
 12 **Had I not got any reaction by doing that then I would**
 13 **have gone back through BP and Statoil and I would have**
 14 **asked them to exert pressure from a different avenue.**
 15 Q. So in terms of thinking of speed of responsiveness, that
 16 sounds to me really rather slow and cumbersome, is that
 17 fair?
 18 **A. Responsiveness to?**
 19 Q. To a perceived direct and immediate threat?
 20 **A. No, I don't think so. It would depend upon the**
 21 **information and the intelligence we had that caused us**
 22 **to want to take that action to begin with. Let me give**
 23 **you an example. Let's say that the military intercepted**
 24 **a group of vehicles that were en route to In Amenas**
 25 **across the desert. Let us say that would have happened.**

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1 **Immediately we would have gone to the Gendarmes and with**
 2 **that information the gendarmes wouldn't have hesitated**
 3 **for a second once they confirmed and they could have**
 4 **made a few phone calls to confirm with the military that**
 5 **had intercepted them, they would have put people in**
 6 **those guard towers.**
 7 Q. So taking another example. Mr Ritchie asked you earlier
 8 had this reported threat been made at the meeting on
 9 15 January that DB mentions in her witness statement
 10 that you say you don't remember her translating or she
 11 didn't translate, that "tomorrow blood will be shed",
 12 you said if that had come to your attention you would
 13 have been "very worried"?
 14 **A. I would have locked the facility down.**
 15 Q. What would that mean?
 16 **A. That would have meant I would have gone straight to the**
 17 **Gendarmes, I would repeated to them what was said.**
 18 **I would have the Gendarme captain on the site right**
 19 **then. Interrogate the individual that said it and there**
 20 **would have been a complete lock down of the facility**
 21 **until we got to the bottom of it. I mean that's a very**
 22 **serious threat.**
 23 Q. Just a quick question about the chain of command.
 24 Paragraph 16 of your BP witness statement, page 4. In
 25 the second sentence there you say:

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1 "I recall being informed at one stage by Fitz that
 2 the chain of reporting from the local captain of the
 3 Gendarmerie ultimately went to the Algerian regional
 4 military command based at Illizi."
 5 Did you have any direct knowledge of what the chain
 6 of command was between the Gendarmes and the military?
 7 **A. My knowledge was simply what I believe what Fitz had**
 8 **told me and I said Illizi in here. It might have been**
 9 **Ourgla. One of the two of them was where the fourth**
 10 **military region was headquartered and I had been told**
 11 **that is who the Gendarmes reported in through.**
 12 Q. Do you know who was in charge in whichever it was,
 13 Illizi or Ourgla?
 14 **A. No, I would have had no interaction with them.**
 15 Q. Contact with Captain Hocine of the Gendarmerie, you have
 16 told us about one meeting that you had with him. How
 17 often did you have a meeting?
 18 **A. Not real often. You know, again, I had a set of**
 19 **professionals on site in liaison function and their role**
 20 **was to liaise and interface with the military on**
 21 **a number of different matters. As a courtesy, being the**
 22 **second most senior person on the site, I obviously**
 23 **wanted to meet the commander of the Gendarmerie and know**
 24 **who it was but I didn't have a need to have direct**
 25 **business dealings with him. It was only because of that**

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1 very, I mean, Captain Hocine worked out in the gym at
 2 a similar time I did. I said hello to him in the
 3 gymnasium but that was all the conversation was. I did
 4 have one conversation with him one time when he had
 5 a soldier actually bring him into the camp to go over to
 6 work out and the soldiers came into the camp with
 7 weapons. So I took it upon myself to have
 8 a conversation with him to reinforce politely to him
 9 that he knew what the rules were, that armed Gendarmes
 10 weren't allowed inside the facility. Aside from that
 11 particular instance the only other one I recall was the
 12 meeting I had with him when we were trying to determine
 13 what our options were, logistically should the drivers
 14 completely shut down and remove all service to get
 15 people off-site.
 16 Q. I am just unclear about this. And this is just
 17 personally I want to understand about languages. Do you
 18 speak any languages other than English?
 19 A. My French is very rudimentary.
 20 Q. And what languages does Captain Hocine speak?
 21 A. He spoke some English, some French.
 22 Q. And mostly then Arabic?
 23 A. You know, it's unfair to say mostly Arabic. I think he
 24 was fairly fluent in French because when I did meet with
 25 him on that particular instance that I referred to

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1 around the logistical issue Paul was with me and Paul
 2 did quite a bit of the conversation with him in French.
 3 I can recall that very specifically. Although at the
 4 same time Captain Hocine responded to me a couple of
 5 times in the conversation or said things in English
 6 which told me he spoke a little bit of English.
 7 THE CORONER: What was the reason for no armed Gendarme
 8 within the facility?
 9 A. Well, there was a real concern about accidental
 10 discharge. The Gendarmes we felt were better positioned
 11 outside the facilities and not bringing the threat of
 12 someone carrying a weapon inside of our facilities and
 13 I guess, that went back to my time at REB. In fact the
 14 Gendarme guardhouse that existed at the BdV had,
 15 I think, it was two bullet holes in the window where
 16 they had actually had accidental discharges inside the
 17 guardhouse. Okay. I grew up around weapons. I'm
 18 a huge proponent of gun safety and what I saw didn't
 19 thrill me in terms of the way they handled weapons,
 20 okay?
 21 MS GOLLOP: It didn't thrill you did you say?
 22 A. Yes, didn't make me comfortable. It is a very American
 23 expression, thrill me.
 24 Q. The rapid action deployment force, it had a couple of
 25 names but the force that you mentioned yesterday that

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1 was supposed to deploy rapidly. Did you ever see it in
 2 action?
 3 A. No.
 4 Q. Did it actually exist?
 5 A. According to Paul and according to the captain it did,
 6 yes, because I asked Paul after the meeting that I had
 7 with the captain where I first learned about this
 8 specific force if he was aware of it and he said "oh yes
 9 yes I've always known it was there", so I think he and
 10 Fitz were aware of it but it's not something necessarily
 11 they would have communicated to a broader audience.
 12 Now, if somebody would have asked them I'm sure they
 13 would have shared that with them.
 14 Q. Just to be clear about this, it is not, for example,
 15 that those comprising the rapid action deployment force
 16 had a different uniform or anything like that so you
 17 could see these are the rapid action guys?
 18 A. No, to my knowledge I don't really know, you know,
 19 whether they were -- I would assume they're probably
 20 dressed the same. I think what -- my interpretation of
 21 what it meant was that these were 10 or 12 individuals
 22 who were kitted up, fully kitted up and ready to go in
 23 a moment's notice if something were to happen. Whereas
 24 maybe some of the other gendarmes they might have been
 25 in the canteen together having lunch or over in this

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1 location or whatnot but this force was ready to go at
 2 a moment's notice.
 3 Q. Did you ever know the Gendarmes to stage a practice
 4 exercise?
 5 A. No, not that I physically saw myself or I was told.
 6 I know that there was exercises, I can remember being
 7 told about exercises by the army or the military in the
 8 general area because there came a point in time when the
 9 military moved a lot of very heavy equipment in as part
 10 of their reinforcements and actually had discharged
 11 shells from tanks and somehow or another that was
 12 communicated from the military to the Gendarmes, to
 13 liaison, who then communicated to all the expats on site
 14 to tell them: don't be concerned if you hear these large
 15 explosions in the distance. This is the military doing
 16 manoeuvres and doing live fire exercises.
 17 Q. But you never saw the Gendarmerie do any kind of drills
 18 or exercises or simulations, mock ups, anything like
 19 that?
 20 A. No, I did not.
 21 Q. Not in all your years at In Amenas?
 22 A. No, not that I ever recall.
 23 Q. Mr Cobb, could you briefly look at the statement that
 24 you made to the police. That is in witness bundle 1 at
 25 tab 16. Do you have that?

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|---|---|
| <p>1 A. Yes, I do.</p> <p>2 Q. It is page 17 of the document which is right at the back</p> <p>3 and it is the last page of the statement.</p> <p>4 A. Okay.</p> <p>5 Q. I am looking at the second full paragraph, so it is in</p> <p>6 between the two hole punches, the third one, and it</p> <p>7 starts "I was not concerned with the Gendarmes'</p> <p>8 capabilities"?</p> <p>9 A. Excuse me, it is the next to last page or the last page?</p> <p>10 Q. Sorry, it is the last page but the other face of the</p> <p>11 last page if you see what I mean. It says page 17 of 18</p> <p>12 at the top?</p> <p>13 A. Okay, got it, sorry.</p> <p>14 Q. In between the holepunch, and there is a paragraph</p> <p>15 saying "I was not concerned."Do you have that?</p> <p>16 A. Yes, I have it.</p> <p>17 Q. "...with the Gendarmes' capability prior to the attack.</p> <p>18 The Algerian military were responsible for the security</p> <p>19 of the facility."</p> <p>20 And then you say:</p> <p>21 "I always wondered how proficient they would be in</p> <p>22 an attack."</p> <p>23 Did it feel safe to be in a situation of wonderment?</p> <p>24 A. No. As I said in the first sentence I was not concerned</p> <p>25 of their capabilities. I believed that they were</p> <p style="text-align: center;">Page 149</p> | <p>1 again I had security professionals on my site who were</p> <p>2 all former army, they were French Foreign Legion, they</p> <p>3 were Special Air Services. These were top notch</p> <p>4 soldiers and if anybody could deem the capabilities of</p> <p>5 another military force and what they thought they could</p> <p>6 and couldn't do, it was those guys. So I was relying</p> <p>7 upon their professional opinion.</p> <p>8 Q. Moving on to just a different topic. And just a general</p> <p>9 question really. What did you know of the Algerian</p> <p>10 army's approach to hostage taking situations?</p> <p>11 A. What did I note about it? I knew that they reacted</p> <p>12 based on the years they spent in the bloody decade, they</p> <p>13 reacted in a very strong manner to hostage taking.</p> <p>14 Q. So the likelihood was that if you ever ended up with</p> <p>15 a hostage taking situation in the facility, in</p> <p>16 In Amenas, and the military had to respond, there were</p> <p>17 going to be mass fatalities?</p> <p>18 A. I knew that if there were situations such as you</p> <p>19 describe that it was highly likely that people would be</p> <p>20 killed, yes.</p> <p>21 Q. Mr Barry Shaw, who were his contacts at the British</p> <p>22 Embassy in Algiers?</p> <p>23 A. I'm sorry?</p> <p>24 Q. Who were his contacts at the British Embassy in Algiers?</p> <p>25 A. Who were the contacts in the embassies, it was the</p> <p style="text-align: center;">Page 151</p> |
| <p>1 capable of doing their job but one never knows until</p> <p>2 they're put to test.</p> <p>3 Q. So on that note, one of the thoughts emerging from the</p> <p>4 Statoil report is that there was no effective way of</p> <p>5 coordinating planning or exercising any forms of drills?</p> <p>6 A. With the Gendarmes?</p> <p>7 Q. Or with the military?</p> <p>8 A. No.</p> <p>9 Q. So these assumptions on which you are basing your</p> <p>10 personal feeling of security and your sense of security</p> <p>11 for all of your people at the site are based on</p> <p>12 assumptions that weren't tested?</p> <p>13 A. That's incorrect. I state in here I had always asked</p> <p>14 the liaison team about the Gendarmes and if they were</p> <p>15 happy with their capabilities. They always stated that</p> <p>16 they were confident that the Gendarmes had the</p> <p>17 capability to maintain the security of the site.</p> <p>18 Q. When I say "tested" I don't mean asking somebody if</p> <p>19 they're happy that somebody else can do their job.</p> <p>20 I mean proper testing in the sense of mounting a drill,</p> <p>21 some sort of simulation, some sort of a practice</p> <p>22 exercise, some sort of alarm testing response, something</p> <p>23 of that nature. Nothing like that was ever done with</p> <p>24 either the Gendarmerie or the military, is that right?</p> <p>25 A. No, to the best of my knowledge that never occurred but</p> <p style="text-align: center;">Page 150</p> | <p>1 security, I think they call them the FCO or whoever was</p> <p>2 the head of security of the embassy, whether it was the</p> <p>3 US Embassy or whether it was the British Embassy, there</p> <p>4 was some sort of security function that existed in</p> <p>5 there.</p> <p>6 Q. Do you have a name?</p> <p>7 A. No, I can't remember right off the top of my head.</p> <p>8 Q. Your views about the Algerian internal security force,</p> <p>9 the DRS, did you sense that they were competent?</p> <p>10 A. My assumption was they were brutally competent.</p> <p>11 Q. What do you mean by that?</p> <p>12 A. That they operate in a little bit of a different way</p> <p>13 than we are used to our security forces operating in our</p> <p>14 own countries and their means of gathering intelligence</p> <p>15 and information would not stand up in our societies.</p> <p>16 But they're effective.</p> <p>17 Q. Do you find it credible that the attack on In Amenas</p> <p>18 could take place with the DRS knowing nothing of it</p> <p>19 beforehand?</p> <p>20 A. I find it incredibly surprising that they didn't pick up</p> <p>21 information related to that attack, given the other</p> <p>22 examples of successes that the military had which</p> <p>23 I would have believed were predicated on intelligence</p> <p>24 information that they had gathered through their system.</p> <p>25 Q. So we have information and pictures of a terrorist</p> <p style="text-align: center;">Page 152</p> |

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|---|--|
| <p>1 training camp on the border operating a year before 2 In Amenas, you would have expected the DRS to be aware 3 of that? 4 A. Oh, yes, I'm sure they were aware of the terrorist bases 5 in the neighbouring countries, some knowledge of them. 6 MS GOLLOP: Thank you very much. 7 Questions from MR GARNHAM 8 MR GARNHAM: Mr Cobb, good afternoon. 9 A. Good afternoon. 10 Q. My name is Garnham. I represent the remaining four 11 families, the families of Messrs Morgan, Barlow, 12 Bilsland and Whiteside. I want to start, if I may, with 13 your evidence of events on 16 January. There were 14 a number of points which those who instruct me are 15 concerned about. I want to see if you can help us with 16 them. 17 A. Okay. 18 Q. You tell us, if you need to look at it I can show it to 19 you but it is in your police statement, that Bjarne 20 Vjage, have I said his name right? 21 A. Bjarne Vjage. 22 Q. Told you that he had been held hostage with Tore Bech 23 Hans and Thomas. They had all been captured at the IBO 24 and been taken to the CPF? 25 A. That's correct.</p> <p style="text-align: center;">Page 153</p> | <p>1 saw the bus that was all shot up. That was your 2 expression? 3 A. Yes, I could see it off the side of the road. 4 Q. Bullet holes on the left-hand side that you could see? 5 A. It's -- yes, I seem to recall bullet holes -- I can't 6 tell you specifically if I saw bullet holes in the 7 front. It would have had to have been the front or the 8 left-hand side. 9 Q. Because the other side -- 10 A. Would have been away from me. 11 Q. When you saw it was it still on the road facing the 12 checkpoint or had it been moved? 13 A. No, I seem to recall it was still facing towards the 14 checkpoint and in my memory it seems like it was kind of 15 off the road just a little bit but not very far. 16 Q. When you were looking, that would have been at about 17 1 o'clock you think? 18 A. Yes. 19 Q. I don't want to hold you to the time. 20 A. Yeah, 1.00, 1.15, somewhere in that timeframe. 21 Q. So was that shortly after you arrived or shortly before 22 you left to go to the VCP? 23 A. I'm not sure I understand your question. 24 Q. The point at which you were making those observations of 25 the bus, was that just as you arrived or just as you</p> <p style="text-align: center;">Page 155</p> |
| <p>1 Q. Did Mr Vjage mention Garry Barlow at that point? 2 A. No, I don't remember him ever mentioning Garry Barlow. 3 I heard about Garry from a different individual. 4 Q. He didn't ever say anything that suggested he had been 5 with Mr Barlow? 6 A. Not that I recall. 7 Q. Thank you. You told us yesterday that you went to the 8 VCP after initially escaping. After you escaped to the 9 Gendarme camp where did you go initially after that? 10 A. I was then transported by the Gendarmes to the parking 11 area that was adjacent to the VCP which had then become 12 a military, basically the headquarters for the military 13 operation. 14 Q. You arrived I think at the Gendarme camp at about 11.30 15 or 12 o'clock. Does that sound about right? 16 A. Yes, somewhere in that timeframe, yes. 17 Q. Do you recall how long you stayed there? 18 A. You know, maybe an hour at the most. 19 Q. So can you give us an estimate of what time you arrived 20 at the VCP1, the vehicle checkpoint? 21 A. Yes, I would estimate it was probably somewhere, you 22 know, one ish, 1.15, 1.30, maybe somewhere in there. 23 I don't remember exactly. 24 Q. You tell us that when you were at the vehicle checkpoint 25 you had seen that there were JV vehicles. You say you</p> <p style="text-align: center;">Page 154</p> | <p>1 left? 2 A. As I left, in other words from the VCP area to go into 3 In Amenas? 4 Q. Yes? 5 A. I don't remember. It seems like it was probably right 6 when I first got there. I first familiarised myself 7 with my surroundings to try to get a sense of what was 8 going on. 9 Q. And that would have been when you noticed the bus? 10 A. Yes, and I would have looked out and seen there was 11 still convoy vehicles and the bus at the side of the 12 road because at that point I knew from text messages 13 that the bus had been attacked. 14 Q. You tell us in your police statement that Bjarne Vjage 15 told you at the Gendarme camp that Paul Morgan's body 16 was at the VCP and that it was still in the liaison 17 vehicle? 18 A. That's correct. 19 Q. Did he tell you how he knew that? 20 A. No. 21 Q. He didn't say whether he had seen it or had it reported 22 to him? 23 A. No, he just simply told me that -- I think something 24 along the lines of, I'm not sure if you're aware Paul 25 was killed and he's in a vehicle that's -- the liaison</p> <p style="text-align: center;">Page 156</p> |

1 **vehicle that's parked, and he kind of pointed in that**
 2 **area and then I could see the vehicle over there.**
 3 Q. And you didn't know how he knew that?
 4 **A. No, no idea.**
 5 Q. You tell us about going -- in your witness statement to
 6 the police, you tell us about going to see the vehicle
 7 with Mr Morgan's body?
 8 **A. That's correct.**
 9 Q. You say you think that the Toyota Landcruiser had
 10 a single bullet hole in the front windscreen and two or
 11 three bullet holes in the driver's door at the side?
 12 **A. Yes, that's what I recall. I don't know if it was one**
 13 **bullet hole in the windscreen or two. I specifically**
 14 **remember seeing one and I remember walking around the**
 15 **vehicle because on the passenger side of the vehicle**
 16 **someone had draped a towel over the door frame and shut**
 17 **the door to show some consideration to Paul and I walked**
 18 **around the vehicle to the other side because I needed to**
 19 **confirm in my own mind that it actually was Paul**
 20 **because --**
 21 Q. And you could then see Paul Morgan's body?
 22 **A. Yes, I could see Paul. He was still seat belted into**
 23 **the vehicle.**
 24 Q. Thank you. You answered my next question whether he was
 25 still seat belted. He was still seat belted in?

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1 **A. Yes.**
 2 Q. And he appeared to be in the same position where he had
 3 died?
 4 **A. Yes.**
 5 Q. The vehicle, you couldn't tell presumably whether it had
 6 been moved, you just saw it as it was?
 7 **A. Yes, I just saw the vehicle in the camp. I'm not sure**
 8 **I fully understand that.**
 9 Q. What direction was it facing?
 10 **A. It was facing in a position that would be in to the**
 11 **camp, okay, I don't know exactly what direction that**
 12 **was. I'm not --**
 13 Q. As if going towards the camp?
 14 **A. It is like it had driven into the camp and then drove**
 15 **down to that area. It was not very far from the medical**
 16 **centre itself in the Gendarme camp.**
 17 Q. It didn't look as though it had been turned around to
 18 come back out?
 19 **A. No, not to me. I recall it being in the bonnet facing**
 20 **the opposite direction.**
 21 Q. Can you help us with where the hole in the windscreen
 22 was? Was it level with the driver's seat or passenger
 23 seat?
 24 **A. It seemed like it was on the passenger side of the**
 25 **vehicle but I'm not 100 per cent sure.**

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1 Q. This may be an impossibly difficult question in which
 2 case please tell me you can't answer it. But did you
 3 get an impression of where the gun would have been shot
 4 into that windscreen?
 5 **A. No, I didn't. My thoughts weren't even there. I mean**
 6 **I was in a completely different place. I was mourning**
 7 **the first person that had died and that was my first**
 8 **encounter. My first encounter ever to see someone die**
 9 **in that kind of circumstance by gunshot and, so all**
 10 **I thought about was Paul and his family and of course**
 11 **then immediately thinking about everyone else and you**
 12 **couldn't help but wonder is Paul the first of how many?**
 13 Q. I well understand that and I am sorry to ask you but you
 14 will appreciate for the family you are one of the few
 15 people who can talk to this.
 16 **A. Yes.**
 17 Q. Did it strike you as surprising that his body was still
 18 in that vehicle?
 19 **A. My first reaction when Bjarne had told me that Paul was**
 20 **in the vehicle was one of surprise. He didn't tell me**
 21 **or give any indication as to what had killed Paul.**
 22 **Okay, or how Paul had died. When I walked to the**
 23 **vehicle and I saw what appeared to be a towel or**
 24 **something that they had placed over his head, you could**
 25 **see all the blood on it, my impression was that Paul had**

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1 **been shot in the head. I couldn't see a bullet entry**
 2 **wound because the towel was covering it but it -- my**
 3 **impression then was Paul was dead on arrival, the doctor**
 4 **had probably come out and did not want to move the body**
 5 **for forensic reasons or until the military got -- I'm**
 6 **not really sure but --**
 7 Q. These were assumptions you made?
 8 **A. These were assumptions on my part, yes.**
 9 Q. And you didn't ask anybody why his body was still in the
 10 vehicle?
 11 **A. No, no.**
 12 Q. You have said on a number of occasions that you grew up
 13 with weapons. I am going to ask you this question but
 14 again if it is outside your knowledge you must tell us?
 15 **A. Sure.**
 16 Q. Did it look to you as if the windscreen, for example,
 17 had been shot through with a pistol or a rifle or
 18 couldn't you tell?
 19 **A. No, I couldn't tell the difference.**
 20 Q. Were there any other bodies in the area or was it just
 21 Paul's?
 22 **A. There was signs that there had been another individual**
 23 **who was either killed or severely wounded who I assumed**
 24 **to be a Gendarme because when they took me into the**
 25 **medical centre there was a gurney in the middle of the**

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| <p>1 triage room. It was covered with blood. There was 2 blood all over the floor.</p> <p>3 Q. But in the area around the Paul's car, the car that Paul 4 was in, did you see any other bodies?</p> <p>5 A. No.</p> <p>6 Q. You say in your statement that you spoke to S at the 7 airport at In Amenas?</p> <p>8 A. That's correct.</p> <p>9 Q. When, there was an occasion when you saw his foot was 10 bandaged I think. S's foot was bandaged?</p> <p>11 A. Yes, that was not the reason I spoke to him but he 12 obviously appeared to be in pain, his foot was bandaged 13 and he had crutches and it seemed like somebody, I can't 14 remember who it was, escorted him into the room.</p> <p>15 Q. Did he tell you in that conversation how soon after the 16 attack began he had driven back to the BdV?</p> <p>17 A. What he indicated to me was, I mean, as soon as their 18 vehicle came under fire he immediately, I guess, let off 19 on the clutch and pushed the gas pedal and did a 180 in 20 the road and turned around and drove as fast as he could 21 back to the Gendarmerie.</p> <p>22 Q. Did he tell you where the shot had come from that killed 23 Paul? Did he say where he was facing incoming fire?</p> <p>24 A. No, I don't remember having a conversation with him on 25 that.</p> <p style="text-align: center;">Page 161</p> | <p>1 the Gendarmes would have evacuated him as quickly as 2 they could once the doctor did whatever he could on the 3 site.</p> <p>4 Q. You say that S told you that the civilian guard had 5 opened the vehicle bar or barrier and at that point S 6 had turned off his headlights and Paul had turned on the 7 internal light?</p> <p>8 A. That's correct.</p> <p>9 Q. And you go on to say that as soon as he did this there 10 was a single shot which killed Paul. Then there was 11 automatic gunfire coming into the vehicle?</p> <p>12 A. That's what S said to me.</p> <p>13 Q. Am I right to understand that you recall from your view 14 of the vehicle that there was gunshot damage on the 15 driver's side. That is the left side of the car?</p> <p>16 A. Yes, I recall one or two or three, I don't remember 17 exactly how many, but I recall bullet holes on that side 18 of the vehicle. It seemed like they were in the door 19 itself.</p> <p>20 Q. Assuming the firing was coming from somewhere to the 21 right-hand side of the road on that approach to that 22 point, that would fit, wouldn't it, with S having turned 23 the vehicle round and driven back towards the BdV?</p> <p>24 A. That's possible. It could have -- there could have been 25 shots into his side of the vehicle after he turned</p> <p style="text-align: center;">Page 163</p> |
| <p>1 Q. Not whether it came front on or from the side?</p> <p>2 A. No. Well, I remember S saying that we were attacked -- 3 the way he put it if I can recall correctly, we were 4 attacked from all sides. I took that to mean that they 5 were attacked from two separate directions on the road.</p> <p>6 Q. Did you understand from him that Paul had been shot once 7 or did you think he had received more than one bullet or 8 don't you know?</p> <p>9 A. I don't know.</p> <p>10 Q. Did he say what had happened when he reached the 11 Gendarme camp?</p> <p>12 A. He said he immediately alerted the Gendarmes to send 13 reinforcements to VCP1 and to the BdV because there was 14 a significant terrorist attack underway.</p> <p>15 Q. Did he say he had brought the vehicle back to the VCP or 16 did he tell you somebody else had?</p> <p>17 A. That he brought it back to the VCP?</p> <p>18 Q. Yes, had he driven forward and then come back? You said 19 he turned around --</p> <p>20 A. He turned around at the VCP and went back to the 21 Gendarmerie and I never asked, the vehicle was still 22 there with Paul's body --</p> <p>23 Q. And as far as you knew hadn't been moved again?</p> <p>24 A. As far as I knew hadn't been moved again and I'm 25 assuming because S was shot himself that the military,</p> <p style="text-align: center;">Page 162</p> | <p>1 around from vehicles that were stationed on the 2 right-hand side of the road.</p> <p>3 Q. Would it fit with evidence that he was shot straight 4 after turning on the light with the vehicle facing the 5 checkpoint?</p> <p>6 A. I'm not entirely sure. All I have to go by is what S 7 said to me. And he just -- he told me what I have 8 already recounted in here.</p> <p>9 Q. In other words, that the shot that killed Paul Morgan 10 occurred before he turned the vehicle round?</p> <p>11 A. I can't recall.</p> <p>12 Q. You say S turned off the headlights but Paul turned on 13 the internal light. Do you have an understanding as to 14 why that might have happened?</p> <p>15 A. Typically when you're pulling up to the VCP, VCP1 in 16 this case, or to La Recule, and it is still dark, in 17 order to allow the guard to be able to see inside the 18 car your headlights are turned off, you turn on your 19 dome lights so they can easily see who is inside the 20 car.</p> <p>21 Q. That would have been normal procedure, would it?</p> <p>22 A. That would have been normal. As I said the military 23 weren't always good about doing that and the vehicles 24 were pretty well known, and Paul was a stickler for 25 following protocols. If there was a procedure to do</p> <p style="text-align: center;">Page 164</p> |

41 (Pages 161 to 164)

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| <p>1 something --</p> <p>2 Q. He'd do it?</p> <p>3 A. -- he would do it. That was Paul.</p> <p>4 Q. And it was normal procedure to stop at that checkpoint?</p> <p>5 A. Oh yes.</p> <p>6 Q. There was no alternative?</p> <p>7 A. Even for the convoy which was a known grouping of</p> <p>8 vehicles that were going to approach you still had to</p> <p>9 stop there. You still had to go through, let the</p> <p>10 vehicle barrier be raised and ...</p> <p>11 Q. Thank you. Now if I may can I ask you one or two</p> <p>12 questions about the statement you have done for this</p> <p>13 inquest about events other than those on 16 January?</p> <p>14 A. Sure.</p> <p>15 Q. The In Amenas plant was operated by the JV itself rather</p> <p>16 than the participating companies, is that what you have</p> <p>17 told us?</p> <p>18 A. That's correct.</p> <p>19 Q. Was the JV subject to overall control and approval from</p> <p>20 the three participating companies acting through the</p> <p>21 CdG?</p> <p>22 A. The CdG, one of the most important functions they</p> <p>23 perform was the approval of our budget, okay, and that</p> <p>24 was an exercise we went through. It would actually</p> <p>25 occur twice during the year. We would give</p> <p style="text-align: center;">Page 165</p> | <p>1 and In Amenas being close to the Libyan border that is</p> <p>2 where their main base was located and in my first years</p> <p>3 of going to In Amenas you could barely see the base,</p> <p>4 kind of in the distance off in the desert. You knew</p> <p>5 where it was. In fact it was pointed out to me by Paul</p> <p>6 or Fitz at some point when we rode together in the car</p> <p>7 but the additional troops that were brought in they had</p> <p>8 to do a massive expansion. They expanded towards the</p> <p>9 road itself and there was a number of main battle tanks</p> <p>10 that had been brought in that were staged kind of inside</p> <p>11 three sided berms, some of them were pointed towards the</p> <p>12 road. Some were more pointed towards In Amenas town.</p> <p>13 Q. Did you know how many troops there were there?</p> <p>14 A. No, my sense was there were several thousand, that was</p> <p>15 all I could say.</p> <p>16 Q. Do you know whether anybody in the JV made that enquiry</p> <p>17 as to how many troops there were and where they were</p> <p>18 stationed?</p> <p>19 A. Made that specific enquiry? No, I'm not aware.</p> <p>20 Q. You mention in your statements conversations with the</p> <p>21 liaison team OLS about bases being set up close to the</p> <p>22 Libyan border. Is that the one you are referring to in</p> <p>23 In Amenas?</p> <p>24 A. Yes, In Amenas.</p> <p>25 Q. Did you know, do you know to what information those who</p> <p style="text-align: center;">Page 167</p> |
| <p>1 a preliminary budget. It would be discussed, go through</p> <p>2 it and then at the next meeting that budget would be</p> <p>3 approved.</p> <p>4 Q. Would they approve the budget for security?</p> <p>5 A. They would approve the overall budget for the JV.</p> <p>6 Q. Including that element which was meant to cover</p> <p>7 security?</p> <p>8 A. All elements.</p> <p>9 Q. Does that mean increases in spending to reflect</p> <p>10 increases in security costings would be subject to CdG</p> <p>11 approval?</p> <p>12 A. If the money didn't exist in the budget as it was, and</p> <p>13 we had some latitude and leeway spending within our</p> <p>14 budget, if it exceeded that or our next year's budget</p> <p>15 was going to have a substantial increase, then --</p> <p>16 Q. You have to go back?</p> <p>17 A. -- we would have to get approval from the CdG.</p> <p>18 Q. You tell us that the Algerian army had a base at</p> <p>19 In Amenas town?</p> <p>20 A. That's correct.</p> <p>21 Q. Do you know how many troops were based there?</p> <p>22 A. No, I don't have an exact -- I'm sure that somebody told</p> <p>23 me at one time. I guessed based on just simply a visual</p> <p>24 observation of driving by and particularly when they</p> <p>25 began to ramp-up the security along the Libyan border</p> <p style="text-align: center;">Page 166</p> | <p>1 spoke to you about that had access?</p> <p>2 A. Sorry?</p> <p>3 Q. Do you know to what information the people who were</p> <p>4 speaking to you about the size of bases had access, do</p> <p>5 you know what their source of information was?</p> <p>6 A. Not specifically, no.</p> <p>7 Q. Was there some regular liaison between the military and</p> <p>8 the JV?</p> <p>9 A. No, there was a regular liaison between the JV and the</p> <p>10 Gendarmes, but not the JV and the military proper.</p> <p>11 Q. So did the JV take it on trust that the level of</p> <p>12 security provided by the military was adequate?</p> <p>13 A. We had a commitment by the Algerian government that the</p> <p>14 military was there to protect us and we had confidence</p> <p>15 that the Algerian military and the Gendarmes, the</p> <p>16 combination of the two of them were capable of doing</p> <p>17 that.</p> <p>18 Q. What I am interested in is how you, the JV, went about</p> <p>19 reassuring yourself that those assurances were</p> <p>20 trustworthy?</p> <p>21 A. Well, I think a big part of that assurance was the</p> <p>22 relationship with our partner Sonatrach on the site</p> <p>23 because Sonatrach had a direct line into the military.</p> <p>24 To communicate in places that we couldn't communicate.</p> <p>25 They were a partner. They also had the majority of the</p> <p style="text-align: center;">Page 168</p> |

42 (Pages 165 to 168)

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| <p>1 employees on the site.</p> <p>2 Q. Was that relayed to you? Were you made privy to</p> <p>3 whatever they would learn from the Algerian authorities</p> <p>4 about the capabilities of the Algerian military?</p> <p>5 A. I asked many, many times Mimoun Benghenima as to his</p> <p>6 confidence and his satisfaction that the military was</p> <p>7 doing what it needed to do to protect the overall zone,</p> <p>8 the military zone, and in fact if we ever had any issues</p> <p>9 with the Gendarmes, and I can't specifically recall an</p> <p>10 example for you, but I can recall situations in meetings</p> <p>11 with Paul or Fitz where they would ask Mimoun or Mimoun</p> <p>12 would go and volunteer to meet with the Gendarmes</p> <p>13 himself.</p> <p>14 Q. Did you ever get more than a bland affirmative in answer</p> <p>15 to the question, is the military up to providing the</p> <p>16 level of security we need?</p> <p>17 A. What I got was an assurance out of him that I didn't</p> <p>18 need to worry. That his number one responsibility as</p> <p>19 the Sonatrach general manager on site was security and</p> <p>20 the Gendarmes' sole purpose for being there was the</p> <p>21 protection of expats and the sole purpose or one of the</p> <p>22 purposes of the military in the military zone was to</p> <p>23 protect expats and facilities.</p> <p>24 Q. Was that assertion ever tested in any way?</p> <p>25 A. No, I have already answered that, no, to my knowledge.</p> <p style="text-align: center;">Page 169</p> | <p>1 though, it was a feeling that for some reason that they</p> <p>2 wouldn't change tactics, what you were just being asked</p> <p>3 was, why were you worried about one form of attack and</p> <p>4 not another and you said well there was a precedent for</p> <p>5 the one form but, as it were, why might there not be the</p> <p>6 other? What was the thinking behind that?</p> <p>7 A. There had just been no historical, there had been no</p> <p>8 historical events or information that indicated to us</p> <p>9 that the terrorists one, would be able to enter Algeria</p> <p>10 with a force that large, a number of vehicles and that</p> <p>11 many terrorists in that vehicles, make it through the</p> <p>12 military secure zone and make it through that next ring,</p> <p>13 the Gendarmes themselves, and we hadn't seen that happen</p> <p>14 anywhere else within the country and we'd all been privy</p> <p>15 to numerous articles on terrorist attacks and that just</p> <p>16 didn't seem to be where we felt the greatest threat</p> <p>17 would be. It was always communicated to me by my</p> <p>18 liaison team that their greatest fear was a suicide</p> <p>19 attack with a vehicle full of explosives trying to crash</p> <p>20 into our facilities or somebody trying to sneak a bomb</p> <p>21 in inside of a vehicle and get it into the inner camp.</p> <p>22 MR GARNHAM: That simply can't be right, can it, Mr Cobb?</p> <p>23 Have a look at the instructions we have for the guards</p> <p>24 which we have in the green files at page 48. You have</p> <p>25 been shown this before.</p> <p style="text-align: center;">Page 171</p> |
| <p>1 Q. What was the point of the concrete T bars around the</p> <p>2 perimeter of the BdV? What purpose were they serving?</p> <p>3 A. They were serving to keep a vehicle that travelled at</p> <p>4 a high rate of speed across the desert from being able</p> <p>5 to crash right through your chain link fences and come</p> <p>6 into your facility, it was to stop vehicles.</p> <p>7 Principally for vehicle borne improvised explosive</p> <p>8 devices as explained to me by liaison.</p> <p>9 Q. So that was contemplated as a possibility?</p> <p>10 A. Yes.</p> <p>11 Q. What was it that meant that was contemplated as</p> <p>12 a possibility but an armed attack of the sort that</p> <p>13 happened on 16 January wasn't?</p> <p>14 A. Well, there was a precedent for suicide bombings and</p> <p>15 certainly we have talked about two examples today and</p> <p>16 the Gendarmerie in Ourgla and Tamanrassat which more or</p> <p>17 less confirmed to us that what we believed was more than</p> <p>18 likely that the highest risk to the facility, the one in</p> <p>19 Ourgla also indicated to us because we were told that</p> <p>20 they actually used a catering vehicle to move this bomb</p> <p>21 in or tried to position the bomb, that that reinforced</p> <p>22 that we should trust no vehicle coming inside of our</p> <p>23 camp, that every vehicle should be searched.</p> <p>24 Q. That --</p> <p>25 THE CORONER: Sorry, the answer to the question really</p> <p style="text-align: center;">Page 170</p> | <p>1 A. What's the section?</p> <p>2 Q. I am afraid mine isn't divided into sections but if you</p> <p>3 look at the bottom?</p> <p>4 MS DOLAN: Tab 9 and the second page of tab 9.</p> <p>5 MR GARNHAM: "The main threat against the IAP bases and its</p> <p>6 employees is an attack by terrorist organisations."</p> <p>7 Then:</p> <p>8 "The following methods of attack which could be used</p> <p>9 include a forced entry by armed terrorists."</p> <p>10 A. I read what this says as well.</p> <p>11 Q. So it can't possibly be right that it wasn't</p> <p>12 contemplated that this could happen?</p> <p>13 A. Possibly it was when this document was generated but in</p> <p>14 all the conversations that I had with my security team</p> <p>15 this is not what they communicated to me they thought</p> <p>16 the real threat was.</p> <p>17 Q. No, but at some stage somebody had applied their minds</p> <p>18 to the types of threat that might eventuate and</p> <p>19 identified precisely what in fact happened on</p> <p>20 16 January?</p> <p>21 A. Obviously they would have to write this document.</p> <p>22 I don't know who that was and when this document was</p> <p>23 actually produced, so.</p> <p>24 Q. So whatever your personal understanding is it can't be</p> <p>25 said that the JV didn't have well in mind precisely this</p> <p style="text-align: center;">Page 172</p> |

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| <p>1 sort of attack, can it?</p> <p>2 A. All I can say to you is the communication that</p> <p>3 I received from my liaison personnel and what they</p> <p>4 shared with me as to what they thought the key threats</p> <p>5 were for the facility and never once did any one of my</p> <p>6 security personnel, I say security, I mean liaison</p> <p>7 personnel, tell me a scenario where they thought we</p> <p>8 could be attacked by a large group of heavily armed</p> <p>9 people entering the facility.</p> <p>10 Q. They hardly needed to. It was there on the face of your</p> <p>11 instructions to your guards. It is the very thing that</p> <p>12 you are alerted to. They don't need to keep coming back</p> <p>13 and they telling you this again. It has all been</p> <p>14 written out in black and white?</p> <p>15 A. I don't deny what's written out on the paper. All I'm</p> <p>16 telling you is what I was told.</p> <p>17 Q. Does that answer mean anything more than that the</p> <p>18 repeated advice you received was focused on a suicide</p> <p>19 bomb type of attack? That instruction was never</p> <p>20 countermanded was it, to the guards?</p> <p>21 A. No, as far as I'm aware it wasn't.</p> <p>22 Q. That advice that that was a real possibility was never</p> <p>23 removed, never subtracted, was it?</p> <p>24 A. It's in the document.</p> <p>25 Q. Or to you. Nobody ever said to you that you don't need</p> <p style="text-align: center;">Page 173</p> | <p>1 and also the strike and logistics and people had</p> <p>2 concerns that they would get stuck on site and wouldn't</p> <p>3 have the ability to be transported off-site.</p> <p>4 Q. Were these town hall meetings part of a regular</p> <p>5 programme or were they organised only in response to</p> <p>6 requests or particular events?</p> <p>7 A. They were organised based on specific situations or</p> <p>8 specific concerns expressed by employees at the site.</p> <p>9 Q. So it wasn't a regular programme?</p> <p>10 A. It wasn't like we had a town hall every week or once</p> <p>11 a month. It was a reaction to events in the country</p> <p>12 and/or perceptions that people had around security that</p> <p>13 were part of the facility.</p> <p>14 Q. There was an occasion when the families of the strikers</p> <p>15 were escorted on to the site, wasn't there?</p> <p>16 A. Yes.</p> <p>17 Q. You describe it in paragraph 61 of your statement. You</p> <p>18 were told, I think, by Paul Morgan in fact, that the</p> <p>19 Gendarmes had arrived and escorted the families to the</p> <p>20 hunger striking workers. Is that right?</p> <p>21 A. That's correct.</p> <p>22 Q. From where were the families escorted? Was it from the</p> <p>23 entrance to the BdV or was it from VCP1?</p> <p>24 A. What I recall was that they were escorted from --</p> <p>25 I thought it was the front gate.</p> <p style="text-align: center;">Page 175</p> |
| <p>1 to worry about the possibility of an armed attack by</p> <p>2 a group of terrorists, armed terrorists?</p> <p>3 A. As I said, anything is possible but what they</p> <p>4 communicated to me was that the most likely form of</p> <p>5 attack that we would be faced with would be a vehicle</p> <p>6 bomb or a suicide bomber attempting to enter with</p> <p>7 a hidden package in a vehicle coming into the facility.</p> <p>8 Q. The gate to the BdV was left open for short periods</p> <p>9 during the morning and the evening, wasn't it?</p> <p>10 A. Yes.</p> <p>11 Q. And it was left open because there were lots of people</p> <p>12 coming in and out and frankly it would have been tedious</p> <p>13 to have to keep stopping at the gate each time?</p> <p>14 A. Yes, it would have been impractical with the number of</p> <p>15 vehicles going in and out.</p> <p>16 Q. Was it possible that inside the knowledge had been</p> <p>17 passed to the terrorists about that practice so that</p> <p>18 they knew there were times when the gate wouldn't be</p> <p>19 regularly stopped?</p> <p>20 A. I don't know.</p> <p>21 Q. The regular town hall meetings that you describe having</p> <p>22 occurred in 2011 and 2012, they were organised to</p> <p>23 discuss expat concerns and security related matters,</p> <p>24 weren't they?</p> <p>25 A. The expat concerns around security related matters, yes</p> <p style="text-align: center;">Page 174</p> | <p>1 Q. That is the front gate of the BdV?</p> <p>2 A. Of the BdV, yes.</p> <p>3 Q. How did they get that far?</p> <p>4 A. I have to assume that the guard at VCP1 would have</p> <p>5 allowed them to pass VCP1.</p> <p>6 Q. Would that have happened? Would the Gendarme at the</p> <p>7 VCP1 simply have waved them through just on the</p> <p>8 assurance that they were family members?</p> <p>9 A. There is not a Gendarme in VCP1.</p> <p>10 Q. Sorry, the guard at the VCP1?</p> <p>11 A. Well, it was during a very tense time on the site and</p> <p>12 one of the things to keep in mind and it's evidenced in</p> <p>13 some of these documents in here somewhere, is many of</p> <p>14 these people came from the same areas, some of them had</p> <p>15 tribal affiliations, there were a number of Tuaregs who</p> <p>16 were guards and most of the drivers were Tuaregs. So</p> <p>17 that person probably inappropriately on that day, if in</p> <p>18 fact that's what happened, made a decision that these</p> <p>19 are wives and children of these hunger strikers over</p> <p>20 here and there's nothing wrong with allowing them to go</p> <p>21 down there. But my understanding was that once they got</p> <p>22 to the front gate that they weren't allowed in. At some</p> <p>23 point the Gendarmes were called. The Gendarmes came</p> <p>24 down to mediate it and got an agreement and I don't know</p> <p>25 exactly with who, that they would escort them in so that</p> <p style="text-align: center;">Page 176</p> |

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| <p>1 the situation didn't escalate. They would physically</p> <p>2 escort them in to the parking area which is where the</p> <p>3 hunger strikers had these little tents set up and they</p> <p>4 were doing their hunger strike, allow them to visit with</p> <p>5 their loved ones and assure themselves that they were</p> <p>6 okay physically and then they were escorted back out.</p> <p>7 Q. It doesn't say much about the integrity of the check</p> <p>8 being done at the vehicle checkpoint though, does it?</p> <p>9 A. We all had concerns about that. That was brought to my</p> <p>10 attention and it was also brought to the attention of</p> <p>11 Lotfi once we all learned about it.</p> <p>12 Q. Last question. Both Mr Ritchie and Ms Gollop who sits</p> <p>13 behind me asked you about the report from Garry Barlow</p> <p>14 about a threat to kill expats if a hunger striker died.</p> <p>15 To Mr Ritchie you said none of that reached you, so I am</p> <p>16 told, it is page 87, line 3 of the [draft] transcript.</p> <p>17 To Ms Gollop, however, you say that you were aware of</p> <p>18 that. Which is it?</p> <p>19 A. Okay, you got to go back and repeat that for me. My</p> <p>20 apologies.</p> <p>21 Q. Yes. Both my friend Mr Ritchie and Ms Gollop asked you</p> <p>22 about the report from Garry Barlow about a threat to</p> <p>23 kill an expat if a hunger striker died. In answer to</p> <p>24 Mr Ritchie you said you had no recollection of that. In</p> <p>25 answer to Ms Gollop you said you did. And I simply want</p> <p style="text-align: center;">Page 177</p> | <p>1 MR FERGUSON: Sir, I only have one question.</p> <p>2 THE CORONER: Would you mind saying who you are and who you</p> <p>3 are representing just so that the witness knows.</p> <p>4 MR FERGUSON: My name is Craig Ferguson, I represent the</p> <p>5 interests of Statoil.</p> <p>6 Mr Cobb, I just have one question by way of</p> <p>7 clarification. Forgive me if it is clarification that's</p> <p>8 unnecessary and others have followed the point. But it</p> <p>9 is an inconsistency or an apparent inconsistency as to</p> <p>10 something you said yesterday about the position of the</p> <p>11 vehicle in which Paul Morgan's body was found and at the</p> <p>12 time you went to view him, its precise location. So</p> <p>13 other people can follow this and correct me if I'm</p> <p>14 wrong, for those of us who have the transcript of</p> <p>15 yesterday's evidence it is page 85 and I am looking at</p> <p>16 lines 12 and onwards. I don't know if, sir, you have</p> <p>17 that available to you.</p> <p>18 You are dealing with the conversation with Bjarne</p> <p>19 and if I read to put it back in context for you. You</p> <p>20 said this:</p> <p>21 "Bjarne advised me that -- I had already been told</p> <p>22 by Hugh that he thought Paul had been killed. He didn't</p> <p>23 know definitively but in his text message to me I think</p> <p>24 he said 'I think Paul's been killed' and Bjarne had told</p> <p>25 me that Paul had been killed and that his body was in</p> <p style="text-align: center;">Page 179</p> |
| <p>1 to understand which is accurate?</p> <p>2 A. Okay, I may have misunderstood Mr Ritchie but what's</p> <p>3 accurate is yes, I did hear, there was rumours around</p> <p>4 the site and those rumours were investigated and no one</p> <p>5 could bring me a person or name a person who had made</p> <p>6 that threat and it, purportedly the same set of rumours</p> <p>7 was that it had been made to Algerian nationals, okay.</p> <p>8 That there was a threat to the Algerian nationals. When</p> <p>9 I asked the Algerian nationals, the Algerian nationals</p> <p>10 denied it. Did it really happen or not happen? I don't</p> <p>11 know.</p> <p>12 Q. So how do you deal with it? You have a rumour from an</p> <p>13 apparently credible man like Garry Barlow to that</p> <p>14 effect. Is that not enough to cause you to take</p> <p>15 precautions?</p> <p>16 A. I had absolute assurance from the Gendarmes that they</p> <p>17 would tolerate zero violence on the site and if the</p> <p>18 strike ever took a violent turn they would immediately</p> <p>19 intercede. That was also part of the meeting that I had</p> <p>20 with Captain Hocine and Paul that particular day that</p> <p>21 I have talked about before in my office or in the</p> <p>22 conference room of my building.</p> <p>23 MR GARNHAM: Thank you very much, sir.</p> <p>24 THE CORONER: Thank you very much.</p> <p>25 Questions from MR FERGUSON</p> <p style="text-align: center;">Page 178</p> | <p>1 the car at the Gendarmerie and so I walked down to</p> <p>2 confirm with my own eyes that it was Paul."</p> <p>3 And so from that I had understood that the car was</p> <p>4 at the Gendarmerie and that you went to view his body</p> <p>5 there. Is that correct?</p> <p>6 A. That is correct.</p> <p>7 Q. And so if I could simply then invite those again who</p> <p>8 have the Livefeed to consider the answer you gave to my</p> <p>9 learned friend Mr Garnham a little while ago where he</p> <p>10 was putting the content of your statement that you</p> <p>11 provided to the police and in particular pages 10 and</p> <p>12 11. If I read those to you and invite your attention to</p> <p>13 it if you would. It is the foot of page 10. The last</p> <p>14 two lines:</p> <p>15 "Bjarne Vjage told me at the Gendarme camp that Paul</p> <p>16 Morgan's body was at the VCP and that it was still in</p> <p>17 the liaison vehicle."</p> <p>18 A. That was a mistake on my part is all I can say. It was</p> <p>19 somehow or another I said VCP and I meant Gendarmerie.</p> <p>20 It was clearly at the Gendarmerie, not the VCP.</p> <p>21 MR FERGUSON: Thank you very much indeed. That is all</p> <p>22 I ask.</p> <p>23 THE CORONER: Is it you next, Mr Popat? Can I just say,</p> <p>24 I am obviously mindful of the time but just speaking</p> <p>25 more broadly, we have, as everybody knows and you just</p> <p style="text-align: center;">Page 180</p> |

1 happen to be next, we have a timetable which we need to
 2 keep because travel arrangements have been made for some
 3 witnesses, not all, but for some who have particular
 4 places in the list and so we need to keep to the
 5 timetable so that they are accommodated and I know that
 6 family members and others have also made arrangements on
 7 the basis that these proceedings will take a certain
 8 amount of time and not more than that. So for those and
 9 other reasons we obviously need to keep to the
 10 timetable. We still have you to go and certainly the
 11 plan was that we would have finished this witness today
 12 and I have the estimate and plainly that's not going to
 13 happen.

14 What I don't want to do is, as it were, without
 15 warning, so for example today sit on very late because
 16 people will have arrangements I am sure they have made
 17 and it won't be convenient, but I think from now on it
 18 may be, I am just going to leave this suggestion for the
 19 moment and perhaps all the advocates can discuss it,
 20 certainly I think it may be that tomorrow morning we may
 21 have to start at 9.30 I think to make up half an hour.
 22 Is that all right with you?

23 **A. Yes, that's fine by me.**

24 THE CORONER: Can I just ask you now: I wouldn't go on much
 25 longer. You have been in the witness box a long time.

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1 Are you able to do to another 15 or 20 minutes. If you
 2 are tired and have had enough for the day please don't
 3 feel under pressure to go on. You know how you feel.

4 **A. I'm okay to go on for a bit longer.**

5 THE CORONER: All right. Mr Popat, we might just do quarter
 6 of an hour now. If we start at 9.30 tomorrow morning.
 7 I am conscious that I am responsible for us losing
 8 40 minutes today so is that all right?

9 MR POPAT: Absolutely.

10 THE CORONER: What I am just going to ask is that at some
 11 point perhaps all the advocates can just look at the
 12 timetable that Ms Dolan has drawn up and everybody
 13 divide the time up between themselves so it works. And
 14 then if we can have those estimates and then we will
 15 have to stick to those. I am not being remotely
 16 critical. I am very anxious that this is a thorough and
 17 useful and open minded investigation but time is not
 18 unlimited.

19 MR POPAT: Sir, that's understood. Perhaps it is the first
 20 time I have been criticised before I have even started
 21 asking questions.

22 THE CORONER: I hope i made it plain. All you had done was
 23 stand up, Mr Popat. No more than that. You just
 24 happened to be there when the point arose.

25 MR POPAT: I can understand.

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1 It may provide some reassurance. I am sure that all
 2 parties recognise that with the witnesses that follow
 3 Mr Cobb I suspect we will all be a fair bit shorter and
 4 there will be ground which has already been covered with
 5 this witness and won't need to be covered again.

6 THE CORONER: I take that point too.

7 Questions from MR POPAT

8 MR POPAT: Mr Cobb, there are a number of topics I would
 9 like to cover with you and I will try and identify those
 10 topics as we go along so you know that we are moving on
 11 from one matter to another. The first is really just to
 12 get an understanding of your knowledge and history of
 13 Algeria from your time. You were there from the 90s,
 14 you worked in Algeria from the 90s all the way through
 15 to the time of the attack. There was a period of time
 16 when Algeria was in civil war. What was the environment
 17 like within the country during that period?

18 **A. It was -- how do I put this? It was an environment
 19 that -- where there was a lot of terrorist activities in
 20 the country. The Algerians themselves refer to this as
 21 the bloody decade and during a period of, eight or ten
 22 years, you know, there were some reports up to 200,000
 23 people were killed in the country. We would have, when
 24 I first got there, again meetings with liaison where
 25 they would give us updates on the security situation in**

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1 **the country and I can specifically remember in fact the
 2 expert witness over here, Mr Davies, was the liaison
 3 supervisor at that time and he would put a big map up
 4 and he would put little indicators where bombings had
 5 happened, where people had been killed by gunfire and it
 6 was all over the northern part of the country.**

7 Q. And the civil war was north and south?

8 **A. No, I wouldn't necessarily term it north or south. It
 9 was the Islamists were fighting the government because
 10 the government has had annulled the set of elections
 11 which the Islamists were poised to win. The army
 12 stepped in. The president I believe resigned. That
 13 created a vacuum which allowed the army to step in then
 14 and put together some sort of military ruling council
 15 and take over the country and the Islamists began to
 16 fight back because they believed the elections had been
 17 stolen from them.**

18 Q. And the country was under emergency rule for some
 19 considerable time?

20 **A. Yes.**

21 Q. Was that something that continued up in to the 2000s?

22 **A. I don't remember the exact timeframe when emergency rule
 23 was lifted but it seemed like, yes, it went into the
 24 2000s.**

25 Q. And the position by 2011 or thereabouts in Algeria, how

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1 did that compare to these previous times that you have
 2 been describing?
 3 **A. Well, we were no longer under emergency rule. Emergency**
 4 **rule had been lifted in the country. Generally, as**
 5 **I said earlier, my sense was there was certainly no more**
 6 **events occurring than occurred back in the late 90s and**
 7 **early 2000, but kind of steady state.**
 8 Q. By that time, 2011 or thereabouts, was there
 9 a difference in your perception between the north and
 10 the south of the country in terms of terrorist attacks
 11 and terrorist activity?
 12 **A. Yes, the vast majority of the terrorist activities in**
 13 **reported -- whether they were bombings or killings by**
 14 **gun or what not occurred in the north, the vast**
 15 **majority.**
 16 Q. I turn to consider with you the JV and your role within
 17 it in particular. First, so it is absolutely clear,
 18 could we understand that this was a JV, yes?
 19 **A. Yes, it was.**
 20 Q. It has been referred to repeatedly in questions to you
 21 as the BP JV. But so we are clear there were three JV
 22 partners, Sonatrach, Statoil and BP?
 23 **A. Yes, with Sonatrach having the majority interest.**
 24 Q. And Statoil and BP having equivalent interest?
 25 **A. Exactly, equal interest.**

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1 Q. And within the organisation there were three principal
 2 posts for the management of the JV, the general manager,
 3 the deputy general manager and the operations manager?
 4 **A. That is correct.**
 5 Q. And was it right that people from the different
 6 companies would occupy each of those posts in turn?
 7 **A. Yes, there was -- I will call it a power sharing**
 8 **agreement whereby each company at some point in time**
 9 **would occupy the post of, at least each company would**
 10 **occupy the post of general manager and deputy general**
 11 **manager although the operations manager post was always**
 12 **going to be, would always have either a BP or a Statoil**
 13 **person in it with a back-to-back from Sonatrach.**
 14 Q. You, by the time of the attack, were the deputy general
 15 manager, having previously been the general manager and
 16 the change in your position was because of that need for
 17 rotation within the companies and who was being given
 18 the particular posts?
 19 **A. Yes, the two partners, Statoil and BP, would swap their**
 20 **effective positions. I believe it was every two years**
 21 **and then the partners would swap their position with**
 22 **Statoil -- I am sorry, with Sonatrach every four years.**
 23 Q. The relationship between the JV parties and the JV was
 24 one which at one stage you described as involving BP, in
 25 the example you were giving, encouraging the JV to adopt

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1 the best practices that it, again, in the example you
 2 were giving, BP had promulgated and was advancing?
 3 **A. That's correct, no different than Statoil would also try**
 4 **to put forward what they viewed sometimes as their best**
 5 **practices and so would Sonatrach.**
 6 Q. The position you held at the time of the attacks
 7 involved you being based where?
 8 **A. I was based at In Amenas.**
 9 Q. And for how much of the year would you be based in
 10 In Amenas?
 11 **A. I mean roughly half the year. I rotated. I tried to**
 12 **keep to a rotational schedule although I worked at home**
 13 **whether I was on site or off-site because I had no**
 14 **back-to-back in my position nor did the general manager**
 15 **have a back-to-back in his position. But typically**
 16 **I would spend roughly half the year at In Amenas.**
 17 Q. That would be physically on site in the camp in your
 18 position as deputy general manager?
 19 **A. Yes, it was slightly different than it was at In Salah**
 20 **gas. At In Salah gas the senior management team sat in**
 21 **Hassi Messaoud and they ran the business from**
 22 **Hassi Messaoud with field trips out to the actual**
 23 **producing facilities themselves. There were offices in**
 24 **Hassi Messaoud for the In Amenas management but both**
 25 **myself and Mimoun Benghenima believed that our place was**

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1 **in the field and not at Hassi Messaoud. That wasn't to**
 2 **say we never spent a day or two at Hassi Messaoud but we**
 3 **believed that our permanent location should be in the**
 4 **field where the work was going on and where our**
 5 **employees were, so ...**
 6 Q. So we understand your position now, you no longer work
 7 for BP or the JV?
 8 **A. No, I elected to retire at the end of 2013.**
 9 Q. If we may, perhaps we could cover just one further topic
 10 today. That is in connection with the security rings or
 11 the circles of security that were provided and see if
 12 you can help us understand some of the detail.
 13 You have explained the ring of steel and the general
 14 security provisions provided by the military and then
 15 the Gendarmerie. Let me just try and work through the
 16 position from the borders of Algeria moving in through
 17 to the point of the camp itself and try and work out
 18 what security provisions would be provided, respectively
 19 provided.
 20 Perhaps the easiest way of doing this is to look at
 21 a graphic which is in our core bundle. It is a green
 22 bundle behind divider 1 at page 1. Do you have that
 23 there? Page 1?
 24 **A. I have got a part 1 tab.**
 25 Q. Then the divider follows that, Mr Cobb, try that. Just

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| <p>1 the first -- number 1?</p> <p>2 A. I am sorry. It is tab number 1, okay.</p> <p>3 Q. Turn that round so that it is in Landscape. So you have</p> <p>4 your bearings this is in fact a graphic which was</p> <p>5 produced in the Statoil report but it doesn't much</p> <p>6 matter it just is a useful depiction of the security</p> <p>7 rings or provisions.</p> <p>8 So it's able to be understood by everyone on the</p> <p>9 right-hand side towards the top there is a part of a map</p> <p>10 which identifies In Amenas and identifies Libya. Just</p> <p>11 to the right of In Amenas and Hassi Messaoud to the left</p> <p>12 and above In Amenas.</p> <p>13 If you then look at the diagram that has been</p> <p>14 produced you see that item number 1 is said to represent</p> <p>15 the outer security provision between Algeria and Libya?</p> <p>16 A. Yes, I see that.</p> <p>17 Q. Do we understand that that security provision then is</p> <p>18 the provision provided by the border protection, Libyan</p> <p>19 borders guarded by military border guards?</p> <p>20 A. In my understanding of In Amenas town next to the</p> <p>21 airport there was actually a border guard post. I think</p> <p>22 that maybe that was one of the headquarters for the</p> <p>23 border guards. I can't remember the exact terminology</p> <p>24 for it in French but I think that was separate</p> <p>25 altogether from what the military had in terms of their</p> <p style="text-align: center;">Page 189</p> | <p>1 Q. That is the zone which you were drawing with your finger</p> <p>2 I think on the large plan when Ms Gollop was asking you</p> <p>3 some questions just to try and understand where the ring</p> <p>4 extended to?</p> <p>5 A. Yes, the military zone.</p> <p>6 Q. And within that zone, the military zone, were there</p> <p>7 restrictions on the ability of people, vehicles, to move</p> <p>8 around within the zone?</p> <p>9 A. Yes, there were.</p> <p>10 Q. Were there requirements that people had requisite passes</p> <p>11 and effectively clearance to be able to be able to</p> <p>12 manoeuvre and move within that zone?</p> <p>13 A. Yes, you not only had to have those security clearances,</p> <p>14 for example, if there was a truck driving in and it was</p> <p>15 hauling some kind of goods or materials, then</p> <p>16 specifically they would have to have Ordre de Mission as</p> <p>17 well to indicate if they were stopped at a checkpoint</p> <p>18 (1), they should be in there to begin with because they</p> <p>19 had a security clearance and (2) they have the right to</p> <p>20 drive that vehicle and it wasn't a stolen vehicle and</p> <p>21 I assumed always that that was why the military had that</p> <p>22 in place so they could control and make sure there</p> <p>23 wasn't stolen vehicles carrying stolen goods or other</p> <p>24 goods on them within that protected zone.</p> <p>25 THE CORONER: Mr Cobb, this isn't to scale and no doubt the</p> <p style="text-align: center;">Page 191</p> |
| <p>1 zone protection, the military zone.</p> <p>2 Q. That we are going to look at next. That is item</p> <p>3 number 2. And in the large rectangle the centre of the</p> <p>4 page, left centre of the page the dotted rectangle round</p> <p>5 the outside which has got number 2 on it is intended to</p> <p>6 represent the military zone, which is the military</p> <p>7 protected zone around the hydrocarbon region. So the</p> <p>8 border guards and border security are the first point of</p> <p>9 security. The second ring of security is said to be the</p> <p>10 military zone which is protected around the hydrocarbon</p> <p>11 region. The hydrocarbon region is essentially where the</p> <p>12 oil and gas facilities are; is that right?</p> <p>13 A. That's correct.</p> <p>14 Q. And what you have referred to as the ring of steel or</p> <p>15 the military zone or the military ring is depicted there</p> <p>16 as number 2?</p> <p>17 A. That would be number 2, yes.</p> <p>18 Q. Around and within that zone the military provided</p> <p>19 protection for the facilities that were within the zone?</p> <p>20 A. That's correct.</p> <p>21 Q. And we'll look, probably tomorrow, at documents which</p> <p>22 will give us an idea of the numbers of troops in that</p> <p>23 region, but that is the zone which would be protected by</p> <p>24 the Algerian military as opposed to the Gendarmerie?</p> <p>25 A. That's correct.</p> <p style="text-align: center;">Page 190</p> | <p>1 zone isn't a perfect rectangle. This is merely</p> <p>2 indicating, isn't it?</p> <p>3 A. Exactly.</p> <p>4 MR POPAT: The equipment and weaponry the military possessed</p> <p>5 and had situated within the zone you described seeing</p> <p>6 some of it as you made your way through the zone on</p> <p>7 occasion. Just give us an idea again of the type of</p> <p>8 weaponry and type of equipment that you saw?</p> <p>9 A. I actually saw main battle tanks, I saw anti-aircraft gun</p> <p>10 placements and at the In Amenas airport, and I don't</p> <p>11 remember exactly starting when but it was probably early</p> <p>12 2012, they moved in helicopter support. They had</p> <p>13 helicopter gunships. They had -- I'm not an expert in</p> <p>14 military hardware but I think it was what is referred to</p> <p>15 as ^ Hine gunships, it is a Russian type helicopter</p> <p>16 and there was also troop transport helicopters as well.</p> <p>17 Q. That is the military zone and we'll come back to talk</p> <p>18 about the military in just a little more detail again,</p> <p>19 as I say, probably tomorrow. But if we move on then to</p> <p>20 look at zone 3 as depicted here. That is the site zone</p> <p>21 protection. That is said to be a zone where the</p> <p>22 Gendarmes protect the area around the site and drilling</p> <p>23 rigs, escorts for all expat movement outside the</p> <p>24 facility. Again, that is depicted by the dotted</p> <p>25 rectangle turned halfway on its side and that goes some</p> <p style="text-align: center;">Page 192</p> |

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| <p>1 way round the facility itself, not just the facility but 2 some way around it?</p> <p>3 A. That's correct. Actually it would -- in the case of -- 4 we normally had a two drilling rig operation. You could 5 almost think of it as being three separate zones that 6 the Gendarmes protected because there was a Gendarme 7 protection zone around each rig separately and then 8 there was the zone talked about in here, zone 1, around 9 the CPF, BdV, lay down yards, VCP1, that area up on top 10 of the falaise.</p> <p>11 Q. Again, we'll look at a document which describes the 12 zone, the Gendarme protected zone in a while. But that 13 is a zone which is within the military zone but it is 14 a zone specifically identified as being one in which the 15 Gendarmerie provided protection?</p> <p>16 A. That's correct.</p> <p>17 Q. Then we have the area depicted with the two, I think 18 they are squares, with number 4 in them and they are 19 described in the document as inner security which is the 20 perimeter security and guards. That is the camp itself 21 and the protection that's identified here is that 22 provided with protective barriers and access control of 23 living and production areas at the site itself?</p> <p>24 A. Yes.</p> <p>25 Q. And those were the security systems or the components of</p> <p style="text-align: center;">Page 193</p> | <p>1 Mr Underwood is available so he will be dealing with 2 Mr Collins.</p> <p>3 MR POPAT: Sorry, may I just confirm, there has been some 4 discussions but the expectation was that we would be 5 dealing with Mr Collins part 1 and not moving on to part 6 2. I just wanted to make sure that is the position.</p> <p>7 THE CORONER: So long as we use whatever time --</p> <p>8 MR POPAT: Yes, there is a time in the timetable for him to 9 return to deal with part 2 in any event. So it won't 10 interfere with the timetable.</p> <p>11 MR RITCHIE: Sorry, I don't understand what part 1 and part 12 2 are.</p> <p>13 MR POPAT: It was set out in Ms Dolan's timetable. Part 1 14 relates to the statement that he has provided for the 15 inquest. Part 2 deals specifically with the 16 communications at the time of the incident and the 17 attack and there is a different statement which deals 18 with that.</p> <p>19 MR GARNHAM: We too have made our arrangements based on the 20 assumption that tomorrow deals only with part 1.</p> <p>21 THE CORONER: To get that much done if we need to go on 22 until about this sort of time and I know nobody wants to 23 but I just want to give notice of it we may have to but 24 I am very grateful to you all.</p> <p>25 MS DOLAN: Sir, there is still outstanding that Mr Stokely</p> <p style="text-align: center;">Page 195</p> |
| <p>1 the security systems which operated, as you understood 2 it, to provide the protection to the site and everyone 3 who worked within it in 2013?</p> <p>4 A. That's correct.</p> <p>5 THE CORONER: Mr Popat, if that is a convenient moment for 6 you it is about the sort of time we said we would go on 7 to. So is that a good moment?</p> <p>8 MR POPAT: Absolutely.</p> <p>9 THE CORONER: All right. Mr Cobb, thank you very much 10 indeed for helping us today. I appreciate it has been 11 a long day for you but I am very grateful to you as well 12 for sitting on.</p> <p>13 If I say 9.30 in the morning. Mr Popat, do you 14 have -- I am not going to tie you to it because I know 15 how difficult it is because I have seen the other 16 estimates people provided but do you have a rough idea 17 of how long you might be tomorrow?</p> <p>18 MR POPAT: With all the usual caveats, sir, it is in the 19 order of an hour and a half.</p> <p>20 THE CORONER: All right. Something of that order and then 21 you will be through.</p> <p>22 A. Okay.</p> <p>23 THE CORONER: All right, but I am grateful to you.</p> <p>24 A. All right, no problem.</p> <p>25 THE CORONER: Ms Dolan won't be here tomorrow but</p> <p style="text-align: center;">Page 194</p> | <p>1 was going to return to deal with some questions. He is 2 not available after 3.30 tomorrow but it may be there 3 wouldn't be time to deal with that in any event. So we 4 may have to slot him into a convenient space when we do 5 have time with the witnesses. But I will keep the 6 advocates informed when it looks like that. It doesn't 7 appear there are any questions that need to be answered 8 now and he is timetabled to come back later in any 9 event. If anyone has burning questions --</p> <p>10 THE CORONER: If it helps just for future planning on Friday 11 I have something that I have to deal with at another 12 court at 3.30 so we won't be going on here beyond about 13 3 o'clock if that helps.</p> <p>14 Thank you all very much. 9.30 tomorrow. 15 (5.15 pm) 16 (The inquest adjourned until the following day at 9.30 am)</p> <p>17 18 19 20 21 22 23 24 25</p> <p style="text-align: center;">Page 196</p> |

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