

1 Friday, 8th October 2004
2 (11.17 am)

3 MR JUSTICE STEEL: Good morning, Mr Meeson.

4 MR MEESON: Sir, this is a re or further hearing,
5 continuation of the hearings that we had before that had
6 been concluded earlier this year. Sir, the purpose of this
7 hearing is to put before the Inquiry certain further
8 evidence that has been gathered since the last hearing to
9 ensure that all relevant matters are before the Inquiry.

10 Just to recap for the benefit of people who did
11 not attend at the previous hearing and who have not
12 investigated what went on at the previous hearing, sir, you
13 will recall the evidence that was given at that hearing that
14 the suggestion that the Gaul was a spy-ship was completely
15 unfounded and that the all the records of the Secret Service
16 and Military Intelligence, in fact, confirm that she was
17 not.

18 Sir, the other piece of evidence that is perhaps
19 relevant is that you will recall that there was extensive
20 evidence given at the previous hearings to the effect that
21 the vessel was not fishing and, indeed, would not have been
22 expected to have been fishing in the atrocious conditions in
23 which she found herself in early February 1974.

24 Sir, if I could turn to deal with a matter that
25 appears to have been a misunderstanding perpetuated over

1 many years by commentators and others on the Gaul Inquiry,
2 and that is that at the time the Gaul was lost it has been
3 suggested that there was a major NATO exercise taking place
4 in the Barents Sea and that this may have been a significant
5 event. The truth of the matter is completely the opposite:
6 that there was no NATO exercise or any other military
7 exercise for that matter taking place in the Barents Sea at
8 that time.

9 Sir, you have before you a bundle of documents
10 AG40. The first document that I would wish to refer to in
11 that bundle is the document that we have at page 9. This is
12 a letter from Mr Doug Henderson MP dated 26th March, 1999,
13 Mr Henderson being the Armed Forces Minister. It is
14 addressed to Alan Johnson, a local Hull MP. It is
15 a follow-up to an answer to a Parliamentary question in
16 which Mr Henderson stated that there was no NATO exercise
17 taking place in the Barents Sea between 7th and
18 11th February. What he then does is to set out in this
19 letter more specifically what was, in fact, going on. If
20 I may read it out, it says:

21 "It may be helpful if I set out the position more
22 fully here. On 7th February 1974, HMS Hermes sailed from
23 Portsmouth heading for the Lofoten Islands, where she was
24 due to participate in a four day exercise with Norwegian
25 forces (scheduled to start at 0300 hours on 12 February).

1 This exercise was part of a series of exercises which
2 combined to form Operation ..." and then the word he has
3 used there is "Crossbow". That, as you will see from
4 a subsequent letter, was an error for "Clockwork".

5 He then continues:

6 "By 11 February, when she was ordered to divert to
7 join the search for the Gaul, Hermes was indeed under the
8 command of Comnavnon. However, at no time was Hermes closer
9 than 130 ... miles from the position at which the wreck of
10 the Gaul was found.

11 "Between 7-19 February HMS Mohawk was in Norwegian
12 waters carrying out a North Norway fishery patrol.

13 HMS Mohawk had no involvement with Operation Crossbow. [By
14 which he means Clockwork] On 7 February, Mohawk went into
15 port at Harstad. She sailed from there on 8 February, went
16 into port in Tromso on 9 February, sailed from Tromso at
17 0900 on 11 February and was diverted from that patrol at
18 around 1930 on 11 February to assist with the search for the
19 Gaul. At no time between 7-11 February, would Mohawk have
20 been in a position closer than 60 nautical miles from the
21 position of the wreck of the Gaul.

22 "After an extensive search of departmental records
23 I am satisfied that no Royal Navy vessel was in the Barents
24 Sea at the time that the Gaul was tragically lost.
25 Unfortunately, as to NATO records which might help in

1 establishing if there was any damage to NATO vessels which
2 may have been in the Barents Sea between those dates, I am
3 not able to assist further. I am not aware of the existence
4 of any organisation which would hold such records centrally.
5 I believe that, if such records existed, they would be
6 contained in the records of individual ships or national
7 files. Although I know of Norwegian involvement in the
8 exercises I have mentioned, I am not aware of any exercises
9 which were scheduled to take place in the Barents Sea. If
10 however, you wish to make further enquiries it may be
11 appropriate to do so through the Norwegian embassy in
12 London."

13 Then that is followed up on page 11 with a letter
14 from Mr Johnson querying the use of the word "Crossbow"
15 because people had previously referred to an exercise called
16 "Clockwork". At page 12, there is a response then from the
17 new Minister, John Spellar, to Mr Johnson saying:

18 "Thank you for letter of 13 July to my predecessor
19 about Royal Navy activity in the vicinity of the trawler
20 Gaul in February 1974.

21 "Firstly, I think it would be useful for me to
22 explain that, in the strict military sense, the words
23 'operation' and 'exercise' have very different meanings.
24 Although sometimes used indiscriminately and
25 interchangeably, in general operations relate to real world

1 events and 'exercises' to trials, training and practice.
2 Many, but not all, operations and exercises are given code
3 names for example, Operation Corporate was the campaign to
4 repossess the Falkland Islands in 1982.

5 "In North Norway in February 1974, HMS Hermes was
6 scheduled to take part in various exercises. Of these,
7 Exercise Clockwork proper was from 3-8 March. The name
8 refers to a period of arctic and winter training for
9 amphibious forces. It was, however, common to call the
10 whole series of smaller-scale exercises that led up to this
11 as Clockwork. The name Crossbow was substituted in error
12 for Clockwork during the research for the letter to you of
13 26 March. I regret the confusion that this has caused and I
14 am grateful that you drew the matter to my attention. I can
15 confirm that there is no trace of any Operation or Exercise
16 Crossbow being used round this time and place. Again, as
17 [Mr Henderson] made clear in both his answer to your
18 Parliamentary Question of 22 February and his subsequent
19 letter of 26 March, we have no knowledge of any exercises
20 conducted in the Barents Sea between 7 and 11 February 1974
21 neither is there any record of a Royal Navy vessel being in
22 the Barents Sea at the time that the Gaul was lost.

23 "When the search operation for Gaul was initiated
24 Hermes was still on passage to Norway. Surviving records
25 suggest that she was scheduled to be involved in a Norwegian

1 national exercise called Squadex. The search for Gaul
2 necessitated her withdrawal from this exercise. You may be
3 interested to know that our records indicate that Hermes was
4 integrated into Exercise Squadex when a planned NATO
5 exercise (Argus Express) was cancelled. Our records do not
6 show the reason for or the date of this cancellation, or
7 where the exercise had been scheduled to take place. After
8 Hermes was released from the search for the Gaul, the
9 work-up of her commando group started on 19 February. This
10 activity does not seem to have been given a specific name.
11 Later in February, Hermes took part in Exercise Cold Winter,
12 another Norwegian national exercise.

13 "Although you have not raised the involvement of
14 HMS Mohawk, for completeness, I thought it may be helpful to
15 further clarify her status. As you know, at the time the
16 Gaul was lost HMS Mohawk was carrying out a North Norway
17 fishery patrol. I can confirm that this was an unnamed
18 operation. Mohawk broke off from that patrol to assist in
19 the search for Gaul. The operation to search for the Gaul
20 was also an unnamed operation.

21 "I hope that this fully explains the position."

22 Following that, in 2002, extensive research was
23 carried out through various NATO organisations and the US
24 Navy to try and find out more about any NATO exercise. At
25 page 19 of the bundle there is a letter from NATO, the North

1 Atlantic Military Committee, from NATO Headquarters in
2 Brussels dated 3rd September, 2002. It is addressed to the
3 United Kingdom Military Representative, request for
4 information -- inquiry into the loss of the Gaul. It says:

5 "After extensive research in the IMS Archives and
6 consultation with the Situation Centre and the Archives
7 department of the International Staff, no records of any
8 correspondence or material related to a NATO exercise [as
9 requested] could be traced.

10 "May I suggest, you contact the central registry
11 of SACLANT to identify any further information regarding
12 this subject."

13 There is then that search carried out. At
14 page 20, we have a communication from the headquarters of
15 the Supreme Allied Commander for the Atlantic, again on the
16 search of documents. It says:

17 "... a search for documents has been conducted in
18 HQ SACLANT, EASTLANT and in the US Navy Community. Provided
19 are enclosures (1) through (3) are responses to our formal
20 request for any documents regarding the loss of the trawler
21 Gaul.

22 "All enclosed responses are negative. Should any
23 pertinent information come available in the future, it will
24 be forwarded to you."

25 That is from Vice Admiral Miller, Chief of Staff.

1 Those enclosures are in the bundle at pages 22 through to
2 24. 22 is a letter from Major General Jack Holbein of the
3 US Air Force, Chief of Staff at the Department for Defense
4 Command. It says:

5 "Dear Admiral Miller, thank you for your letter
6 concerning the trawler Gaul, which sank in the Barents Sea
7 during February 1974.

8 "Our historian has searched the annual histories
9 of US Atlantic Command (LANTCOM) for the year 1974. He has
10 found no records any of US Navy activities within the
11 Barents Sea during that time. It is possible that US Navy
12 ships were active in that area; however, our documents do
13 not reflect such activity. Enclosed are extracts from our
14 annual history of that year. Regrettably, we do not have
15 any other potentially relevant material concerning this
16 incident."

17 Then on the following page there is then something
18 from Rear Admiral Ropers, staff at the Headquarters of the
19 Commander-in-Chief of the East Atlantic and Commander of
20 Allied Naval Forces North, which says:

21 "It is confirmed that, despite thorough registry
22 and archive searches, neither CEL nor CSEL hold records [on
23 the trawler] Gaul. It is regretted that this headquarter is
24 unable to assist on this occasion."

25 Then finally on the following page, at page 24,

1 there is a letter from the Department of the Navy in
2 Washington DC from the Director of the Naval Historical
3 Center. That says:

4 "... a search of records held in the Naval
5 Historical Center's Operational Archives branch was made, in
6 response to telephonic requests of 21 August and
7 3 September 2002, for any documentation concerning the loss
8 and subsequent search [and it says 'HMS] Gaul in February
9 1974 and the NATO exercise Clockwork.

10 "A comprehensive search among the records of the
11 Navy's Command Center, held in our custody was undertaken
12 with negative results. Also examined were the annual
13 command histories of Sinclant, Cinceur, Saclant, US Naval
14 Forces Europe, and Cinclantflt with negative results for
15 records on the British trawler's loss and the NATO exercise.

16 "A check of the internet, using the search engine
17 Google, was made and a comprehensive report on the loss and
18 search for the wreck, by the British Ministry of
19 Transportation, was located at the following site."

20 It then gives the Department of Transport site.

21 So it is clear that there was no NATO exercise.
22 A NATO exercise, but not necessarily in the Barents Sea,
23 would Argus Express(?) have been scheduled but cancelled at
24 some stage.

25 There was the Arctic and winter training programme

1 called Exercise Clockwork which was to take place later.
2 All of this information was made public in 1999 and the
3 documents that I have referred to were provided to Max Gold
4 & Partners, the solicitors for the Gaul Families Association
5 during 2002 and 2003.

6 Then there is, just for the sake of completeness,
7 the (inaudible) note at page 16 that the Ministry of Defence
8 provided to the Max Gold Partnership in August 2002, the
9 ships' logs for the relevant period for HMS Mohawk, HMS
10 Hermes, Royal Fleet Auxiliary Vessel Tideflow, HMS Exmouth
11 and HMS Rhyl. It says:

12 "I can confirm that no information has been
13 withheld from these logs for any reason: You should receive
14 complete copies of the originals. I have checked through
15 the copies myself and believe that they are all present and
16 correct. However, if you do think that anything is missing
17 or you cannot read any part, then please do let me know: I
18 will not return the originals to archives for a couple of
19 weeks in case.

20 "We do not believe that communications logs were
21 kept after the ships had been decommissioned and any
22 information in aircraft logs would have related to the
23 airframe rather than what the aircraft did (you will see
24 that aircraft movements are covered in the ships' logs).
25 But I will pursue this further to make sure that we obtain

1 any relevant information that remains extant.

2 "I am pursuing your questions 2 and 4 with NATO
3 and will keep you informed of the results."

4 Then he explains about the cancellation of the
5 exercise and, as we can see, the information was further
6 provided.

7 To give, sir, you an idea of the approach taken by
8 the Ministry of Defence to the requests from the Max Gold
9 Partnership for information concerning these matters, we
10 have the letter at page 18 which is from Mr Gambazzi, the
11 Deputy Director of the Naval Staff. This is his letter to
12 NATO. It says:

13 "You may be aware that the Official Inquiry into
14 the loss of the trawler Gaul in February 1974 is being
15 reopened. Solicitors acting on behalf of the families of
16 the crew have requested information relating to a 'NATO
17 exercise' taking place at the time and a copy of the letter
18 is attached.

19 "From UK Ministry of Defence files for the late
20 1990s it appears that similar questions have been asked
21 before, although there were no copies of correspondence with
22 NATO on file. It was said that at the time a NATO exercise,
23 Argus Express, had been cancelled and that HMS Hermes
24 participated instead in a 4-day Norwegian national exercise,
25 Squadex. I have also attached a copy of a letter from the

1 then Minister for Armed Forces to Alan Johnson MP laying
2 this out in some detail. In order to provide the fullest
3 possible information to the Inquiry, I should be grateful
4 for any help you can give in seeking a review of all
5 material that NATO holds relating to the Barents Sea region
6 in February 1974 and consulting Norway, Russia or other
7 nations as you deem appropriate. In the UK we have taken
8 the approach that all information of relevance or potential
9 relevance to the loss of the Gaul should be released and any
10 sanitising clearly explained. After a security review we
11 have provided complete copies of the ships' logs requested.
12 Copies of contemporary material convey best this spirit of
13 openness.

14 "Please do not hesitate to contact me with any
15 questions. We have reiterated to the Solicitors acting for
16 the families that any material provided is strictly for
17 their use in connection with the Gaul Inquiry. If NATO or
18 nations would prefer any information to be made available to
19 the Inquiry but not those Solicitors then I should be
20 grateful if you would annotate it accordingly."

21 That is then what produced the responses that
22 I have shown you already.

23 We then have at page 26 -- this is now the
24 following year, March 2003 -- a letter again to the Max Gold
25 Partnership from a Mr Richard Mortimer at Naval Staff

1 (Secretariat). It says:

2 "I took over from Michelle Adhimar in September
3 last year. Michelle asked me to keep in touch with NATO HQ
4 about the questions you had asked, on behalf of the families
5 of the crew of the Gaul, about NATO exercises in the Barents
6 Sea area during February 1974. Michelle explained in her
7 letter to you of 17 September that the NATO International
8 Military Staff, International Staff and Situation Centre had
9 researched their archives extensively, but had not found any
10 material relating to a NATO exercise in February 1974.
11 However, to ensure that we covered the ground completely,
12 they suggested that we should check with NATO's Supreme
13 Allied Commander Atlantic (SACLANT) who is based in the
14 United States, to see whether his archives complaint any
15 relevant information.

16 "I have now heard from the United Kingdom's
17 Military Representative at NATO that the search of SACLANT's
18 archives has been completed, but that no material was found
19 that relates either to NATO exercises in February 1974, or
20 to the loss of the Gaul. This is perhaps what we expected,
21 and reinforces our understanding -- derived from earlier
22 enquiries -- that a planned NATO exercise had been
23 cancelled. I am sorry that the search has taken so long,
24 but it has been extensive, undertaken in Europe and the
25 United States. There have been difficulties in reconciling

1 the command structure of NATO now with the structure of
2 almost 30 years ago, to make sure that all areas are
3 covered.

4 "While the search was in progress, I kept in touch
5 with SACLANT staff, and can confirm that their search was
6 very wide ranging. Indeed, as a cross-check, SACLANT
7 personnel in the United States very kindly asked colleagues
8 in the US Navy to search their archives too -- although
9 again, nothing of relevance to the Gaul or to a NATO
10 exercise in [this] specific area or timeframe [was] found.
11 I enclose copies of the responses that the Chief of Staff at
12 SACLANT received following his request for the search to be
13 carried out within the Command, and at the US Naval
14 Historical Center, which show the ground that has been
15 covered.

16 "Please let me know if there is anything further
17 I can do to help."

18 Sir, that shows, in my submission, fairly
19 comprehensively that there was no NATO exercise taking place
20 at the relevant time. It also confirms that there were no
21 Royal Navy ships in the Barents Sea.

22 However, sir, since the previous Inquiry, further
23 information has come to light about other matters. One of
24 those, sir, you will recall at the previous Inquiry there
25 was some discussion about a seabed cable and we have located

1 from the files a press release issued by the Norwegian
2 Ministry of Defence in September 1997 following the
3 broadcast of a television programme in Norway and in the
4 United Kingdom. That is to be found, the original in
5 Norwegian, at page 30 and a translation is at page 31. It
6 is from the Norwegian Ministry of Defence dated
7 30th November 1997 and it says:

8 "Norwegian Broadcasting 'Brennpunkt' programme on
9 6 November claimed that as part of a project codenamed
10 'Poker' the Norwegian Defence had installed an underwater
11 cable in the area where the British trawler 'Gaul' sank in
12 the spring of 1974. This is not true. Neither the
13 Norwegian Defence Research Institute nor the Ministry of
14 Defence has laid any kind of cable in the area where the
15 Gaul sank, either before or after the incident.

16 "The Gaul lies at a position 72°04'N/25°04'E. In
17 1968, the Defence Research Institute laid a cable from
18 Sørvær on Sørøya as part of a project codenamed 'Poker'.
19 This cable, however, ran northwards to approximately
20 72°N/22°30'E, ie around 54 nautical miles west of the stated
21 position of the Gaul, and therefore has nothing to do with
22 the underwater images shown on 'Brennpunkt' of a cable close
23 to the wreck.

24 "The purpose of the Poker cable was necessary to
25 carry out measurements of underwater noise. Such

1 measurements were necessary for calibrating a variety of
2 submarine detection systems that were under assessment at
3 the time. The Poker cable, therefore, was not part of an
4 operative system, as suggested in the programme. Noise
5 readings were taken for about 18 months. When, in 1970, it
6 was decided to resume the project, the cable was found
7 damaged in several places by trawling activities. Since the
8 area was regularly used for trawling, the cable was neither
9 repaired nor replaced.

10 "On the North Cape Bank further north-east, where
11 the wreck of the Gaul lies, there is also considerable
12 trawler activity. For this reason, the Norwegian Defence
13 also considers this area unsuitable for underwater listening
14 operations based on cables laid on the seabed."

15 Sir, that is by way of completing the picture in
16 relation to evidence that was heard in relation to seabed
17 cables.

18 The next piece of evidence I want to refer to
19 relates to the suggestion that there may have been submarine
20 activity in the Barents Sea during February 1974. The
21 position is that, I think, uniquely, the Ministry of Defence
22 has opened top secret files relating to the whereabouts of
23 the four Polaris submarines during the relevant period of
24 February 1974. That material was, and is, very highly
25 classified, but a limited amount of information has been

1 prepared to be revealed by the Ministry of Defence in
2 relation to where those submarines were.

3 If I can summarise the position before showing you
4 the document, there were, as you may recall, four Polaris
5 submarines (Resolution, Renown, Revenge and Repulse). At
6 any one time, there was normally one on patrol --
7 a submarine with the UK's independent nuclear deterrent on
8 board -- obviously doing its best not to be detected by, at
9 that time, our Soviet (thought of as) enemy.

10 The records show that on the relevant date the
11 Barents patrol submarine was HMS Resolution. Two of the
12 other vessels, Renown and Revenge, were in refit in Rosyth
13 in Scotland. HMS Repulse was not on patrol and at the
14 relevant time remained based at Faslane and did not leave UK
15 waters during the relevant period. So that leaves the one
16 submarine, HMS Resolution.

17 Sir, you will recall that we had evidence at the
18 previous Inquiry from Commander Phillips which we have or we
19 originally had at bundle AG10, page 196 but we now have here
20 in this bundle at page 48. What he said was:

21 "I can state that Polaris submarines would not
22 have been operating in the vicinity of the position at which
23 the wreck of the Gaul was found on or near the date [it
24 actually] sank (on or about February) 1974."

25 So that is based on his knowledge of where those

1 submarines go and on the fact that if you do not want to be
2 detected, you do not really park in the enemy's backyard
3 where their own submarines are lurking around.

4 The actual records have now been found and, more
5 importantly, extracted with some difficulty because of
6 asbestos contamination of the War Office, or the part of the
7 War Office, where these documents were held. We have, at
8 page 91 and 92, of the bundle, first of all, a letter from
9 Mr Mortimer to Mr O'Dea of the Treasury Solicitor which
10 says:

11 "We met this afternoon and you were able to
12 inspect the plotting chart that was maintained by the
13 on-patrol Polaris submarine at the time the Gaul was lost.
14 You were able to see the exact position ... over the period
15 7th-9th February 1974, which was over 780 nautical miles
16 distant from where the wreck of the Gaul lies.

17 "For operational reasons I cannot disclose the
18 actual chart and plot overlay, but attached to this letter
19 a copy of the chart used by the MAIB in their 1999 report
20 which shows the position of the wreck site. I have drawn on
21 this chart a line at 61° North and can confirm that
22 HMS Resolution did not pass north of this line over the
23 weekend in question" -- and that is 7th to 9th February
24 1974.

25 Over the page at 92 we have that chart and, sir,

1 you can see from that chart that a line 61° North runs just
2 slightly to the north of the Shetland Islands and goes petty
3 much through, I am not sure whether that is Bergen but
4 anyway the southern part of Norway through Sweden and then
5 through the most southerly part of Finland. Geographically,
6 it is correct that the nearest that the submarine could be
7 would be 780 miles from that position.

8 Sir, you yourself have been provided with the
9 exact position by the Ministry of Defence which has also
10 been seen by counsel.

11 That is the position of the Polaris Submarine
12 Fleet. We have also researched the location of all the
13 other submarines in the UK fleet at that time. In the
14 bundle at pages 1 through to 8 we have copies of the now
15 declassified pink list which details are issued every
16 fortnight detailing where Royal Navy ships are and where
17 they are going.

18 I have provided to you and to the parties
19 a summary of the location of those submarines which I shall
20 for the purposes of people listening I shall run through
21 quickly. The Grampus was in Portsmouth; the Ocelot was in
22 Rosyth; the Odin was in Sydney, Australia; the Onslaught was
23 in Portsmouth; the Onyx was woken up and so in the UK;
24 somewhere the Opportune was at Portsmouth; Otus was at
25 Faslane; the Porpoise was at Portsmouth; the Rorquall was at

1 Portsmouth; the Sea Lion was at Portsmouth; the Andrew was
2 at Devonport; the Cachalot was at Plymouth; the Narwhal was
3 at Puerto Rico; the Valiant was at Portsmouth; Warspite was
4 at Faslane; Sovereign was in the Clyde; the Conqueror was in
5 the Bahamas at the Atlantic Undersea Test and Evaluation
6 Center; Courageous was at Faslane; the Dreadnought was at
7 Faslane; Olympus was at Faslane; Otter was in the Bahamas,
8 and Swiftsure was between Florida and the Bahamas.

9 There were also a number of submarines in refit at
10 that time, so not operational: Walrus was at Rosyth,
11 Finwhale was at Portsmouth; Oberon was at Portsmouth; Oracle
12 was at Portsmouth; Churchill was in Chatham; Opossum was in
13 Chatham; Orpheus was in Devonport, and Osiris was in
14 Devonport.

15 Sir, so the position is that there was no UK
16 submarine in or frankly anywhere near the Barents Sea at the
17 relevant time.

18 Another piece of evidence that has arisen since
19 the last hearing is in relation to a vessel called the
20 Anaris which was on passage having left the Murmansk on
21 7th February in the Barents Sea at the time the Gaul was
22 lost. Her chief engineer, a Mr Kirksæther, has come forward
23 and provided a statement taken through the British Embassy
24 in Oslo in which he refers to having seen a vessel which he
25 believes was the Gaul and which he believes he saw sink as a

1 result of bad weather.

2 Sir, there are two statements. If one turns to
3 page 70, one can see a Norwegian question and answer session
4 signed by Mr Kirksæther and the English translation appears
5 at pages 61 through to 65. He is asked to give brief
6 details of his experience at sea and any relevant
7 qualifications and he says:

8 "A1. My name is Torbjørn Kirksæther and I was
9 chief engineer for a Swedish shipping firm dominating the
10 ore traffic in Narvik at that time. I was chief engineer
11 for 20 years and was employed by the same shipping firm for
12 27 years. My educational background is as chief engineer.

13 "Q2. How long before and after this trip did you
14 serve on the Anaris?

15 "A2. I signed on on the Anaris in Bracke on my
16 50th birthday and protested heavily as I had a lot of leave
17 owed to me, but without being heard. I protested even
18 further when I realised that we were sailing to
19 Murmansk because I had been there many times previously and
20 that was the worst place during winter."

21 Sir, as one might imagine, it is not a place of
22 choice to go. He then says:

23 "The first time I signed on on the Anaris was in
24 1974. I did once more later in the summer.

25 "Q3. Why and then did you leave the vessel?

1 "A3. I was only a temporary crew member on the
2 Anaris and was due to return to my own vessel (the Loussa).
3 I left the Anaris after the sailing in the summer.

4 "Q4. What was your job on Anaris and what was
5 your responsibility?

6 "A4. My job was as chief engineer and the entire
7 engine room was my responsibility. When we were at harbour,
8 my responsibility was then to ensure that both the vessel
9 and the engine were fit for sea.

10 "Q5. Who was the Captain of Anaris and what sort
11 of man was he? How long had he been on the vessel?

12 "A5. I don't remember his name. It is difficult
13 to say what he was like as he was mostly on the bridge and
14 I was down in the engine room. There was very little
15 socialising. I don't know how long he was on board before
16 I signed on.

17 "Q6. What other members of the officers/crew can
18 you recall?

19 "A6. I only remember one person, a second officer
20 from Narvik, Leif Elevenæs.

21 "Q7. Can you recall the trip from Murmansk that
22 commenced on Thursday February 7th 1974? Did you keep
23 a diary or are there any documents that would assist you in
24 recalling this matter? Please make reference to such
25 documentation if it assists you.

1 "A7. We left Murmansk with a shipment of special
2 ore and were possibly sailing to Rotterdam. We sailed into
3 a terrible storm in the Barents Sea. This was the worst
4 storm I have ever experienced. I had to order everyone who
5 was off-duty down to the engine room since everything down
6 there was being thrown around. There were a couple of the
7 crew who did not dare go to the engine room, but the deck
8 boys helped secure all the loose objects. When I was
9 finally released from duty, I went to my cabin and look for
10 food. It was impossible to get anything other than dry food
11 to eat so I returned to my cabin which was situated at the
12 stern of the vessel. That's where I saw a trawler, which
13 was about ½ a nautical mile or so away from us. It was deep
14 down between two waves and when visibility improved I could
15 tell that they had problems on board. The vessel was
16 surfing the waves. The wind had blown it flat. Again there
17 was an extraordinary big wave. This was the Gaul's fate.
18 The Gaul was simply thrown around and then just after buried
19 by a large amount of water. This drama lasted roughly a few
20 seconds. Our mess-boy was standing next to me as he was
21 cleaning my cabin. He also witnessed the tragedy, but I was
22 not sure if he understood the seriousness of the situation.
23 He said 'Poor creatures, who are in that storm' and I had to
24 tell him that he ought to be glad that he was not on board
25 there. (He was terrified). There were many on board with

1 us, who thought that our time had also arrived. They were
2 certain that we would also sink.

3 "I have not written a diary, but I have written
4 down what I have just told you.

5 "Q8. Can you say what time the Anaris left port
6 and where she was headed? Had you done that trip before?
7 When?

8 "A8. We left Murmansk and were headed down to
9 Rotterdam. It's difficult to recall the time, but I was
10 relieved from duty around 12 noon and that was when I saw
11 the Gaul. I had done this trip many times, before both and
12 after.

13 "Q9. Can you say whether the Anaris was late
14 departing; were you behind schedule?

15 "A9. Everything went as normal. No time
16 problems.

17 "Q10. Was there any pressure on the Anaris to get
18 to her destination quickly? How do you know this?

19 "A10. No, absolutely not. We had to sail through
20 the Barents Sea at reduced speed and therefore took the time
21 needed.

22 "Q11. What were your duties on departure, when
23 did you go on watch? When did you finish? Who took over
24 from you?

25 "A11. My duties were as chief engineer. I don't

1 recall what time. I lived in the engine room. I don't
2 remember who took over when I finished.

3 "Q12. What time did you come on duty after
4 departure or the following day?

5 "A12. I was on duty 24 hours and then relieved.
6 I went on duty in Murmansk and was relieved from duty 24
7 hours later. There are always two engineers when we enter
8 or leave a port, in case of emergencies.

9 "Q13. Can you describe the routine on Anaris
10 following departure from port?

11 "A13. All normal. 24 hours duty (ie 1200-1600,
12 the next from 1600 to 2000 and 2000 to 2400). First and
13 second engineer on duty, except for the ones on day duties.
14 Always two engineers on duty when we leave port.

15 "Q14. Was the usual routine followed; did
16 anything of interest happen? Describe what happened and
17 when.

18 "A14. The usual routine was followed. In
19 other words, nothing of interest.

20 "Q15. On the morning of Friday 8th February were
21 you on duty? If so, at what time did you come on duty? Did
22 you go on the bridge, if so when? What was said or did you
23 hear?

24 "A15. At that time I was on duty all night; was
25 there a couple of days. I had no business on the bridge; I

1 was in the engine room.

2 "Q16. What were the weather conditions during the
3 morning of the 8th? Did the weather get worse or better;
4 can you describe the conditions; did you keep to your course
5 and can you say what course this was?

6 "A16. The weather was the same. The sky and sea
7 rolled into one. We kept our course, but don't know which.

8 "Q17. Did you see any other vessels following
9 departure; were you on watch all during this time? What did
10 you see?

11 "A17. No other vessels. I would have seen the
12 lights if there were any other vessels close by.

13 "Q18. Did your vessel suffer any damage during
14 the morning of the 8th? Did you go on the bridge or did you
15 hear any announcements from the bridge about the Gaul or any
16 other vessel that might have been in trouble? What was
17 said and by whom; did you see anything; what did you see and
18 when?

19 "A18. I did not go on to the bridge. I didn't
20 hear any announcements about the Gaul or any other vessel.

21 "Q19. Did you know the Radio officer Brita
22 Westergren? Was the radio room operational all the time; do
23 you know whether any messages were received or transmitted
24 following your departure from Murmansk. What were in these
25 messages?

1 "A19. No, I had no contact with the woman.
2 I cannot answer whether the radio room was operational or
3 whether messages were received or sent.

4 "Q20. Was the Anaris contacted by the Gaul at any
5 time, how do you know? If contact was made, when was this?
6 What happened next?

7 "A20. That question should be directed to the
8 Captain or First Officer. I cannot answer as because I had
9 enough to do in the engine room.

10 "Q21. Was there any discussion about the Gaul or
11 any other vessel that might have been in distress? When was
12 this discussion; what was said and by whom?

13 "A21. There was no discussion about the Gaul, but
14 I assume she had problems as she was surfing the waves. We
15 saw this, but had no discussion about this. The event took
16 perhaps only ½ a minute [...]

17 "Q23. Did the Anaris look for the Gaul? When did
18 she look? Did you go on watch and look; how long did you
19 search? Did the Anaris contact Bodø or any rescue station?

20 "A23. There was nothing to see. What were we
21 supposed to search for? She disappeared. I don't know
22 whether Anaris contacted Bodø or any rescue station at the
23 time. Only much later did I discover no-one contacted the
24 rescue station and this is a mystery to me. You have to
25 remember that the officers/crew on the bridge would have had

1 a view forwards, while I in my cabin and had a view from the
2 stern towards where it happened.

3 "Q24. Can you say what discussion took place, if
4 any, in the mess about the storm on the 8th February and
5 about any contact with other vessels, specifically about the
6 Gaul?

7 "A24. We were angry about the weather conditions
8 and that we would be so unlucky to have to sign on at
9 Murmansk. Nothing was said about the Gaul or any other
10 vessels. In other words, quite normal.

11 "Q25. Did you hear that a large trawler was
12 missing on the North Cape Bank? When did you hear about
13 this; did you discuss this with anyone; what was said and
14 when?

15 "A25. It took some time before we heard about the
16 trawler and how many were on board and disappeared. It was
17 also said that wreckage was found off the coast of Finnmark.
18 I heard this long after a returned home to Narvik. I have
19 discussed this case with family and friends. I contacted a
20 journalist many years ago, but he didn't believe my story.
21 However, there was a journalist in Narvik, Espen Eidum, who
22 believed my story: Only then did things start to happen.
23 This was a couple of months ago. He contacted the Swedish
24 Maritime Directorate who confirmed my words that they were
25 alone with Anaris in the Barents Sea. It has taken 30 years

1 before anyone believed me.

2 "Q26. Did you hear that a search was being
3 conducted? When did you hear about it; what was said?

4 "A26. I have not heard that there was a search
5 for Gaul. However, later on I know that the Gaul was found
6 because I was contacted by an English journalist, Graham
7 Smith.

8 "Q27. When did you arrive at Rotterdam?

9 "A27. I don't remember, but probably a few days
10 later.

11 "Q28. Have you anything else to say that might
12 assist the Inquiry in identifying when, how and why the Gaul
13 was lost?

14 "A28. Not really. What I have just said covers
15 it."

16 There is then a further supplementary statement
17 signed at page 83 and which begins at page 79. That says:

18 "Q2. Can you estimate the heading and speed of
19 the Anaris and the direction of the wind and sea upon her?
20 Was she heading into the wind, in beam seas or running
21 before the sea? Can you describe the weather conditions
22 especially the size and the steepness of the waves at this
23 time; were the conditions deteriorating?

24 "A2. No, as I was down in the engine room and it
25 would be the bridge's responsibility to confirm speed and

1 direction of the wind. The weather conditions were constant
2 for a very long time and probably lasted for two to three
3 days. The waves were probably around two to three metres
4 high, but level.

5 "Q3. Were the waves constantly breaking over the
6 Gaul or was it just one big wave; can you describe what you
7 saw. Were the waves up to her trawl deck or higher; were
8 they breaking over her; was she rolling badly?

9 "A3. I saw a sign of light on top of a wave and
10 assumed it was the light on the mast. I saw this every time
11 she was upon a wave. At the time when standing in my cabin
12 I saw the light on the top diving into the sea and I assumed
13 that was when she capsized.

14 "Q4. Can you describe the Gaul, including the
15 colour of her hull and superstructure?

16 "A4. It was not possible to describe the colour
17 or read the name of the vessel. I only saw the outline of
18 the vessel.

19 "Q5. Can you describe the course and speed of the
20 Gaul and was she making headway?

21 "A5. No, I cannot answer that. I saw no other
22 vessel than this one.

23 "Q6. Did you notice anything unusual; did the
24 Gaul appear to have any list and if so can you describe what
25 she looked like?

1 "A6. What I saw only lasted a few seconds and
2 I only saw the outline of the vessel.

3 "Q7. Are you able to describe how the Gaul was
4 taking the weather? Were you able to see whether she was
5 fishing or whether there were crew on her trawl deck? Can
6 you say what they were doing? Could you see any crew
7 anywhere else?

8 "Not relevant -- see above.

9 "Q8. Can you estimate as to how far you were from
10 the Gaul when you first saw her and for how long you were
11 able to see her after that occasion up to the time when it
12 appeared that the Gaul's lights went out?

13 "A8. I saw the light from a good distance away,
14 on top of a wave. I saw this for a few seconds before it
15 disappeared about ½ a nautical mile away.

16 "Q9. When you saw the light go out, what did you
17 then see? If you could still see her, can you describe what
18 happened to her and describe how long you were able to see
19 her and what happened?

20 "A9. When the light disappeared including the
21 vessel I then understood that there had been a tragedy.

22 "Q10. Did you see the Gaul sink? If so, can you
23 describe how this occurred or how long it took? Did she
24 appear to capsize or sink by the head or stern? How long
25 did this take? What did you do and how long was it before

1 you reported her difficulties to anyone on the Anaris? Did
2 you report this to the Captain or the officer; who was this?
3 What did the Captain do? Did anyone look at the radar? Did
4 the Radio Officer try to contact the Gaul; if so for how
5 long?

6 "A10. I did see the Gaul sink and spoke about
7 this in the officers' mess. Elevenæs was one of the
8 officers in the mess. I don't know any more than this and
9 neither do I know what went on in the bridge.

10 "Q11. What did the Anaris then do and were you on
11 the bridge or in the accommodation during any search?

12 "A11. The Anaris held her course, but I was in
13 the engine room.

14 "Q12. For how long did the Anaris search?

15 "A12. There was nothing to search for.

16 "Q13. Who told you that the vessel was the Gaul
17 and when was this?

18 "A13. I heard this for the first time a few weeks
19 later in the mess that the vessel was an English trawler and
20 then learned the name. I originally thought that she was
21 a Norwegian trawler, which didn't make it to a port.

22 "Q14. Did you see any other vessels in the area
23 immediately before or after seeing the Gaul? Can you
24 identify any other vessels seen in the area?

25 "A14. No."

1 Extensive work has been carried out to locate as
2 many other persons also serving on board the Anaris as we
3 were able to locate. Mr Elevenæs, which is the person who
4 Mr Kirksæther refers to was contacted by the Embassy and the
5 response to that is at page 60. This is from embassy staff,
6 Consular and Entry Clearance Officer at the Embassy, and
7 this is what Mr Elevenæs told her. She says that he rang
8 her:

9 "... on the morning of 26 August 2004 in response
10 to my request for him to contact us regarding the Gaul.

11 "Mr Elevenæs confirmed that although he was on
12 duty on the bridge of the Anaris from when they sailed out
13 from Murmansk, he was not however, willing to give
14 a statement as he claims he did not see the Gaul on the
15 night in question; nor does he recall any details
16 surrounding that particular sailing.

17 "He did however, go on to say that he recalled
18 that the weather was terrible on that night and that Anaris
19 had ½ visibility which would have made it impossible to see
20 anything. Also at the time he was on the bridge, there was
21 no contact with the Gaul; neither was there any mention of
22 her.

23 "He could not understand what Torbjørn was talking
24 about (his words) and had the opinion that the newspaper
25 article was only nonsense (again his word)."

1 The radio officer was contacted and she produced
2 a small statement that we have at page 85. She says:

3 "I have received letters in this matter from the
4 British Embassy in Stockholm, but I can not remember
5 anything about a ship being in distress, or that the Anaris
6 was engaged in search for a distressed ship, during the time
7 we were travelling between Murmansk and ports on the
8 Continent.

9 "Had MV Anaris stopped to search for the Gaul, it
10 would have engaged me as the radio officer in a lot of radio
11 traffic with nearby coast radio stations and also with other
12 vessels in the vicinity, and that is a thing not easily
13 forgotten, but as far as I can remember nothing like this
14 happened during our voyages to Murmansk."

15 At page 90 the radio station to which she would
16 almost certainly have contacted is the Joint Rescue
17 Co-ordinating Centre North Norway in Bodø. They have
18 written to the Treasury Solicitor recently to explain that
19 they regretfully have:

20 "... to inform you that we hold no information or
21 records of radio communications from the 'Anaris'.

22 "We are likewise unable to assist in your
23 inquiries concerning the 'Anaris' logbooks and/or other
24 crewmembers."

25 Some other people were contacted and they are set

1 out on page 86. A Mr Forslin, who was a seaman, does not
2 remember any incident, however though who does remember
3 a storm.

4 The radio officer we have had and she also said
5 she does not remember hearing anything about it. She would
6 have remembered it. She recommended that we check the
7 ship's log. She remembers the bad weather, but does not
8 believe it to be possible that the Anaris spotted the Gaul,
9 due to the course.

10 Mr Gustavsson says he does not remember any such
11 incident. He had not heard of the Gaul until contacted by
12 a journalist last year. He does not even remember
13 Mr Kirksæther.

14 "He remembers leaving Murmansk on the 7th at
15 20:00, they followed the Northcape, and believes it would
16 have been impossible to have seen the Gaul. They met
17 'Araton' (heading for Murmansk, owned by Swedish company AR
18 Bolaget) outside the Northcape (8-12 watch), remembers that
19 there was bad weather, and suggested we might check with the
20 crew of that ship if they remember anything. Does not
21 believe that they were in the area."

22 There is then also Mr Kangas. It is on page 84.
23 He says:

24 "I wish I could be of more help to you, but I'm
25 not sure I recall any sinking of a vessel at that time.

1 I do remember us making two trips to Murmansk in the
2 beginning of 1974. My guess is that February 7th would have
3 been the first of these.

4 "I was a deck boy at the time and on watch 8-12
5 [that is 8 to 12 in the morning and 8 to 12 in the evening].
6 If the search of the Gaul would have happened during my
7 watch hours, I should have remembered it. You're saying
8 that Anaris saw the lights of The Gaul in the morning.
9 I assume then that it may have been between four and eight
10 and that I would have been asleep. Or if the search
11 happened after eight in the morning, then because it was
12 daylight, I would have been working down on deck and not as
13 a lookout on the bridge wing. I would of course have been
14 called to the bridge to be a lookout if we did search on my
15 watch.

16 "There was very little talk between the crew and
17 officers on that ship and if the officers knew about The
18 Gaul, they may not share that information with us. But,
19 I should add that I do have a very vague memory of having
20 heard that we did a search like that, maybe before my watch,
21 or I might just be imagining it at this time -- I cannot
22 say.

23 "I'm also puzzled by the name Torbjorn Kirksæther.
24 That name is not familiar to me. I do remember most people
25 on this ship, although not necessarily their names."

1 Then he sets out various people. He says:

2 "I believe I have shared any information with you
3 that I may have in this regard. You asked for me to give
4 you a call. Please respond to this mail and let me know if
5 you still want me to call you ..."

6 So that is what he says. Then there is someone
7 called Ulf Lundblad who says he does not remember the night
8 in question. He worked with machinery. He does not
9 remember Mr Kirksæther or know if the Captain is still alive
10 but he would have thought if there was such an incident it
11 would have been common knowledge. Sir, that is where we
12 have reach with the Anaris.

13 Obviously the position of Mr Kirksæther is that he
14 sees what he believes to be a fishing vessel or at least
15 a light on the fishing vessel and then that disappears and
16 he believes that that was a result of the vessel having been
17 lost. In my submission, there are two possibilities: either
18 it was the Gaul or it was some other vessel; if it was the
19 Gaul, then there are two further possibilities: it is
20 possible that the reason that he no longer saw the light was
21 because the visibility deteriorated when the ship moved
22 further away because he is looking to the stern of his ship
23 and he is on a course and the visibility at that time, as we
24 know, would have been bad so it is possible that, in fact,
25 he did not see anything happen to the Gaul, merely that she

1 ceased to be visible.

2 The second possibility is that he saw, as he
3 believes he did, the vessel sink in the storm, in which case
4 his evidence is entirely consistent with the other evidence
5 in the case as to what happened to her.

6 What is surprising, in my submission, is that
7 somebody who believes that he saw a ship sink just shrugs
8 his shoulders and does not bother telling anybody about it.
9 It is rather extraordinary that if you think that you have
10 just seen a ship sink your immediate reaction would be to
11 tell the Captain and say, "We must see if we can search for
12 survivors", which makes one perhaps question whether at the
13 time he really did think he saw a ship sink or whether now,
14 knowing that a ship sank, he puts together the fact that the
15 light had disappeared with having seen the ship sink.

16 Sir, the final new piece of evidence is a witness
17 has come forward, Mr Derek Barron. Sir, you will recall
18 that during the previous Inquiry an anonymous statement was
19 provided of somebody describing himself as a former Chief
20 Petty Officer who had worked in the Royal Navy but he was
21 not at that time prepared to give his name. He has
22 subsequently very kindly agreed both to identify himself and
23 to attend the Inquiry today to give his evidence directly to
24 the Inquiry, for which we are very grateful. So if it is
25 convenient, sir, I will propose next to call Mr Barron.

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DEREK BARRON, sworn

Examined by MR MEESON

Q. Mr Barron, can you give us your full name, please?

A. My name is Derek George Barron.

Q. You have provided a statement to the Inquiry which we have at pages 41 through to 47, if you can find that in your bundle and if you could look at page 47, that is the statement that you have signed.

Is that your signature?

A. Yes, it is.

Q. Do you recall giving this statement?

A. I recall giving a statement, yes.

Q. Let us put the statement to one side. I think it will be better if you could tell the Commissioner and the Assessors and everybody here in your own words what information you think is important for this Inquiry to hear.

A. Yes, sir.

Q. So take your time and explain it yourself. You may need to bring the microphone just a little bit closer to you?

A. Well, sir, in approximately 1983, I cannot be certain of the precise date, I was on a course in HMS Dolphin (which is the Royal Navy submarine school in Gosport, Hampshire). On one particular occasion I had lunch

1 and I was in the mess, the Chief Petty Officers' mess, and
2 I had been given the afternoon off because the course I was
3 doing I had already covered the aspects of the course had
4 been covered in the afternoon so I was in the mess a little
5 later than everybody else. The guys that I was on the
6 course with had already gone back to the classroom.

7 I noticed two couples sat behind me in the mess
8 mainly because I heard one of the persons speak who when
9 I turned round and looked was a Royal Navy warrant officer.
10 He was talking to a guy in army uniform and there were two
11 ladies with them which I took to be their wives.

12 The reason I took notice was because the warrant
13 officer seemed extremely distressed and you know it was
14 a bit out of character for where we were. I heard him say
15 to the army chap that there had been something bothering him
16 for a long time that he needed to get off his chest. He
17 then went on to say that he had gone on patrol in
18 a submarine which I recognised as being one of our Polaris
19 submarines. I could not be certain which one it was to be
20 perfectly honest because this happened some time ago.
21 I believed it to be the Resolution but I cannot be certain.

22 He said that in 1974 he had been on patrol and for
23 whatever reason, I do not recall exactly the detail, but
24 they were there where the Gaul was sunk. The reason he was
25 so upset was they were fully aware of the fact that the Gaul

1 had been sunk and they were unable to surface to look for
2 survivors.

3 Q. When did you first tell anyone about what you
4 had overheard?

5 A. Immediately. I went to the Mess Manager's
6 office which was in the mess foyer, asked to speak to the
7 Duty Mess Manager and explained what had happened.
8 I basically reported it as a security breach because the guy
9 had been talking about Polaris submarine movements to an
10 outsider, which is not done.

11 As soon as I reported it, I left it in the hands
12 of the Mess Manager mainly because I was slightly
13 embarrassed about the fact that the guy that I had just
14 reported was considerably senior to myself and so I made my
15 excuses and left, left it for him to deal with.

16 Q. When did you first tell anybody about it
17 subsequently?

18 A. I have spoken to one or two friends in the
19 Navy about it over a period of time and really the only time
20 I spoke about it in public is when I made attempt to contact
21 the Gaul Families Association when I heard about the Inquiry
22 last year.

23 Q. Is it right that you did not contact the Gaul
24 Families Association or the Inquiry?

25 A. No, I did not. I was not aware of how to get

1 hold of them. I actually asked a friend of mine who had
2 access to the internet to make some enquiries on my behalf.
3 He told me that he had contacted the Families Association
4 and I actually gave him a written statement which was passed
5 on to, at the time, who I understood to be a solicitor or
6 barrister. However, I later found out it was Mr Graham
7 Smith.

8 A meeting was set up in Derby and I met Mr Smith
9 and gave him a statement, which more or less is what I have
10 told you today.

11 Q. When you found out that he was not a lawyer
12 but was a journalist, why did you not then seek to contact
13 the lawyers for the Gaul Families Association?

14 A. Basically it was quite simple: Mr Smith was in
15 contact with the families and my only motive for talking to
16 him was not to get involved in this way but was basically to
17 suggest to him a line of questioning which might help them.
18 I did not want to be identified; I really did not want to be
19 here today, I just wanted to see the truth come out.

20 Q. You say that you think it was about 1983, in
21 the early 1980s?

22 A. Yes.

23 Q. Why do you believe that it was at that time?

24 A. I remember which submarine I was serving on at
25 the time.

1 Q. Which was that?

2 A. It was HMS Valiant and we had just returned
3 from the Falklands in 1982. I was actually on three patrols
4 in the Falklands on the Valiant and there was a fourth
5 patrol where I was left ashore as part of the what we call
6 a watch system and I did some courses then so I am assuming
7 it was then. I cannot be certain of the date. The only
8 thing I remember is the conversation with any certainty.

9 Q. Are you quite sure it was HMS Dolphin?

10 A. Absolutely certain.

11 Q. You refer to wanting to watch a test match?

12 A. I would not take too much notice of that.

13 I had the afternoon off; I could be being confused. I was
14 in Dolphin on many occasions. I could be getting it
15 confused with another time. I would like to stress that the
16 only things I am certain of are Polaris submarine, I am
17 fairly confident that he said Resolution and I am certain he
18 said Gaul. The rest of it, I am afraid I do not keep
19 a diary. I cannot be sure of dates.

20 Q. When did you become certain that it was
21 Resolution?

22 A. I am not certain. I am fairly confident. He
23 said -- he actually named the submarine. He did not say,
24 "... a Polaris submarine". He said, "I was on patrol
25 on ..." there's only four of them and I was fairly sure he

1 said Resolution but 20 years on I could not be certain. So
2 that is all I remember on that.

3 Q. You just said that you were fairly confident
4 but in your statement you said:

5 "I feel sure that he named the submarine, however,
6 although I recall the name of the four Polaris submarines,
7 I no longer remember which of the four he named."

8 A. Yes, with any certainty, yes, and that is
9 still the case. I am here to give a statement and my
10 statement is that he named the submarine and I recognised it
11 as a Polaris submarine. I don't recall with any certainty
12 which one.

13 Q. Did he describe how he became entangled with
14 the submarine? Did he collide with it or what was his
15 expression?

16 A. I do not recall any description of
17 entanglement or anything along those lines. It was a long
18 time ago. Like I have stressed, I remember him saying he
19 was on patrol in a submarine and they were there when the
20 Gaul was sunk and he was distressed because they could not
21 search for survivors. Those are the only things I can tell
22 you with any certainty.

23 Q. In your statement you say at paragraph 17 on
24 page 46 that you believed that there will be logs recording
25 the exact movement of the Polaris submarines on 8th February

1 1974:

2 "Whilst I accept that those logs will be
3 classified documents and will be subject to restricted
4 access I am of the view that they will determine once and
5 for all whether or not a Polaris submarine was in the
6 vicinity of the Gaul when she sank."

7 Is that your view?

8 A. Yes.

9 Q. You have been sitting here this morning
10 I think?

11 A. That is right.

12 Q. So you have heard the evidence that we have
13 that if you would care to turn in your bundle to page 92 you
14 can see there a chart.

15 A. Yes.

16 Q. If you look in the very top right-hand corner
17 it says "Barents Sea" and there is a little black dot.

18 A. Yes.

19 Q. And a little arrow and it says Gaul; do you
20 see that?

21 A. Yes, I do. I have been there many times.

22 Q. That is where Gaul was. Then if you look at
23 the line just to the north of the Orkney Islands at
24 61 degrees somebody has drawn there?

25 A. Yes.

1 Q. The submarine did not pass to the north of
2 that line during the relevant period. That is the evidence
3 that we now have as to where the submarine was.

4 So in the light of that evidence do you now accept
5 that what you overheard at HMS Dolphin cannot have been
6 true?

7 A. If, this is true then obviously not. All
8 I can say is that I saw somebody in considerable distress
9 relating a story of something that happened seven/eight
10 years previously. I was completely convinced that he was
11 telling the truth and knowing Royal Navy personnel --
12 I served for 24 years -- you often will tell stories and
13 elaborate on things, but you normally elaborate on things
14 that put you in a good light or are amusing. You do not
15 normally tell a story, while breaking down, about a time
16 when you felt that you killed 26 people.

17 I do not know the whereabouts of the submarine on
18 that day. I have never pretended to. All I know is
19 I overheard a conversation of somebody saying he was on it
20 and he was there when the Gaul was sunk. I do know that
21 when the Polaris submarine or any submarine for that matter
22 is on patrol, then they are given what is called a box to
23 move in which varies in size, and at any one time that
24 submarine can be anywhere in that box. It can either be
25 static (ie, you draw a square on a chart) and at any one

1 time that submarine has to remain inside that box.
2 Sometimes it is a moving one and you move 100 miles a day or
3 so, you know, depending on what the vessel is doing.

4 I do know that when Polaris submarines are on
5 patrol they are given a box to patrol in. They leave port
6 having stored their missiles and they go out to that box and
7 they remain in it until it is time to come out again and
8 come home. That was all I know.

9 Q. You yourself have never served on a Polaris
10 submarine; is that correct?

11 A. I have never served on a Polaris submarine but
12 I have served on a four separate nuclear powered hunter
13 killer submarines and I have exercised with Polaris
14 submarines.

15 Q. Since we now know where the submarine was we
16 know that it was not anywhere near the Gaul. So what you
17 overheard was either somebody who was mistaken or he was not
18 talking about an incident with the Gaul but he may have been
19 talking about some other incident with some other fishing
20 vessel?

21 A. If the Resolution, which was the only Polaris
22 submarine at sea at that time, was not responsible then
23 clearly you are absolutely right. All I can say I have no
24 axe to grind one way or the other. It is of no real
25 interest to me where this vessel was. All I am saying to

1 you people is that I overheard a conversation which was
2 quite specific about an occurrence seven or eight years
3 previously which clearly upset this man and he was quite
4 specific about the Resolution or Polaris submarine and Gaul.
5 Of those things I am absolutely certain.

6 I cannot speak for the evidence. I have not seen
7 the evidence. I would not suggest it is wrong. I do not
8 know. That is not why I am here. I am here to give you my
9 statement. I have given you that. I cannot add any more
10 because I do not know any more.

11 My statement was written for me, which I signed.
12 I crossed out some items and I agreed to sign it. However,
13 a lot of what was in there were other people's words which
14 I did not disagree with but I did not write.

15 Q. But you do not disagree with the proposition
16 that you put forward your statement so that the whereabouts
17 of the submarine could be investigated?

18 A. Absolutely.

19 Q. The whereabouts of the submarine has now been
20 investigated and was not there?

21 A. Well, I have no choice but to accept your word
22 because I have not seen the evidence.

23 Q. You have now because I have just shown it to
24 you?

25 A. You have shown me a chart with an line on it.

1 MR JUSTICE STEEL: This sounds like an argument
2 to me.

3 MR MEESON: Thank you, Mr Barron. I am not sure
4 that you can assist any further. If you wait there, there
5 may be more questions for you.

6 Cross-examined by MR SALOMAN

7 Q. Mr Barron, I have a few questions on behalf of
8 the families of the Gaul crew. You have given us your
9 recollection now. Did you at the time make any written note
10 of what you heard the warrant officer say?

11 A. No.

12 Q. Why not?

13 A. Because once I had given -- reported the
14 security breach to the mess, as far as I was concerned it
15 was over. I was a serving member of the Royal Navy and it
16 was of no interest to me to do any more than that. As far
17 as I was concerned I had done what I had to do, which was
18 report the breach.

19 Q. Your concern was precisely that there had been
20 a breach of security?

21 A. At the time, yes.

22 Q. Your concern was the indiscretion, as you put
23 it in one of your statements --

24 A. At the time, yes.

25 Q. -- made by the person. The details of what

1 the Warrant Officer had told you happened, as you say, seven
2 or eight years ago were not relevant in your report to the
3 mess officer; is that right?

4 A. Sorry, I am not sure I understand the
5 question.

6 Q. What I am suggesting to you is that you were
7 concerned to report a breach of security.

8 A. Yes.

9 Q. That this Warrant Officer had been releasing
10 details of secret submarine movements when he should not
11 have been?

12 A. Absolutely.

13 Q. It was sufficient when you reported that
14 breach to the man in the mess office to tell him that
15 somebody had been speaking out of turn about submarine
16 movements?

17 A. Yes.

18 Q. You have explained that you do not have
19 a great memory for the details of this conversation after 20
20 or even 25 years?

21 A. Most certainly not.

22 Q. You have been quite straightforward and honest
23 about that at all times. What I am asking you is this: is
24 it not fair to say that you were not at the time concerned
25 with anything other than the breach of security?

1 A. At the time I was only concerned about the
2 breach of security. However, I had seen all the news
3 bulletins about the Gaul right from the start in 1974.
4 I had seen several documentaries -- I am sure everybody here
5 has seen them -- about whether it was a spy-ship and the
6 Russians sank it and whatever. I take A keen interest in
7 current affairs and when the Warrant Officer said what he
8 did, I immediately knew the name of the vessel because I had
9 seen many news items, I had seen certainly one or two
10 documentaries about it, so I was familiar with the story of
11 the sinking. However, I had no idea how it had sunk anymore
12 than anyone else.

13 Then suddenly, having seen all these
14 documentaries, I have got a guy sat behind me telling me
15 that he was there when it happened. So I remember quite
16 specifically the name of the Gaul and also the fact he named
17 a Polaris submarine. The rest I will have to hold my hands
18 up: no, I do not remember the detail. But those details
19 I am 100 per cent certain.

20 Q. As you knew about the Gaul tragedy at the time
21 of this conversation in the early 1980s, it might be thought
22 surprising that you did not at least note the conversation
23 then for possible use later; is that a fair comment?

24 A. No, not really. I did note the contents of
25 the conversation. I reported them to the mess official and

1 left it to him to deal with. It was not my position to
2 reprimand Warrant Officers. I was a young Chief Petty
3 Officer in the duty submarine service. To be perfectly
4 honest I was embarrassed about it and just wanted to report
5 it and get the hell out of there.

6 Q. You told us today that after that time in the
7 early 1980s you did not report your story to anybody until
8 you reported it to the Gaul Families Association; is that
9 correct?

10 A. Just about. I left the navy in January 1995
11 and a short while afterwards there was a newspaper article
12 about the Gaul. I do not remember the detail but it brought
13 it back to mind that I had not been aware that the Inquiry
14 was still going on. I read the report and, having
15 remembered the conversation I overheard, I thought, "Well,
16 you know, this is completely the wrong way of looking at
17 it". I actually phoned a national newspaper and --

18 Q. Ah, you phoned a national newspaper?

19 A. -- and spoke to them. However, I just briefly
20 outlined what I had heard hoping that they would
21 investigate. Nothing happened so, you know, that was an end
22 to it as far as I was concerned.

23 Q. What national newspaper did you report the
24 story to?

25 A. It was the Sun and if I remember it correctly

1 it was the Manchester office I phoned.

2 Q. Did you deal with anyone in particular at the
3 Manchester office of the Sun?

4 A. No, I just -- there is just inside the front
5 page there is a box which says, "Have you got a story or
6 something that we should investigate", or words to that
7 effect, "if so contact one of these two numbers", which is
8 what it I did. When I phoned they clearly were not
9 interested so I left it.

10 Q. Did you write out your account and give it to
11 the Sun?

12 A. No, it was just a telephone conversation, spur
13 of the moment thing.

14 Q. By the time that you approached the Gaul
15 Families Association, it is fair to say that the Gaul
16 reopened Inquiry had been active for some time. Why did it
17 take you almost 25 years after the early 1980s to raise this
18 story?

19 A. As an ex-submariner, ex-serviceman, I was
20 extremely concerned about prosecution and I was extremely
21 concerned about a pension that I worked for 20-odd years to
22 earn, which is why when I did approach the families I did it
23 anonymously.

24 Q. But your pension position was the same at the
25 end of 2003 or the beginning of 2004 as it was when you

1 retired in 1995; is that not right?

2 A. Yes, it is. It is not a decision I took
3 lightly. It is not something that I was particularly keen
4 to do. The bottom line was I was seeing newspaper reports
5 about something which in my mind were entirely wrong and
6 I felt that I should, for honesty's sake alone, bring to
7 light what I heard. As you have discussed I do not know the
8 truth of the matter, I was not there. All I am telling you
9 is I heard a conversation which I believe to be true and
10 I still believe to be true.

11 Q. At all events, is it your objective now simply
12 to help the Inquiry to find out whether a Polaris submarine
13 was in the vicinity of the Gaul in the Barents Sea at the
14 time of her loss?

15 A. I have no particular goal at all other than to
16 bring forward what I have told you. What happens now I am
17 quite sure you gentlemen are quite capable of dealing with.
18 I cannot add any more because I do not know any more.

19 MR SALOMAN: Thank you very much, Mr Barron.

20 Cross-examined by MR MUNYARD

21 Q. Mr Barron, I would like to ask you about two
22 matters, please. I represent the families of Skipper
23 Nellist and Mate Spurgeon. Can you just help to clarify
24 precisely what it was that the Warrant Officer was saying.
25 You have said twice in your evidence today that you heard

1 him say that the Polaris submarine was there when the Gaul
2 was sunk. They were fully aware that the Gaul was sunk and
3 they were unable to look for survivors. Is that the full
4 extent of what he was saying?

5 A. No. Bearing in mind this conversation lasted
6 for 10/15/20 seconds maximum. It was just a few sentences
7 which the only events which remain certain in my mind are
8 that he named the submarine, which I thought to be
9 Resolution but I was not certain but I remember that it
10 was definitely a Polaris submarine name that he gave and
11 I remember with absolute certainty that he named the Gaul.

12 He said that they were or he was extremely upset
13 because they could not surface to search for survivors. The
14 intimation was that he was on a Polaris submarine on patrol
15 not on exercise, as there is a difference. He was on patrol
16 and as such they were not allowed to give their position
17 away. Basically, as soon as I had heard that I left and
18 reported the matter.

19 Q. So you heard him say nothing to the effect
20 that the Polaris submarine had caused the sinking of the
21 Gaul; is that right?

22 A. I do not recall anything with any certainty.
23 The intonation was they were responsible but, however,
24 I could not be certain.

25 Q. Is that an inference you drew?

1 A. Well, yes, it is something I drew from the
2 conversation.

3 Q. But it is not something that he spelled out?

4 A. I cannot, hand on heart, say he said, "Yes, we
5 dragged it under or ..." it was just from what I remember of
6 the conversation, the inference was that they were
7 responsible. However, the thing that was upsetting him was
8 the fact that they were not allowed to surface to look for
9 survivors.

10 Q. I just wanted to clarify what he said on the
11 one hand and what you then inferred from it on the other.
12 Thank you.

13 A. I tried very hard to keep to stuff I am
14 certain about and ...

15 Q. The other matter I would like to ask you
16 about, please, is this, you said:

17 "My statement was written to me and I have crossed
18 out some parts of it ..." but a lot of it, albeit written in
19 other people's words you do not disagree with.

20 Are you able to help us at all with which parts of
21 the statement you do not agree with?

22 A. The basic statement I do not disagree with
23 otherwise I would not have signed it. However, what
24 happened was at a meeting with the Gaul Families Association
25 in Leeds some months ago, I was approached by Mr O'Dea and

1 asked to make a statement to them. I gave a statement
2 verbally which was written down by Mr O'Dea and his
3 assistant which was subsequently sent to me to read and to
4 sign. Most of which I was happy to do so. There were just
5 one or two bits which I felt were not relevant, not
6 something I wanted to put my name to. I would not say there
7 was anything there that was sort of outrageous. It was just
8 I was -- it was opinion and I have tried very hard not to
9 give opinions.

10 Q. I think you have the statement in front of
11 you. It starts at page 41 of the bundle.

12 A. Yes.

13 Q. Are you able to say, looking at those
14 paragraphs, where are the parts that you disagree with?

15 A. There is nothing there that I should say
16 I disagree with, it is just padding. Like item 14, 15, I am
17 being asked to give my opinion on stuff and while I do not
18 disagree with what is written, I have never served actively
19 on a Polaris submarine so anything I do know or feel I know
20 is something I have picked up from my contemporaries.
21 The --

22 Q. Just so that everybody is aware, paragraph 15
23 is a discussion by you about the your awareness that
24 accidents do sometimes occur. It is not specific to the
25 conversation?

1 A. No, I just felt that I had a very short
2 statement to give of what I knew to have occurred (ie the
3 conversation) and I was not overly happy about all the
4 padding. I was asked about, you know, the thing with the
5 whereabouts of Polaris submarines on patrol. Now I have no
6 first-hand knowledge of where Polaris submarines patrol,
7 neither do most people who have served on Polaris
8 submarines. That is kept secret from most people on board.

9 Q. So the essential parts of your statement which
10 are about the conversation that you overheard you do not
11 disagree with the way they have been recorded?

12 A. No.

13 MR MUNYARD: Thank you very much.

14 Re-examined by MR MEESON

15 Q. Mr Barron, do return to page 45. I think you
16 may be there already.

17 A. Yes.

18 Q. Paragraph 13 says:

19 "What I have stated above is my true recollection
20 of the conversation that I overheard in the mess. What
21 I state below, is simply my opinion, based on my experience
22 as a serving sub-mariner within the Royal Navy."

23 A. Yes.

24 Q. Would you be happier if those paragraphs were
25 crossed out?

1 A. Actually, quite frankly, the bits that I did
2 not like are not there. I left those bits in because I did
3 not particularly disagree with them but, as I say, as long
4 as it is understood it is just my opinion then I have no
5 problem with it. I just did not want people reading it to
6 think I was some sort of expert on Polaris submarine
7 movements or anything else. It is purely an opinion.
8 I have no objection to it at all. As I have said several
9 times, there is only one or two things I am certain of and
10 I am sure I do not need to repeat those by now.

11 Q. If you would be happier those parts of your
12 statement can be deleted.

13 A. No, it is not a problem. I think we all
14 understand where I ...

15 MR HOPPER: Mr Barron, could I ask one question.
16 I do not want to breach any more secrets but in a patrol,
17 how many thousands of miles of ocean might be covered and
18 how much information would a petty officer have on that ship
19 as to where he was at any one time?

20 A. The overriding factor, I would say, is the
21 range of missiles on board and their designated targets.
22 You obviously have to be within range of your targets. In
23 actual fact, the submarine could be dived in a sea lock
24 somewhere in Scotland and carry out its patrol quite
25 successfully. So, as long as it is within missile range of

1 its target, it could be absolutely anywhere.

2 MR HOPPER: Sorry, the second question was: how
3 much would the crew or a petty officer know as to where he
4 was at any one time on that patrol?

5 A. To the best of my knowledge, the majority of
6 the crew are completely unaware of the whereabouts of the
7 submarine at any one time other than actually it leaving the
8 harbour. The ones that would know would be the ones who
9 work it what is called the "nav centre", the navigation
10 centre, and they would know precisely where they were. Once
11 on patrol, as I said, they patrol in an area laid down
12 previously to the patrol. The reason for that is should
13 there be an accident on board, the submarine goes missing,
14 for, they know where to start looking. That is the sole
15 reason for having this box.

16 MR JUSTICE STEEL: Thank you very much,
17 Mr Barron.

18 MR MEESON: Sir, I have been asked to correct one
19 matter relating to the position of the Polaris submarine and
20 that is that where at page 91 Mr Mortimer says that it was
21 over 780 nautical miles distant from where the wreck of the
22 Gaul lies, the figure should have actually been in excess of
23 1,100 nautical miles based on that 61° of latitude.

24 MR JUSTICE STEEL: Thank you.

25 MR MEESON: Sir, that was all the additional

1 evidence.

2 MR JUSTICE STEEL: You do not need to sit there
3 and listen to this. You are welcome to return to your seat
4 or, indeed, there is no need to stay.

5 (The witness withdrew)

6 MR MEESON: Sir, I have made some short
7 observations about the evidence from Mr Kirksæther as to
8 where that takes the Inquiry.

9 MR JUSTICE STEEL: Mr Hopper suggested to me
10 a moment ago that it would be slightly surprising for the
11 Anaris if she was on route from Murmansk to Rotterdam to
12 actually be passing anywhere near the position of the Gaul.
13 Have you plotted this?

14 MR MEESON: I think that was the evidence from
15 some of the other people on board, the crew --

16 MR JUSTICE STEEL: On the face of it you would be
17 expecting her to be passing quite a considerable distance
18 away.

19 MR MEESON: Yes, so it may be that what he saw was
20 not, in fact, the Gaul.

21 MR JUSTICE STEEL: It may be another vessel in
22 the same weather, the sea conditions, yes, I understand.

23 MR MEESON: Because, of course, he did not know --
24 being an engineer, he had no idea again where he was other
25 than he had left Murmansk the day before.

1 So, in my submission, that really does not take
2 matters much further forward so what is important is the
3 evidence that has been heard in that, first of all, there
4 was no NATO exercise, there were no British vessels in the
5 Barents Sea and that the location of all our submarines have
6 been accounted for.

7 In relation to Mr Barron's evidence, he has
8 explained to you that he is doing his best to tell you about
9 a conversation he overheard, but there are some oddities in
10 that conversation in the sense that how would somebody on
11 board a Polaris submarine know where they were or have any
12 connection with any vessel anyway? Leaving that aside, we
13 now have the information which has been requested as to
14 where the submarine actually was and it was over 1,000 miles
15 away from the Gaul. So, whatever the conversation Mr Barron
16 overheard and whether he now some considerable years later
17 recollects that conversation entirely accurately, is rather
18 neither here nor there because the one fact that we do have
19 is that there was no submarine there.

20 Of course, even if there had been a submarine
21 there, how it has some connection with the sinking of the
22 Gaul is itself not explained because, first of all, we know
23 that there was no damage consistent with a collision with
24 a submarine and we also know that the submarine could not
25 have become entangled in the Gaul's nets if, in fact, she

1 was not fishing. Thirdly, even if a submarine had become
2 entangled in the Gaul's nets, the Gaul is a very substantial
3 vessel indeed that requires a considerable force, as was
4 explained at a previous hearing, to cause her to capsize.
5 That force is in excess of the breaking strain of various
6 pieces of gear on board. So that in itself is all rather
7 unlikely.

8 The fact remains that the Ministry of Defence has
9 identified the position of the submarines and there was no
10 submarine, whether Polaris submarine or any other submarine,
11 in the Barents Sea at the relevant time. I am not really
12 sure that I can assist you much further on that point.

13 MR JUSTICE STEEL: Mr Saloman, any further
14 submissions in the light of the new material?

15 MR SALOMAN: Yes, sir. The families are, of
16 course, grateful for this opportunity to hear publicly the
17 further evidence that has been reviewed today. Briefly on
18 the evidence concerning the exercises or alleged exercises
19 of NATO forces, the families have over the years heard it
20 repeatedly alleged that such exercises were being carried
21 out, and I quote the general message, "in the area where the
22 Gaul was lost".

23 The allegation concerning NATO exercises, or
24 indeed British exercises, has been an important linchpin of
25 claims that Gaul was sunk by a NATO or Russian submarine or

1 surface vessel. The claims have over the years caused some
2 families whom I represent great anxiety so that any evidence
3 at all that we can obtain and which bears upon the truth or
4 falsehood of the allegation that NATO exercises or other
5 military exercises were being engaged in the area of the
6 North Cape Bank where the Gaul was lost is of great interest
7 to my clients. In that way, it is convenient to succinctly
8 remind you, sir, of the context in which evidence we have
9 reviewed today falls in the families' consciousness.

10 In 1975 they were told on the TV programme "The
11 Mystery of the Gaul" that a NATO submarine or a Russian
12 submarine could have collided with her. It was claimed that
13 such a submarine could have collided with the Gaul because
14 in the first week of February 1974 -- and I quote here --
15 "the major exercise of the year for NATO was taking place."

16 That statement was reinforced with the comment
17 that the exercise was taking place, no doubt closely watched
18 by Soviet submarines or surface vessels. Thus it was
19 claimed a NATO vessel could have collided with her or else
20 a Russian submarine could have collided with her whilst
21 looking for a NATO submarine.

22 20 years after that transmission, there was
23 a similar programme called, "The Riddle of the Gaul". It
24 reached this resonating conclusion and I quote:

25 "Both NATO and the Russians have adamantly denied

1 any responsibility, but the evidence strongly suggests that
2 she was sunk by a submarine."

3 The exercise we were told was Operation Clockwork
4 and that it was a NATO exercise and that it was going on in
5 the waters in that area. Moreover, we were told that those
6 waters were and again I quote, "bursting with submarines".

7 It all lent credence to its theory that
8 a submarine sank the Gaul. Quite evidently it made for the
9 most excellent television but, as Mr Alan Johnson MP's
10 letter in your bundle at page 11 confirms, it stoked the
11 anxieties of the families and increased their suspicions.

12 The evidence that we have heard reviewed today
13 inevitably casts some relevant light on these claims. Such
14 evidence as we have is against any NATO operations or
15 exercise in the Barents Sea between 7th and 11th February,
16 being the period Gaul was lost.

17 It is not necessary or helpful for me to address
18 the effect of the MoD records in this country, the evidence
19 that we have from NATO or, indeed, the United States
20 Department of the Navy and the United States Department of
21 Defence. In a large way that evidence is purely negative
22 anyway.

23 However, it does, read in its entirety, suggest
24 that comprehensive searches have been made for the
25 operations of relevant fleets at that time and place. While

1 it is not conclusive, it undoubtedly lends support to the
2 evidence that you heard at the beginning of this year from
3 independent skippers and seamen then on the North Cape Bank
4 that no submarines or military vessels were recorded or
5 noted or detected or apprehended at that time.

6 So far as Mr Barron's evidence is concerned, his
7 evidence has, in my submission, helped the families and this
8 Inquiry. If it has achieved nothing else, it has
9 pressurised the Ministry of Defence to provide some proof of
10 a bare assertion that was made by Commander Phillips at the
11 tail-end of the February hearing. His assertion was, and
12 I quote:

13 "Polaris submarines would not have been operating
14 in the vicinity of the wreck on the date that she was sunk."

15 Sir, that was hardly a categorical statement based
16 upon contemporaneous documents that no Polaris submarine was
17 operating in the vicinity of the Gaul and now, at the very
18 last minute before this hearing, and in the wake as we have
19 heard of Mr Barron's meeting with the Gaul Families
20 Association a few months back, there has been produced
21 a record concerning the Resolution's movements. All
22 advocates before you today, as you know, have seen that
23 record.

24 It does not answer all the questions that might
25 conceivably be asked. For example, one might ask what

1 evidence is there that the Resolution was the only patrol
2 ship or, indeed, that the Repulse was not also on patrol?
3 That said, we have heard what Counsel to the Inquiry has
4 said quite clearly about the Repulse.

5 What, however, has been produced today does make
6 it hard to see how any theory of loss by Polaris submarine
7 can survive the evidence put forward on the basis that that
8 evidence is sound. That also will redound inevitably for
9 you to weaken the credibility of the Warrant Officer's
10 story, if it has been correctly recollected by Mr Barron.

11 There will remain, sir, all the questions that we
12 canvassed at the January and February hearing as to whether
13 the Gaul was lost by collision with a conventional submarine
14 or surface vessel. That is a topic on which you have heard
15 earlier evidence and it is not appropriate to discourse now.
16 Once again we have had further evidence on that issue in the
17 form of the pink slips and that evidence must surely be
18 brought into account.

19 That is all I really need to say on the first two
20 topics. So far as the Norwegian evidence is concerned, you
21 have had a very full account from my learned friend about
22 that evidence. The two important issues concerning the
23 Norwegian evidence are obviously: one, the credibility of
24 the account that Mr Kirksæther has given. Did this seaman
25 see what he claims to have seen? Secondly, its relevance:

1 does his account of what he saw, if true, help you determine
2 how and why the Gaul was lost?

3 On the first question of the believability or
4 credibility of Mr Kirksæther's evidence, there will be a few
5 very short and obvious points that you will have clearly in
6 your mind. The first is the age of the gentlemen concerned.
7 He is 80 years old now and at the time he has given his
8 assistance to this Inquiry. Secondly, it must be pointed
9 out that he has a patently poor recollection. He could
10 remember nothing about the Captain, not even his name, or
11 any of the names of any other crew member bar one.

12 Thirdly, he had written, as he was the first to
13 tell us, no note, no diary at all recording what he claims
14 now to have seen at the relevant time. Fourthly, he was at
15 no stage on the bridge or the bridge wing. Fifthly, all the
16 officers, so he claims, witnessed Gaul's fate, yet nobody on
17 the Anaris, least of all Mr Kirksæther himself, reported her
18 to be missing or lost -- reported Gaul to be missing or lost
19 on the evidence that we have.

20 This, sir, is a relevant matter to bear in mind
21 because Mr Kirksæther is stressing that he witnessed what he
22 rightly describes as a tragedy.

23 Finally and sixthly, his evidence of what took
24 place gains absolutely no support from the five or six other
25 crew members on board the ship at that time. I have, on the

1 second issue you have to consider (namely the relevance of
2 this evidence), nothing useful to add to what Mr Meeson has
3 said.

4 MR MUNYARD: Just a few points, if I may. Much of
5 what I have said has obviously been covered by Mr Saloman.
6 We also welcome the fact that the Inquiry has resumed to see
7 this evidence it has obviously been important evidence on
8 the subject of submarine collision. May I say the notion of
9 the loss of the Gaul possibly having been caused by
10 a submarine collision is not a fanciful one. There is
11 a great body of evidence, there is a wealth of evidence from
12 published sources that makes it perfectly plain that the
13 Royal Navy and, of course, other countries' naval forces are
14 so aware of the danger that submarines pose to the fishing
15 fleet that we have ourselves in this country the Royal Navy
16 Ministry of Defence publishes a United Kingdom code of
17 practice on fishing vessel avoidance.

18 So, in the light of the continuing mystery that
19 persisted for 30 years as to the real cause of the loss of
20 the vessel, it is hardly surprising that that has been one
21 of the candidate options for the cause of the loss.

22 There is also, of course, evidence again well
23 documented of submarines including nuclear submarines having
24 been involved in collisions, not necessarily on the surface
25 but collisions relatively close to land, and probably the

1 best known example was the Baton Rouge in 1992 which
2 collided, on the Russian account, in Russian territorial
3 waters, on the American account just outside but clearly
4 close to land somewhat north of Murmansk. These are not
5 therefore fanciful matters that can be easily dismissed.

6 Mr Barron's evidence this morning makes it plain
7 that whatever he heard amounted to no more than a Warrant
8 Officer saying that a Polaris submarine had been there when
9 the Gaul sank. He has made it clear, to his credit, he has
10 made it clear that he is not even maintaining that the
11 Warrant Officer said that the Polaris submarine had caused
12 the loss; that was an inference that he drew himself from
13 the overheard conversation. It is correct that the chart
14 showing the position of the Resolution has been disclosed to
15 counsel this morning. I can say no more about that, but
16 I adopt the submission made by Mr Saloman to the effect that
17 that said, it still does not answer other questions about
18 other submarines in the area. That I think is as much as
19 I can add on the subject of the submarine collision theory.

20 Can I move briefly to the evidence of
21 Mr Kirksæther. Again, the points on which Mr Kirksæther's
22 evidence must be subject to considerable doubt are so
23 obvious they hardly need listing. One of the points that
24 came from the Panel this morning was what would a vessel
25 travelling from Murmansk to Rotterdam, particularly in bad

1 weather, be doing 50 miles north of the coast in the area
2 where the Gaul wreck was found? It is an obvious point but
3 it is also something that may be capable of verification
4 because commercial shipping lanes were in operation. It is
5 possible to check what the commercial shipping lanes were at
6 the relevant time. Obviously though the position of any
7 particular ship is subject to the Captain's discretion
8 depending on weather and other conditions. But it seems not
9 only unlikely that the Anaris would be so far out to sea as
10 to be close to the Gaul when she sank, it seems highly
11 likely that some degree of verification may be possible as
12 to the precise route that she was actually taking.

13 I do not think that I need say more about
14 Mr Kirksæther save this: there are still about 20 crew
15 members of the Anaris who have not been contacted and it
16 would be helpful to know what efforts have been made to
17 contact them and whether any further efforts are outstanding
18 to see if they are able to confirm or shed any light on
19 the recollections of the chief engineer.

20 I want to say just one final thing and that is
21 this: Mr Spurgeon, whose family I represent, is particularly
22 concerned that the Inquiry addresses in its report -- and
23 I have no doubt you will, sir -- one of the areas of mystery
24 that has remained over the years and that is the lifebuoy
25 with the freshwater plankton.

1 You, sir, in your closing remarks made plain it is
2 an area that still remains unresolved and to which you will
3 all attempt to come up with a conclusion. We know that is
4 probably one of the most difficult matters that have been
5 raised in the mystery over the years but we certainly would
6 wish to have the Panel's view or views on the possible
7 causes of the discovery of that lifebuoy addressed in the
8 report and I think there may be one or two other concerns of
9 Mr Spurgeon's that we can put in writing to the Inquiry
10 within the next few days inviting your attention to other
11 specific matters that we would wish you to consider.

12 Having said that, those are my remarks on behalf
13 of both of the families whom I represent today.

14 MR MEESON: Sir, if I could just mention briefly
15 in reply dealing with some points that were left hanging
16 over by counsel, first of all the theory of a collision with
17 a submarine. Sir, you will recall the evidence at the
18 February hearings that the expert instructed on behalf of
19 Mr Munyard's clients, the expert instructed on behalf of the
20 Gaul Families Association and all the other experts in the
21 case were agreed entirely that the Gaul did not sink as a
22 result of a collision with a submarine or surface ship or
23 anything else for that matter. In particular, you will
24 recall that there were specific reasons why that was so. So
25 it is not a question that remains credible on any evidence

1 that this Inquiry has heard.

2 First of all, the only damage that was observed on
3 the wreck, the damage on the bow, was above the water line
4 and, secondly, went into a compartment that, even if
5 flooded, could not sink the ship. So there simply is no
6 credible theory remaining.

7 The second matter on the submarine is that
8 Mr Munyard made the point that knowing where the Polaris
9 submarine is does not deal with other submarines. Of
10 course, as I showed earlier today and as appears in the
11 bundle, every single UK submarine is accounted for and no
12 submarine was in the Barents Sea or anywhere near the
13 Barents Sea.

14 This is a matter, sir, that I am sure you are
15 aware of but another point made by Mr Munyard in relation to
16 commercial shipping lanes and the Anaris is not a good
17 point. There were no formal shipping lanes as such and all
18 attempts to trace either the logs of the Anaris or any radio
19 communications that she may have made indicating her
20 position have drawn a blank and so we are unable to shed any
21 further light on her.

22 I do not anticipate there will be any further
23 evidence from crew members. We have carried out most
24 extensive enquiries to try and trace surviving members of
25 the crew of the Anaris through embassies and other sources

1 in Scandinavia and the fruits of that effort are before you.

2 Sir, I think that is all I wish to deal with on
3 that and you are now hopefully in a position to go away and
4 complete your report.

5 MR JUSTICE STEEL: Yes, thank you very much.
6 I am grateful to all counsel and solicitors and particular
7 Mr O'Dea the further work that has been done in preparing
8 for this hearing and in pursuing any conceivable line of
9 enquiry and taking matters as far as can reasonably be
10 taken.

11 This is the end of the hearing. The report of the
12 Court is in draft, albeit that there is additional material
13 to put within it, either by way of amendment or addition.
14 It follows that in the light of the contents of this hearing
15 today it will be a time before the final draft is available
16 at the printers and although preparatory work has already
17 been started on preparing a printed report it will take
18 a significant period of time from presentation of the final
19 draft until the production of the final document, probably
20 about four or five weeks.

21 It follows that I felt it right that I must
22 anticipate when it would be safe to announce that the report
23 would be handed down here in Hull after presentation to the
24 Secretary of State in London. This is not a fixed date but
25 I have pencilled in my diary 17th December, Friday

1 17th December, and I feel confident that that is a date
2 which the Panel and the Stationary Office and, of course,
3 the Treasury Solicitor can work to.

4 If there is any difficulty about it, and obviously
5 lots of problems can arise, parties will be notified but
6 subject to that this hearing is now ended and I look forward
7 to seeing you in mid-December here in Hull. Thank you very
8 much.

9 (The hearing concluded at 1.33 pm)

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3	DEREK BARRON, sworn	40
	Examined by MR MEESON	40
4	Cross-examined by MR SALOMAN	50
	Cross-examined by MR MUNYARD	55
5	Re-examined by MR MEESON	59
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