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THE ATTACHED TRANSCRIPT WAS TYPED FROM A RECORDING AND NOT COPIED FROM AN ORIGINAL SCRIPT. BECAUSE OF THE RISK OF MISHEARING AND THE DIFFICULTY IN SOME CASES OF IDENTIFYING INDIVIDUAL SPEAKERS, THE BBC CANNOT VOUCH FOR ITS COMPLETE ACCURACY.

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ABRAMS: This week, three British soldiers are starting prison sentences after being convicted of abusing prisoners in Iraq. The Defence Secretary, Geoff Hoon, says the case proves those who fail to meet the army’s high standards will be called to account. But File on 4 has uncovered a number of cases in which the British Army has tolerated the presence of criminals in its ranks. And some of their crimes have been committed much closer to home. We ask if the army’s doing enough to make sure the public is safe. Can our military authorities really ensure that when soldiers turn to crime, justice is done?

SIGNATURE TUNE

EXTRACT FROM NEWS

NEWSREADER: BBC Radio 4. It’s six o’clock. The news with Charlotte Green. Good evening. There is increasing concern about the safety of a 22 year old student who has not been seen since the early hours of New Year’s Day. A text message asking for help was sent from Sally Geeson’s mobile phone ...

ABRAMS: Sally Geeson disappeared after a New Year's Eve night out in Cambridge. Her family spent their next few days making media appeals for anyone with information to come forward. And they spent sleepless nights grappling with their fears about what might have happened to her.

SUE GEESON: My fear at that point, and what kept going round my head, was that she was being held somewhere against her will. That's what I had trouble with. While you don't want to think about what might have happened or what could have happened, that's what kept going through my head. And that was really hard, something very hard to sort of think about and come to terms with.

ABRAMS: After six days of frenetic activity, the family had to hear the worst news they could imagine.

SUE GEESON: The police rang us and said, could you come back to the police station. Then when we got there, they sat us all down to say they'd found a body and it was a female, they couldn't say whether it was Sally or not. We all just broke down obviously, and it was just, we realised then ...

ABRAMS: Sally had been murdered by a soldier – Lance Corporal David Atkinson. And almost immediately after her body was found, there was more shocking news. Within hours Atkinson was dead too – after throwing himself from a hotel window in Glasgow. And the police officer in charge of the investigation told the Geeson family he had a history.

SUE GEESON: He told us about the fact that he had been convicted of falsely imprisoning a woman in Germany, and he served, I think it was eight months in a military prison and fined, and then allowed back in the army and, you know, carry on, which I think is appalling, absolutely appalling.

ABRAMS: Mrs Geeson's anger doesn't relate only to Atkinson's previous conviction. She's also concerned about how the army acted while Sally was missing. It seems there were signs right from the start that this ex offender might have committed a fresh crime. But the army didn't approach the police about them until January 5th. And they didn't produce his criminal record until the sixth.

SUE GEESON: We heard later on he'd gone back to the barracks and he'd set a fire in his room, which was found about three o'clock in the morning on the 1st of January but he'd left by then. The police later told us that they've got him on CCTV in his car, where he had a collision with a taxi on roads in Cambridge as he was making his way out of Cambridge. That's the last that we know until the army report him missing when he didn't report for duty.

ABRAMS: So they reported him missing days after he had set fire to his room and disappeared?

SUE GEESON: That's right, yes.

ABRAMS: Was that good enough, as far as you're concerned, when you were appealing for your daughter who was missing?

SUE GEESON: No, not really, because the army, they would have records of what he'd done and what he was capable of, so whether he was on duty or not, the minute a fire was reported in his room, that would sound alarm bells. It just seems ridiculous they didn't make any attempts and notify the police of that at that stage.

ABRAMS: Who do you hold responsible for the death of your daughter?

SUE GEESON: I think the army. I think they've got a lot to answer for.

ABRAMS: When the police finally learned of Atkinson's history, they quickly began to put two and two together. But by then it was too late. Atkinson killed himself in the early hours of January 8th, while detectives from Cambridgeshire were in Scotland trying to trace him. He left a note confessing to the murder, and forensic evidence soon confirmed he was indeed the killer. But the army's Director of Personal Services, Brigadier Stephen Andrews, doesn't accept the army could have prevented Sally Geeson's death.

What would you say then to the Geeson family, who say that if this man had not been allowed to stay in the army when he was, their daughter, Sally Geeson, might be still alive?

ANDREWS: I would say to them that that's a very big question and I think I would just want to, to ponder that for a moment.

ABRAMS: Well Mrs Geeson said, in terms, the public were not protected, against this man.

ANDREWS: Well, in the case of Atkinson, in fact the Royal Military Police alerted the civil police to the possibility that there might be something suspicious about Atkinson, and so I believe there that the service police did play a part.

ABRAMS: At what stage was this?

ANDREWS: The erm .....

ABRAMS: Can I put a point to you that Mrs Geeson raised about that precise matter, which is that she says she was told by Cambridgeshire Police, the army didn't report that to Cambridgeshire Police until a number of days later. Now she says that that was a delay she finds unacceptable.

ANDREWS: I can't answer that question. You've asked me a detailed question about timings there that I can't answer.

ABRAMS: It seems to her that it should have been an immediate response. There was a missing girl, there was a missing soldier, perhaps we should mention this to the police.

ANDREWS: Well I think with the benefit of hindsight, perhaps there are many cases in which alarm bells should ring. But I think in this case, as soon as the alarm bells did ring, the service police contacted the civil police as soon as they possibly could.

ABRAMS: But our investigation has revealed new evidence that shows those alarm bells should have been ringing long before Sally Geeson disappeared.

## ACTUALITY IN RIPON

ABRAMS: As the news of David Atkinson's death broke, the family of another young woman here in Ripon in North Yorkshire were reliving a terrible memory. Three years ago, they too had to deal with the shock of realising their daughter had fallen prey to Lance Corporal David Atkinson, during a night out here in the town centre. The victim, who doesn't want to be identified, was sixteen at the time. Her mother told File on 4 what happened to her.

MOTHER: I went down to the market square to pick my daughter up. Her friend brought her up to me and said that something awful had happened. She said that she had been in a local pub with friends and that they had become separated and that this man, who we now know was David Atkinson, had started to chat to her. And he'd suggested that they went on elsewhere to another pub. They took a shortcut and he led her into an unlit area, where he then proceeded to pin her down on a bench and he sexually assaulted her. She managed to talk him into returning to a public place where, as soon as his attention wandered, she went to friends and told them what had happened.

ABRAMS: What was the physical evidence that there had been an attack?

MOTHER: Her clothes were all in disarray, she was hyperventilating, she was hysterical, she had red marks on her neck where he'd held her down on the bench and nearly strangled her. She was just crying and saying, 'I thought he was gonna kill me, Mum, I thought he was gonna kill me,' just severely distraught and I just really didn't know what to do with her.

ABRAMS: As she drove her daughter home to call the police, the friends who'd comforted her had returned to the nightclub where they had been together earlier – and there they confronted Atkinson. Jonathan Clapton says he and his friend Richard Jameson asked the soldier to leave.

CLAPTON: He actually turned round to me and says, why, what are you going to do about it? I said, nothing really. And he actually indicated that he wanted to step outside with me, so we went for a little walk.

ABRAMS: Where did you go?

CLAPTON: We came out of the front of the club and turned left down the hill. I was walking down first, down the road, and he was walking down behind me and Richard was behind him. And as he was walking down he kept saying things to me behind me back.

ABRAMS: What sort of things was he saying?

CLAPTON: He was whispering things like, 'she wanted it.' When he said that, I just turned round and headbutted him. I didn't think, I didn't do anything, overdrive took over and the red mist fell. I didn't mean to do it, I didn't even intend on having a fight with him. I just wanted to go outside and talk to him.

ABRAMS: What did you actually do to him?

CLAPTON: Well, it was a violent attack, I will admit that, we shouldn't done what we did, but we just lost our tempers with him. We hit him a few times and then I actually grabbed him by his shirt and threw him on to the ground. And then we carried on hitting him when he was on the floor, which was again wrong. Then we just basically decided he'd had enough and stopped. We walked straight up the hill to the nearest policeman and told him exactly what had happened.

ABRAMS: And what did he do?

CLAPTON: He took our details down and said he would be in contact and told us just to go back into the club.

ABRAMS: A few days later the two young men were arrested, along with another who'd taken part in the fight. At the same time, Atkinson was questioned about his attack on their friend, and she gave her evidence to the police. Her family watched numbly as the criminal process began to unfurl.

MOTHER: At first I was led to believe that the lads would be given a fine and some community service and told not to do anything like that again, but the outcome of it was that the judge presiding decided that it was just a drunken brawl in the streets and that he was going to make an example of them. I'd actually prepared a report for the boys' solicitors explaining what had happened but that was dismissed. I felt at that point that because the police knew why the boys had done this, that some report from them could have been in evidence, and I just couldn't believe what was happening. I remember saying, does David Atkinson have to kill someone before anybody can do anything about it, because I feel that this is where this is leading?

ABRAMS: The men got nine months for affray. But no charges were brought against Atkinson, because the police said they didn't have enough evidence. And for three months after the attack, the Royal Engineer was still based in Ripon. The girl's mother was so concerned, she decided his army superiors needed to know what he'd done.

MOTHER: I rang the local barracks and asked to speak to someone who dealt with civilian complaints. And I said to them, 'You'll know about David Atkinson and that he assaulted my daughter,' and I said, 'What do you intend to do?' And they said that it was in the hands of the civilian police, therefore it wasn't a military matter, and because he hadn't been prosecuted, so far as they were concerned he was innocent and that they didn't intend to do anything about it at all, bye bye.

ABRAMS: What was your response to that?

MOTHER: Well, I was appalled because knowing that they were harbouring somebody like him, that something should have been done to ensure that wherever he was, he wasn't going to be a threat to the local girls. And they had not done him any favours either, they'd failed him too.

ABRAMS: And her fears were justified. Atkinson was then posted to Chatham in Kent, where another young woman came forward to tell police he'd attacked her. Rebecca Chorley, a former girlfriend of Atkinson's, said he held her in his car and tried to sexually assault her. She decided she didn't want to press charges but we

ABRAMS cont: understand she, too, approached the army to voice her concerns. The army should have made sure Atkinson's record was placed on the police national computer. But we've learned the checks made by Kent police didn't reveal his previous crime. Teddy Taylor, the Geesons' MP, has written to the Home Office to raise the issue.

TAYLOR: This is something which I have asked the minister to have a look at. Now the problem is, it seems that the information wasn't passed on. This is terribly terribly dangerous, because if someone is accused of something, as he was subsequently in other places, if you know that there's a previous conviction, that would influence the police and other authorities in doing something about it. Now it is really dreadful that this information wasn't passed on, wasn't recorded. You have got several records of people to say we made allegations about him but nothing was done about it, and that should worry us a great deal.

ABRAMS: What could that have meant to the Geeson family?

TAYLOR: It's quite clear, if he had been chased up, if the information had been there, if he had been imprisoned, charged and imprisoned for other offences, it would have simply meant that he would not have gone on to commit this one.

SUE GEESON: If he was a civilian and had been committing these crimes, he would have been dealt with properly and sufficiently by the law, because the law is the law and it should be whether you are in the forces or not. Because clearly the public wasn't protected and it resulted in us losing Sally, and I think they really need to look at the systems within the army, because it's just something that needs to be addressed and dealt with.

ABRAMS: They aren't the only ones who are concerned about the gap in the records. Sir Michael Bichard, who is carrying out an inquiry in the aftermath of the Soham murders, has promised to investigate the matter. Atkinson's victims and their families still want to know why the army didn't do more to ensure the public was kept safe from this man – a question we raised with Brigadier Stephen Andrews, the army's director of personal services.

Why wasn't Atkinson's criminal record available to the police on the police national computer?

ANDREWS: [Long pause] I don't know.

ABRAMS: The chief constable of Cambridgeshire clearly feels there is an issue to be raised here. The Bichard Inquiry, which of course is looking at the Soham murders, is wishing to extend his inquiry to look at how the military system connects with the civilian police records system.

ANDREWS: I think that there are always ways in which we should seek to work as well as we possibly can with the civil police, to work in the best and most constructive way and to make sure there are very strong links between the service and the civil police so that we both can play our part in upholding justice.

ABRAMS: But the police obviously feel there are still concerns?

ANDREWS: I think we would feel that there are areas in which we have got to work very closely with the civil police to make sure that those links are as strong as possible.

ABRAMS: After our interview, the MOD contacted us to say it had passed Atkinson's record to the police. But we've confirmed two police forces couldn't find it. And the detective in charge of the Sally Geeson inquiry told us the first entry on the police computer about Atkinson was made by his team in January this year. And this wasn't the only case where the army's been accused of failing to co-operate adequately with the civilian police.

ESTHER: Gemma was very outgoing, loved by everyone. When she was younger she was very fond of horse riding, anything that she did, she threw her whole self into it.

ABRAMS: Three years ago in Bangor in County Down, 18 year old Gemma Montgomery was studying for her A-levels and doing well at school. When she started going out with a soldier called Gordon Godley, her parents, John and Esther, didn't see any major problem.

ESTHER: Deep down I might have been slightly concerned, but I suppose at the end of the day a soldier would not have been on our agenda, but when you're 18 you look at things in a different light than what your mother or father may think. On the few occasions that he came to the house, he was quite pleasant and polite and said a few words and that was it, and I never really thought anything more about it.

ABRAMS: But Godley was wanted by the police. Two months before he met Gemma, he was stopped for drink driving and for driving while disqualified, while at home in Scotland. He was ordered to appear at Stirling Sheriff Court in May 2002, but he failed to show up. As is usual in such cases, warrants were issued for his arrest. The Scottish police then contacted the army to ask them to produce him. But there seemed to be some confusion. File on 4 has seen a letter to the police, written three and a half months on, in September 2002, by Godley's commanding officer, Colonel Jonathan Gray. In it, he admits mistakes have been made, and promises to put them right.

READER IN STUDIO: I have instructed Sergeant Henry to deal with this case personally in liaison with you and Private Godley. She will be in touch with your department this week to confirm all details with yourselves and arranging a date for Private Godley to appear at Stirling Sheriff Court. I apologise for the poor handling of this case and trust that we will be able to resolve this as soon as possible to your and my satisfaction.

ABRAMS: That never happened. A further two months went by, during which Godley was still not handed over to the police. And the Scottish authorities seemed to be in the dark about precisely where they might be able to find him. Later the Scottish Solicitor General wrote a letter setting out the facts:

READER IN STUDIO: It is my understanding that the police did not take any steps to arrest him, as they had been advised by the army that the unit in which the accused served was overseas on duty. It is clear, however, that this was not the case and action could have been taken to have him arrested.

ABRAMS: Godley wasn't overseas, he was in the UK – in Northern Ireland, where he continued to drive, often with Gemma in the car. One Friday night in November 2002, he picked her up from her part-time job in a local coffee shop

ABRAMS cont: and dropped her home to change before an evening out. Later that night her parents were in bed when someone came to their front door.

ESTHER: It was probably about half twelve or so in the early morning, I heard the doorbell and got up, looked out and realised that there was our police asking me to open the door. I thought at first it was someone looking for Gordon. I duly came down the stairs and opened the door and knew then that there was something really wrong. My words to them were 'Is Gemma dead?' He wouldn't answer me until he came in and made me sit down, and I said, 'I know what you're going to tell me,' and I just sat there and thought, I'm going to have to go up the stairs and waken Gemma's dad and tell him.

ABRAMS: Godley had been driving, with Gemma in the passenger seat, when he'd lost control and crashed into the path of an oncoming vehicle. His car had split in two and Gemma had been thrown out. She'd been killed instantly, and Godley had been taken to hospital. It soon became clear that Godley was responsible for the accident.

ESTHER: As the days wore on, I think then we really gleaned that he was a bad driver and that he had been speeding.

ABRAMS: How did the police tell you about Gordon Godley's history?

ESTHER: They arrived at our house about three weeks after the accident, said 'Sit down, John and Esther, you're not going to like what we're going to tell you.' They said there was no tax, there was no insurance, no licence, no MOT and that actually he had been disqualified and that there were warrants out for him. And we just sat there, dumbstruck. To know that he was driving around and shouldn't have been and what the consequences had been was devastating.

ABRAMS: What was your reaction to that?



HERMON: He's a young man in his mid twenties. Had Private Godley been properly returned to face the courts in Scotland, he would not have on his conscience the death of a young woman. That will be with him all the days of his life. I feel that the army have let him down and they have certainly let down the Montgomery family.

ABRAMS: Lady Hermon's built up a thick file of letters on the Montgomerys' case and has become increasingly frustrated by the army's refusal to admit that systemic errors were made. But the Army's Director of Personal Services, Brigadier Stephen Andrews, now says the case could have been dealt with better.

ANDREWS: In that case, the handling, as admitted by the commanding officer, was not very efficient or effective and there could have been closer cooperation between the procurator fiscal and the unit.

ABRAMS: So the army should have produced Godley when they were asked to do?

ANDREWS: Well the army has a responsibility to cooperate with the civil authorities in order to uphold the law, and we have got an obligation to do that to the best of our ability. I think we could have done better then.

ABRAMS: In which case, do you not think it's appropriate now to offer an apology to the Montgomery family for the loss of their daughter?

ANDREWS: No. You are talking about the circumstances at the time, which we are dealing with road traffic offences, and the unit couldn't possibly anticipate that this individual would go on to be convicted of such a serious crime. This is an individual matter, it is not a matter for the army under those circumstances.

ABRAMS: Surely you can see why the Montgomery family would feel very aggrieved and angry, that had Godley been arrested, he might not have been there, and he certainly shouldn't have been driving a car with their daughter?

ANDREWS: Well, of course he shouldn't and that was a matter for him.

ABRAMS: Even after Godley was arrested for causing the death of Gemma Montgomery, he was then bailed to an army base on a condition that the security staff would inform the police if he tried to leave unaccompanied. That didn't happen, he was allowed to come and go as he pleased. And of course, as a result, he then absconded.

ANDREWS: The court makes it very clear that these bail conditions apply to the individual, they don't apply to the army.

ABRAMS: Do you want me to read the conditions out? The last bail condition was that if he attempted to leave in contravention of his bail conditions, that security staff on the base would inform the police.

ANDREWS: Well, those were the bail conditions that were obviously agreed at the time, and I have explained our position and I don't think I have any further comment to make about that case.

ABRAMS: When the army fails to prevent men like Atkinson and Godley from going on to kill, questions are raised about how seriously it views the problem of crime amongst its ranks. But there are even more pressing questions to be asked when a whole company of soldiers is simply unwilling to make sure justice is done. And particularly when their reticence seems to stem from a misguided sense of regimental loyalty.

## ACTUALITY OF GURKHAS

REPORTER: We flew in soon after dawn, twenty-five Gurkha officers and men, pushing fire into a part of East Timor long regarded as a militia stronghold, long regarded as highly dangerous ...

ABRAMS: The Gurkhas have been in the front line of British army operations all over the world. But in May 2001, members of C Company had just completed a jungle training exercise in Belize. Before flying home to their UK base, more than thirty of the men spent the evening relaxing at a local nightspot - Raul's Rose Garden.

MCBLANE: It's a sort of concrete industrial sort of unit that might have been a factory, on a long road through jungle, and as you walked inside there was a bar and obviously drinking and tables you could sit at and talk, and then there was a stage with a traditional striptease act, and then the girls obviously take the customers into the back rooms for prostitution.

ABRAMS: Also in the bar that night were a group of local school boys, who'd ended up there after celebrating the end of term with friends. Their exams were almost over and they were looking forward to the long holidays. The group included fourteen year old David Zabaneh and his seventeen year old friend, Ryan Edwards. It also included the Prime Minister's son, Said Musa. Ryan says it wasn't long before they got into a row with some of the Gurkhas.

EDWARDS: There were plastic seats, we sat down and we were watching the show and one of them came and actually bumped up between me and Eugene. Me and Eugene were sitting side by side. We retaliated by insulting him and it just got into a contest. It escalated from that, because at first it was only him, then another one and then it ended being four, and they look like Asian small guys, you know, and we weren't intimidated by that at all. They didn't look dangerous. But after the argument escalated, I looked up and I saw that we were completely surrounded, and that was when I decided we need to get out of there. I looked at Said and I told them, let's go, and he followed my lead, like I ran out one direction, he ran out the other direction, and we figured, you know, David was probably in the same chain. It hurts to think about it now, because we went to sleep, you know, not following through and finding out if our friend was okay or anything.

ABRAMS: But David wasn't okay. Huddled on the ground, he had been subjected to a ferocious and prolonged attack by a group of Gurkhas, which continued long after he was able to defend himself. The assault caused a subdural





BLACKETT: Unfortunately there is too much delay in the court martial system at the moment and I'm taking active steps to try and improve it. Delay is caused for a number of reasons. The service police take some time to investigate, the case has to be sent to the commanding officer and then to a higher authority and then to the prosecuting authority. The prosecuting authority may want to do further investigation, the defence lawyers get involved and that's all set against a background where not just the accused, but all the witnesses could be dispersed all round the world on operations.

ABRAMS: This case took two and a half years to get to court. Is that reasonable?

BLACKETT: No, it's entirely unreasonable and it shouldn't happen, and while I'm Judge Advocate General I'm trying to stop these sort of things from happening in the future. I've made it absolutely clear that delay is not acceptable and we must eradicate those sort of delays. But yes, two and a half years is much much too long.

ABRAMS: Do you know of other cases which have taken that long?

BLACKETT: I know of cases which have taken a year and a half or even up to two years, but two and a half years was particularly excessive. Justice delayed is justice denied. I mean, it's a hackneyed phrase, but it's true and I can't defend it.

ABRAMS: The Gurkhas were allowed to return to their regiment without any stain on their records. David's stepfather, Victor Pollard, says the family were left feeling the military court process had let them down.

POLLARD: I believe the British Army could have done much more to have brought these men to justice. In fact, we had a lot of faith that the British would have done the right thing. I am very very sad for my wife. They have taken her son without even making an apology. I wish the British government can at least say that yes, they have to take the responsibility, because it were the Gurkhas who did it, they cannot pinpoint which one, but it were the Gurkhas who kicked him, punched him and did whatever to kill him. You know, it's worse living, knowing that this great injustice is done.

ABRAMS: Brigadier Stephen Andrews says once the case collapsed, there was little more to be done. Surely the army has to have some reaction to the aftermath of that case. These men have been allowed to continue as members of the British Army.

ANDREWS: Well, we respect the due process of law. That was a criminal trial and it was stopped by the judge and we must respect that. We must respect the due process of the law. These are independent courts and the law was done.

ABRAMS: You can understand that David Zabaneh's family feel they can't have confidence in an army that allows people to carry on when they've kicked a boy to death.

ANDREWS: Well, there was no conviction in this case.

ABRAMS: But the judge said that if the men in that room did not kick David to death, they either took part in it or they knew who did it.

ANDREWS: Well, they did, he did say that and there was no conviction in this case. Now his family, of course, may understandably see that as an unresolved issue, but the court has spoken. There was subsequently an investigation to see if any further action could be taken, and at the end of that investigation it was concluded that no further action could be taken, and that was the end of the matter.

ABRAMS: You didn't feel you had any powers to take any further action against these men?

ANDREWS: There were no grounds to do so.

ABRAMS: Even though they kicked a boy to death?

ANDREWS: That was a matter for the court.

ABRAMS: And a judge said they brought dishonour on their regiment?

ANDREWS: The judge's remarks stand for themselves.

ABRAMS: The Brigadier argues that when a case is over, a line must be drawn. But the judge clearly felt there were serious issues at stake which needed to be raised – and it seems the government might agree with him. Ministers are now taking an increased interest in how the army deals with crime in its ranks. Even with the Osnabruck trial over, the issue isn't going away. More serious cases from Iraq are in the pipeline. Whatever the outcome, military discipline will remain firmly in the firing line.

SIGNATURE TUNE