

## STATEMENT

**STATEMENT IN MATTER OF:** SIEV 05  
**PLACE:** Australian Territorial Sea and Contiguous Zone  
in vicinity of Ashmore Island and High Seas.  
**DATE:** 17-19 October 2001  
**STATE/TERRITORY:** Australia

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**NAME:** Lieutenant Commander Simon Paul Gregg, RAN  
Executive Officer HMAS WARRAMUNGA  
**ADDRESS:** HMAS WARRAMUNGA                      **TEL:** [REDACTED]  
**OCCUPATION:** RAN Officer

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### STATUTORY DECLARATION

I, Simon Paul Gregg, do solemnly and sincerely declare that.

My full name is Simon Paul Gregg. I am a Lieutenant Commander in the Royal Australian Navy currently serving as the Executive Officer of HMAS WARRAMUNGA. I am the officer in charge of the Boarding Party (BP).

All timings in this statement are recorded in India/Kilo (-9 1/2 hours) time.

On 17 October 2001, I was on duty in HMAS WARRAMUNGA in the location of Ashmore Island. At approx 1400 I was briefed by my Commanding Officer, Commander Richard Temple Menhinick that the intention was to conduct a boarding on the vessel known as SIEV 05 for a return to Indonesia Operation. At 1441 the Executive Officer of HMAS TOWNSVILLE embarked in WARRAMUNGA to conduct a briefing. At this time the SIEV was under the custody of HMAS TOWNSVILLE's Boarding Party. At 1456 I was ordered by my Commanding Officer to take Command of the Boarding Party (BP) and members of 5/7 Royal Australian

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Regiment (RAR) Transport Security Element (TSE) to embark in three rigid hull inflatable boats (RHIBs) and board SIEV 05. SIEV 05 was moored in the Ashmore Island Lagoon in the custody of HMAS TOWNSVILLE's BP having been detained by WARRAMUNGA on crossing into the Australian Contiguous Zone (AS CZ) thereby infringing the Migration Act of 1958 and was subsequently escorted and detained at Ashmore Island by TOWNSVILLE.

At 1514 I received Command Approval for insertion of the BP onto SIEV 05. At 1522 SIEV 05 insertion and handover with TOWNSVILLE BP was complete and I passed a threat assessment of Low to my Commanding Officer. PII family elements were located aft of the wheelhouse and the majority of the single PIIs were located in the hold. 40 PIIs located under the wheel house and seven on the wheelhouse roof were relocated forward into the hold. At 1529 I was informed by my BP engineer that he was unable to find the ignition key to start the engine. Subsequently I was informed by the TOWNSVILLE BP Officer (BPO) that he thought the Indonesian Master held the key. After a quick conversation with the Master it was discovered that the ignition key and the fuel transfer pump had been thrown overboard. After discussions with my Commanding Officer it was decided to transfer a spare fuel pump from WARRAMUNGA.

At 1542 I instructed the English Speaking PII [REDACTED] to inform the family elements that shortly Army personnel would be embarking in the SIEV and that the family elements would be transferred to WARRAMUNGA for the safety and security of all personnel. Command approval was given to commence embarking the TSE in the SIEV at 1545.

Between 1606 and 1815 all PII family elements (80) were transferred from SIEV 05 to WARRAMUNGA quarterdeck. At 1846 I informed my Commanding Officer that all engineering sabotage that had been found had been rectified and I was about to start the SIEV engine. At 1848 the SIEV engine was successfully started but was shut down at 1859 due to the cooling pump being unserviceable.

At 1900 after discussions with my Commanding Officer I was directed to prepare the SIEV to be towed by TOWNSVILLE. At 1905 I was informed by my Commanding Officer that TOWNSVILLE's anchor had been fouled and that it was the intention to use the Australian Customs Vessel (ACV) Arnhem Bay tenders to tow SIEV 05 clear of the island and reefs before last light. At 1914 I instructed the two ACV tenders to

take SIEV 05 in tow. At 1941 after receiving Command Approval from my Commanding Officer I informed the PIIs that we could not stay at Ashmore Island and that the Australian Government was considering their situation. I also informed them that we would try and accommodate their religious and cultural requirements as best we could.

At 2128 all engineering repairs were complete and I ordered for the ACV tenders to drop the tow. On completion of disconnecting the tow I shaped a northerly course at maximum speed, approximately 3.5 knots. Over the next 30.5 hours I maintained a northerly MLA at between 3.5 and 6 knots. Throughout this period the PIIs were provided prepared meals and water from WARRAMUNGA. A sick parade was conducted during the forenoon and afternoon of 18 Oct. The PIIs remained calm and quiet throughout the period.

At 190400 I was informed by my Commanding Officer that approval to commence phase 4 (return of PIIs to Indonesia) had been given. At 0414 I commenced backloading Damage Control (DC) equipment. At 0428 I ordered the backloading of all stores and embarked two prepared meals for the PIIs. The Indonesian Master was informed that he had enough fuel for a one way trip to the nearest port [REDACTED] and that he had enough 4 stroke fuel to operate his bilge pump for 5 minutes twice an hour for 12 hours. After discussions with my BP engineers and POB I reported to the Commanding Officer that the SIEV was seaworthy and that the vessel was easily capable of the required trip to [REDACTED] in its state when handed back to the Master.

At 0551 I showed the Indonesian Master chart BA3296 with the required track from the drop off point which was 13nm from the nearest point of Indonesian land and 19 nm to the port of [REDACTED]. All navigation aids (GPS and magnetic compass) were returned to the master and checked that they operated correctly. The Master indicated through my TSE interpreter that he understood the directions and information I had told him. The Master was then taken to the engine room and instructed on the engine and bilge pump requirements and the operation of the two AFFF fire extinguishers that I was leaving onboard. On completion of the Masters instructions on the engineering state and requirements of the SIEV I showed him where the two prepared meals and water that had been embarked was located. Although I could tell that the Master was not happy with what was going to happen he acknowledged through my

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TSE interpreter both verbally and by nodding his head up and down that he understood the requirement to return to [REDACTED] and that he understood all the instructions he had been told.

At 0520 after having received approval from the Commanding Officer I passed the approved transcript to the PII informing them of the Australian Governments stance on illegal immigration and that they would be returning to Indonesia. I explained through the English speaking PII [REDACTED] that the Master and crew were capable of getting them back to [REDACTED] and that they had food, water and fuel for the trip. On informing the PIIs of the situation and intentions they became hostile stating quote kill us we no go unquote and trying to break down the wooden bulkhead between the hold and the engine room.

At approx 0532 the PIIs broke through the bulkhead to the engine room and started a fire forward in the hold. I gave the order for all BP and TSE personnel to evacuate the engine room and for a AFFF fire extinguisher to be used to put out the fire forward. All personnel were successfully evacuated from the engine room and the fire extinguished. On gaining access to the engine room the PIIs stopped the engine. I instructed the TSE that we needed to maintain control of the upperdecks to effect the backload of the family elements from WARRAMUNGA. I reported to my Commanding Officer that we had control of the upperdecks and I was happy and ready to receive the PII family elements. At 0540 WARRAMUNGA commenced conducting the forced removal of PIIs from the quarterdeck into the RHIBs for backloading to SIEV 05.

At 0544 one PII in the SIEV hold conducted self mutilation with a razor blade to his chest and arms. The PII was not accessible without serious threat to BP or TSE and the wounds were accessed as not life threatening. Half the PIIs remained quiet but visibly distressed with the others remaining very hostile and aggressive towards the BP and TSE. At approx 0545 I commenced embarking family elements in SIEV 05. At 0728 all PIIs returned to SIEV 05 and I handed back the vessel to the Master and had him sign and acknowledge the Handing Back Notice. Once the master had signed the Handing Back Notice I ordered the extraction of the BP and TSE. Two copies of the handing back notice (one in English and one in Bahasa) were kept by the Master. On disembarkation the aggressive PIIs stated that most PIIs will kill themselves if returned to Indonesia and wish to wait in international waters for the United Nations

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Source: #14 'Declassified Witness Statement for SIEVs 1-3 and 5-12' in 'Tabled Documents 13-31' Bound Volume, Senate Select Committee on A Certain Maritime Incident, 2002

and do not wish to return to Indonesia. Prior to disembarkation I passed the assessment that the SIEV was seaworthy but the engines were probably disabled to the Commanding Officer. Successful extraction of the BP and TSE was conducted at 0736 and I was directed to have the RHIBs proceed East at speed in company with WARRAMUNGA until over the horizon. At 0753 all my BP and TSE had been recovered in WARRAMUNGA. By 0820 SIEV 05 was underway and had entered the Indonesian Territorial Sea and continued to track along the approx course for [redacted] as briefed to the Master. At 0914 WARRAMUNGA was ordered by CJTF to depart the scene at speed and return to patrol of Ashmore Island.

I understand that the contents of this statement may be disclosed for defence purposes.

And I further declare that:

- I have attained the age of eighteen and
- I have read this statement before signing it.

AND I make this solemn declaration by virtue of the Oaths Act, conscientiously believing the statements contained in this declaration to be true in every particular. I acknowledge that a person wilfully making a false statement in a statutory declaration is guilty of an offence and is liable to a penalty of \$2000 or imprisonment for twelve months or both.

Signature: \_\_\_\_\_

Declared at \_\_\_\_\_

WARRAMUNGA on 9 APR 02

Before me: \_\_\_\_\_

J.J. TIETZEL

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I declare that this statement is true to the best of my knowledge and belief and I have made the statement knowing that if it is tendered in evidence, I will be guilty of a crime if I have wilfully included in this statement anything which I know to be false or that I do not believe to be true.

Signature: 

Declared at ANZSIS, Canberra on 9 APR 12

Before me:  J. J. [unclear]