

BOARD OF INQUIRY

PRIVATE KOVCO

I, Peter Leahy of Russell Offices, Canberra in the Australian Capital Territory, Chief of Army, being duly sworn make oath and say:

1. I have been provided with a copy of Annex F to Chapter 7 of ADFP 06.1.4 Administrative Inquiries Manual. I have read the Annex and understand my rights and obligations as a witness.
2. I have been requested by Colonel Michael Griffin, as Counsel Assisting the Board of Inquiry, to provide a sworn statement setting out any information, including written, verbal and by physical gesture that I imparted to the Minister for Defence about the circumstances surrounding the discharge of Private Kovco's service pistol.
3. I understand this question relates to the Terms of Reference for the Board of Inquiry and its requirement to report on post-incident issues, including reporting procedures.
4. After PTE Kovco's death I did not make any formal report to the Minister.
5. Over a period of time following PTE Kovco's death I do recall that I spoke to the Minister on three general occasions.
 - 5.1 The first time I spoke to the Minister was in a telephone conversation initiated by him to me on the afternoon of 22 April 2006, the day of the announcement of Private Kovco's death. This conversation was predominantly about what arrangements were required to be made to initiate a Board of Inquiry. The conversation included questions about the nature of the Inquiry, the development of the Terms of Reference for the Inquiry, the involvement of Private Kovco's family in the development of the terms of reference and whether or not the Inquiry should be open or closed.
 - 5.2 The second and third times that I spoke to the Minister were during the night of 26 April 2006 and the early morning of 27 April 2006: this being the night when it was realised that the wrong body had been returned to Australia. The Minister and I were together over an extended period of time during that night. My recollection is in two parts:
 - 5.2.1 First, was the flight to East Sale, Victoria and the events at East Sale. The majority of the conversations between us related to confirming the identity of the body being returned to Australia and how we would support the family through the night. I have no memory of reporting anything specifically relating to the circumstances involving the discharge of Private Kovco's pistol during this time.


Deponent

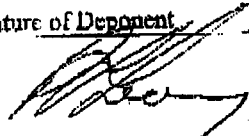
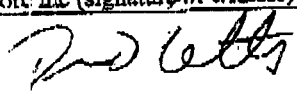
- 1 -


Witness

- 5.2.2 Second, was a specific conversation at Tullamarine Airport in Melbourne during the very early morning of 27 April 2006. During this conversation with the Minister I related matters that LTCOL Mick Mumford, Commanding Officer of 3 RAR, who was present at the airport in Melbourne had relayed to me. This was based on a recent telephone conversation the LTCOL Mumford had had with someone in Iraq.
- 5.2.3 While I am not positive, I do recall that LTCOL Mumford informed me that the individual he had spoken to may have been the Officer Commanding the Security Detachment (SECDET) in Baghdad.
- 5.2.4 To the best of my recollection I related to the Minister in a conversational manner that the Military Police, then at the site in Baghdad, had proposed a way of explaining what might have happened to have caused the pistol to discharge. While not remembering my exact words I mentioned that the MPs had worked out mechanically (and this was a word I explicitly used) how the pistol could have discharged. I recall that it had something to do with Private Kovco reaching across his computer while he was using it and somehow accidentally engaging the trigger on the pistol.
- 5.2.5 While explaining this conversation to the Minister I made the physical gesture of crossing my arms. This was the only occasion that I can recall when I made a specific comment so as to speculate on how the weapon may have discharged.

- 6. I have no recollection of any other occasion when I made any form of report to the Minister regarding this matter.
- 7. All the facts and circumstances above deposed to are from within my own knowledge, save such as are deposed to from information only and my means of knowledge and sources of information appear on the face of this sworn document.

And I make this statement conscientiously believing the same to be true and pursuant to the provisions of the Oaths and Affirmations Act 1984(ACT).

Signature of Deponent 	Place Canberra	Date 1 Sep 06
Before me (signature of witness) 	Full name of witness CAPTAIN DAVID JAMES LETTS, BARRISTER SOLICITOR OF THE SUPREME COURT OF NEW SOUTH WALES	
<input type="checkbox"/> Justice of the Peace <input checked="" type="checkbox"/> Other (specify)		