



# STATEMENT OF A WITNESS

In the matter of:	KOVCO ( Board of Inquiry )
Place:	12 Tyron Street, Lindfield, NSW
Date:	4 <sup>th</sup> July 2006

Name:	Brendan John NELSON
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**STATES:**

1. This statement made by me accurately sets out the evidence which I would be prepared if necessary, to give in Court as a witness. The statement is true to the best of my knowledge and belief and I make it knowing that if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.
2. My age is 47 years.
3. I am the Federal member for Bradfield in the Australian Parliament and hold the office of Minister for Defence.
4. On Friday the 21<sup>st</sup> of April, 2006, I was telephoned by the Chief of the Defence Force, Air Chief Marshal Angus HOUSTON. Air Chief Marshal HOUSTON told me that an Australian soldier had been taken to an American Military Hospital in Baghdad after been shot at his headquarters. Air Chief Marshal HOUSTON told me that it was very serious and it was uncertain that the soldier would survive.
5. About 3am on Saturday, the 22<sup>nd</sup> of April, 2006, Air Chief Marshal HOUSTON telephoned me again and told me that the soldier had died. Later that day I was en route to Melbourne for National Reserves Day when Air Chief Marshal HOUSTON telephoned me again about the death of the soldier. I ripped off a piece of paper and wrote down what he said. I have kept that piece of paper and have supplied a photocopy to Detective HAYES. The reason I kept the paper was because it has a telephone number on it I wanted to keep. Air Chief Marshal HOUSTON told me that he had spoken to Brigadier Paul SIMON in Baghdad and it appears nothing other than an accidental single gun shot to the head in his own room. Air Chief Marshal HOUSTON said that it appears he was handling his own weapon in some way and it had discharged. I took that to mean that he was maintaining it as soldiers are required to do. I was not told it was suicide. I was not told that someone had shot him.

Witness: W. Hayes  
Wayne HAYES  
20/07/2006

Signature: Brendan Nelson  
Brendan NELSON

Statement of Brendan John NELSON  
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PHOTOCOPY OF NOTE ATTACHED

Note reads :

Beghdad Jason  
Private Kovco Sniper  
Married (WattleGrove) Wattle Grove  
Accidental D/C Sea Detachment  
Enter front thru skull  
Still in Internet Zone. Ten Combat Support Hoop  
Shelley L Transfer to Balad where major hoop

- wife in Melb
- - 2 children

Mej Neville Payne  
DCO Marse Nagle  
██████████

7. The Chief of the Army, Lieutenant General Peter LEAHY was to make a press statement that day and I believed that as Minister for Defence, I also should make a statement. I told the media what I knew and I said maintaining his weapon - placing it somewhere.
8. I recall that it was either the Monday before Anzac Day (Tuesday, the 25<sup>th</sup> of April, 2006) or the Wednesday following it that Air Chief Marshal HOUSTON telephoned me and told me that they had completed the QUICK ASSESSMENT. It was only at that time that I learnt that there were two other soldiers in the room with Private KOVCO; that Private KOVCO had been standing up tying at a laptop; that there were 3 bunk beds in the room; that loud music was being played; that the soldiers next door were banging on the walls and the next thing there was a gun shot and Private KOVCO was down. I recall asking Air Chief Marshal HOUSTON was Private KOVCO standing up and he said yes and the gun was either next to or under the laptop. That was different from what I was first told but I accept that in the first frenetic early situation, it can alter.
8. On Saturday the 22<sup>nd</sup> April, 2006, I spoke by telephone with Air Chief Marshal HOUSTON and we discussed repatriation arrangements for Private KOVCO and I remember being surprised that the

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Page 2 of 3

Statement of Brendan John NELSON  
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military did not fly the body home in one of their aircraft. I was told that the contractor was reliable and had been used after the Bali bombing.

9. I was going to leave it at that but when at Canberra Airport on Wednesday 26<sup>th</sup> April, 2006 I was told by the Chief of the Army, Lieutenant General Peter LEAHY, that there was a mix up and it appeared that the wrong body was being repatriated. I telephoned the Consul General in Kuwait and was satisfied that the wrong body was in transit. I said to Lieutenant General LEAHY I had been advised that Private KOVCO was standing up at his laptop and Lieutenant General LEAHY was making hand movements indicating how he may have made a movement which resulted in the discharge of his weapon.
10. I flew to Sale, Victoria and spoke to Private KOVCO'S family. I explained the mix up with the body and they were very unhappy.
11. About 8.00am on Monday 1 May, 2006, I was in an interview with Alan JONES on his radio programme and he asked me : " How did he shoot himself cleaning his gun. " From my conversations with the family I knew they were upset with the story that he shot himself cleaning his gun. I told Alan JONES that was he was not cleaning his weapon he was working at his laptop and something happened from there.
12. I would like to say there was no attempt at cover up, deceit or misinformation. Air Chief Marshal HOUSTON and Brigadier SYMON are outstanding commanders of the highest integrity. The media used the term "cleaning his gun", I never did nor was I told that by any person.

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Boadach, Jason  
Private Korea Sniper  
Married (Wendy) Westley Grove  
Accidental D/C Sec. Detachment  
Enter front. thru skill  
Skill in Internet Zone Ten Combat Support Regt  
Shelby ↳ Transfer to Beirut where [unclear]  
wife in mello.  
- 2 children

Ken Norville  
Purple  
[unclear]



**OFFICE OF THE MINISTER FOR DEFENCE  
THE HON DR BRENDAN NELSON MP**

18 July 2006

**Detective Inspector Wayne Hayes  
NSW Police Headquarters  
Locked Bag 5102  
PARRAMATTA NSW 2124**

**Dear Det Insp Hayes**

**Re: Statement of a Witness – The Hon Dr Brendan Nelson MP**

**Please find enclosed Dr Nelson's signed statement in relation to the Kovoc  
(Board of Inquiry) matter.**

**Yours sincerely**

**Christine Wheatley  
Personal Assistant to the Minister**

**The Hon. Dr Brendan Nelson,  
Minister for Defence**

**Transcript**



Printer friendly version

22 Apr 2006

MIN220406/06

**DOORSTOP INTERVIEW REGARDING DEATH OF SOLDIER IN IRAQ**

Melbourne

Saturday 22 April 2006

**2:06.....Death of Australian Soldier**

**DR BRENDAN NELSON:**

I wish to announce that overnight in Baghdad, we suffered the tragic loss of a soldier. It appears that an accident occurred involving a firearm, that the soldier appears at least to have accidentally shot himself in the course of handling his weapon. There is no evidence of anything other than an accident at this stage. There will be an inquiry into the death of the soldier - there will be an inquiry into the death and the accidental shooting of the soldier in Baghdad. It did not involve, under any circumstances, engagement with enemy forces.

We of course at the moment, our priority is to firstly see that the soldier's wife and family are cared for, and secondly, to see that the body is returned to Australia in a dignified and appropriately expedited manner. I will be making contact with the family as soon as they feel that they are able to speak to me.

We have sent early this morning to the wife of the soldier and his family, the Defence Community Organisation representatives and social workers. I have made indirect contact with the wife of the soldier who was involved.

I would ask the media to respect the privacy of the family, who at this stage do not wish his name to be publicised. In addition to that, we expect that it will take about two days for the body to be returned to Australia, it will be the subject of course of a coroner's inquiry, there will also be a military inquiry into the circumstances of the death itself.

It certainly reminds all of us that service in Australia's Defence Forces is not without risk, this is an accident which unfortunately and tragically occurs from time to time. The number of accidental firings that we've had over the last decade has substantially declined, but tragically overnight in Iraq, we have lost one of our soldiers, and we will look forward to the return of his body to Australia, within the next couple of days.

**QUESTION:**

What details do you know about the shooting?

**DR BRENDAN NELSON:**

Well I was contacted about half an hour after the event occurred, late last night, by the Chief of Defence, I then took advice directly from Air Chief Marshal Angus Houston, who's been in direct contact with Brigadier Paul Symon, who commands our troops in Iraq. We know that the soldier was involved in our security detachment, which works in the international zone near our embassy in Baghdad. I'm advised that the soldier was simply handling his weapon, and maintaining it as soldiers are required to do, and for some unexplained reason, the firearm discharged, and a bullet unfortunately entered the soldier's head, and several hours after the injury, despite receiving the best of medical care, he unfortunately passed away.

**QUESTION:**

How have you been able to rule out suicide?

**DR BRENDAN NELSON:**

Well at this stage I'm working on the advice that's been given to me directly by Brigadier Paul Symon, who commands our troops right across the Iraq theatre. All of the evidence points to the fact that this is an accident. There is at this stage no evidence at all to suggest anything other than the accidental firing of the weapon. There will be an inquiry conducted by the Australian Army, there will also be a coroner's inquiry.

I think at the moment the most important thing for us to do is to respect the sensitivities and wishes of the soldier's wife and his family. We will not be releasing his name until they have agreed that we are able to do so, and we will also ensure that every effort is made to return his body to Australia in a timely and a dignified manner.

**QUESTION:**

Where exactly did the accident happen?

**DR BRENDAN NELSON:**

Well the accident occurred in Baghdad where our security detachment is, which basically runs our ASLAVs, and protects our diplomatic and other dignitaries through the streets of Baghdad. It's based in Baghdad, the security detachment is as I say, based in the international zone in Baghdad, I can't be any more specific as to precisely where it occurred. It's important to emphasise that all of the evidence is that this was an accident, it also did not involve engagement of insurgent or enemy forces in any way, shape or form, and that of course, as I say, there will be a full inquiry into it.

**QUESTION:**

Was he alone when it happened?

**QUESTION:**

Does he have any children?

**DR BRENDAN NELSON:**

The soldier involved has a wife and I'm advised also, two young children.

**QUESTION:**

And how has his regiment reacted to the death?

**DR BRENDAN NELSON:**

The reaction of his own colleagues as you could imagine, is one of devastation and shock, but nonetheless unfortunately, from time to time, these kinds of incidents do occur in the Australian Defence Forces.

**QUESTION:**

Can you tell us a bit about the soldier?

**DR BRENDAN NELSON:**

At this stage, at the request of the soldier's wife and family, we're not releasing any more detail in relation to him at this stage. I can say however, that he was highly regarded by his colleagues, he was highly regarded by his commanding officer, he was seen as one of the most outstanding soldiers that served in the security detachment, and he had particularly good rifle skills. So we're all somewhat shocked by this, and taken aback, but unfortunately from time to time, these accidents do occur, and we'll be doing everything we possibly can to see that these kinds of incidents do not occur again in the future.

**QUESTION:**

Do you know how long he's served?

**DR BRENDAN NELSON:**

I'm not able at this stage to tell you how long he has served for, the current rotation of the security detachment is such that they have been in Baghdad now for a couple of months, or just under that.

**QUESTION:**

Are you planning to go to Baghdad yourself?

**DR BRENDAN NELSON:**

I was in Baghdad myself only seven weeks ago, I will be visiting Iraq and the Middle East again in a few months time, and I have also contacted the soldier's wife early this morning, indirectly, through the Defence Community Organisation, to offer to speak to her and do anything at all that we possibly can, to support her and her family through this extraordinarily difficult time.

**QUESTION:**

Was he alone when it happened, the accident?

**DR BRENDAN NELSON:**

I'm not able to say whether he was alone or in the presence of other soldiers when it occurred.

**QUESTION:**

Is he from Victoria? Does the family reside here?

**DR BRENDAN NELSON:**

His family currently and predominantly is based in Victoria, although the soldier himself has also been based in other parts of Australia.

**QUESTION:**

This is the first death of an Australian in Iraq after three years, it's probably inevitable, but are you thankful that it's taken three years?

**DR BRENDAN NELSON:**

Well, firstly, unfortunately and tragically, with 51,000 members of the Australian Defence Forces, we have a variety of incidents that affect them and cause injury, and at times death, including the accidental firing of a weapon. It is extremely upsetting, not only for obviously the soldier and his family that's involved here, but it's extremely upsetting for all of us that we should suffer any injuries, and indeed a death, under any circumstances, and that it appears to have occurred as the - from the accidental firing of a weapon in Iraq, is something that is quite sobering.

And as we approach Anzac Day, and we remember the sacrifices of men and women for more than 100 years, serving with the Australian Defence Forces, it's a timely reminder that when men and women in Australia take on the Australian Defence uniform, they do so at some risk to their own health

and safety.

We are extremely proud of this soldier, what he has done, and all that he has done, particularly not only in Iraq, but serving in the Australian Army, and we will do everything we can to honour his memory appropriately.

**QUESTION:**

You said that you'd be looking to make sure that this doesn't happen again. What do you think the Defence Force will take from this?

**DR BRENDAN NELSON:**

Well, tragically, there were some accidental firings of weapons in East Timor, and some measures were taken in terms of further training and the regulation of weapons following those. Everything I've - I have already asked the chief of the Australian Defence Force to provide me with a full briefing, not only following the inquiry that will be into the death of this soldier, but also what further measures might be reasonably undertaken to prevent these kinds of incidents from happening again.

Unfortunately, so long as we have soldiers, and we have guns, there will from time to time be accidents. It appears at this stage that that's indeed what has happened here, and I think our first priority has to be for the care of the soldier's wife and his family, to see that his body is returned to Australia in a timely and a dignified manner, and also that the Australian Government, and therein the Australian people, do everything we possibly can to see that his service is appropriately recognised and remembered.

**QUESTION:**

Does the accident further highlight the dangers of being in Iraq, and does it in some way sway your judgement about being there yourself?

**DR BRENDAN NELSON:**

Well, firstly, unfortunately, this kind of accident can occur in a training camp in Australia, as much as it can in any area of deployment. We need to remember that when we see our soldiers, whether it be in the Solomon Islands, or Iraq and Afghanistan, or any other place in the world, when they're carrying their guns, they are lethal weapons, and unfortunately in the process of servicing those weapons, from time to time, no matter what controls are put in place, human error can occur, and a tragic accident, as we appear to have seen overnight in Baghdad.

**QUESTION:**

Where will the body come back to?

**DR BRENDAN NELSON:**

The body will be returned to Australia in part in a C130 Hercules from Baghdad, and then it will be transferred to a commercial flight. The precise time and place of arrival of the body will be a matter for discussion with the family. At this stage we're in the hands of the family as to precisely where the body

will be returned to, and I'd ask Australians obviously to respect that. If the family is agreeable to it, well then of course we would make that information available to the broader community.

**QUESTION:**

How old was the soldier, can you tell us that?

**DR BRENDAN NELSON:**

I'm not able to tell you at this stage.

**QUESTION:**

In his 20s, 30s?

**DR BRENDAN NELSON:**

This I'm not able to tell you at the moment. OK, look, thank you very much everyone, sorry, some of the questions as you'd appreciate, I can't answer.