

96 Q- Whether he knew them or not?

A- No, I don't.

97 Q- You can't say that he knew them, you can't say that he didn't know them, all you know was Porn showed up, said he had another deal. Would that be correct to state that?

5

A- Yes.

98 Q- I should say Alain showed up, said Porn struck a new deal. Sorry.

A- Yes, that's correct.

10

99 Q- Now, so what happens after that? He comes into the room, says Alain... Porn struck a new deal, and what do you do?

A- We... we're preparing, we were going to go do the deal.

15

100 Q- M'hm.

A- So Corporal Flanagan, he is armed. We have an agreement, we discuss this before we go out, we decide because he is going to go... Alain wanted to go on the truck with him, we decided that he would be armed, so he was given a thirty-eight (38) revolver from the Thai police, and he wore that in the small of his back, because we discussed where he was going to wear it, whether we got together and we had problems, I had to know where it is.

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He goes with Alain, they go to the pick-up truck and they get inside and depart, and I wait outside for them to return. He's supposed to be going to actually see the drugs.

101 Q- Who was going to see the drugs? 5

A- Corporal Flanagan.

102 Q- Okay. And where...

A- Along with Alain and the unknowns.

103 Q- And where were the drugs?

A- At that time, we don't know. There's... 10

104 Q- Okay. So do you go outside, or just...

A- I do go outside.

105 Q- ... just Corporal Flanagan?

A- No, no, Corporal Flanagan, he goes with them across the street, gets in the pick-up, the pick-up 15
departs. I wait out front of the hotel on the sidewalk, and I wait for approximately twenty (20) minutes, and the truck returns.

106 Q- Who's in the truck?

A- Corporal Flanagan will be in the truck, Alain is in 20
the truck and gets out and comes over to myself, and I don't know who else is in the truck.

107 Q- Okay. Then what happens?

A- Alain walks over to myself, advised the deal is 25
ready to go, and I must get the money. We have

Sergeant Girdlestone go get the money, and I see the truck parked down the street. At twenty forty-five (20:45), Sergeant Girdlestone returns with the money in a bag, and we start walking down the street, and that would be myself, Sergeant Girdlestone, and Alain Olivier. **5**

108 Q- Okay. And then what happens?

A- I asked Alain where it is. We're referring to the pick-up truck. He advises it's just around the corner. We haven't walked far from the hotel, Your Honour, and a Thai male... a Thai female approaches us, and she's later identified as Nipa, N-I-P-A. I don't know the surname. **10**

Alain advises, speaking to her, that we have the money and let's go. We walk down the road a short distance and the female flags down what they refer to as a minibus. They're these small pick-up trucks, and they have a canopy over the back and benches in the back. It's called a Baht bus, you just get on and off anywhere for a nickel. **15**

And flags down the minibus. We're all inside, and that would be Sergeant Girdlestone, Alain Olivier, the female Nipa and myself. We drive approximately a half a kilometre down the road near a hotel, and it's... it's... Munangmia Hotel, and **20**

it's M-U-N-A-N-G-M-I-A, I believe that's the proper spelling.

We walk into the hotel area complex, like not in the hotel itself but around the side hotel, and we wait there. The truck finally pulls up with Corporal Flanagan. At some point, Alain leaves myself and Sergeant Girdlestone there, because he ends up returning with Corporal Flanagan in the truck, and a female driving.

I speak to Corporal Flanagan and ask where the dope is. He advised with the girl's brother on a motor bike. We haven't seen the girl's brother or their motorbike at this point.

109 Q- So it was her brother that had the... the... the heroin on his motorcycle?

A- That's what I'm being told, yes.

110 Q- Okay. And you hadn't even seen the brother. Is that the first time you heard there was a brother involved?

A- Yes.

111 Q- You didn't know... did Alain Olivier ever mention that there was a brother involved?

A- He did not.

112 Q- Okay. And he's the one who had the heroin?

A- That's what we're told, yes.

113

Q- Okay. So then what happens?

A- I asked if he'd seen the stuff, referring to the drugs, he stated no. I asked, "When are we going to do the deal?" Derek advised they want us go to down the alley away. Female number 1, that being Nipa, wanted us to get in the truck and go with them. We were... we asked where it was and advised... I asked... indicating down the... she indicated just down the lane, where we were going to go. And I asked if we can walk. Nipa advised yes, and bring the money. Sergeant Girdlestone himself started to walk. Derek had stepped out of the truck and now gets back in the vehicle.

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10

Now, when he gets back in the vehicle, and these are not in the numbered page notes, Your Honour, but it's on the back of the flip page, where I've astered it. At the top, it notes:

15

"Now in the truck is Derek, Alain and two (2) females."

So Sergeant Girdlestone himself walks, Derek had stepped out of the truck, now gets back in the vehicle and departs away from us. We stay by a phone booth, I walk around the area and cannot... I cannot see the vehicle. Sergeant Girdlestone himself walk over to an alley, and I believe it's

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25

referred to as the same name as the hotel, Munangmia Road Lane. We wait there. Then Mr. Olivier appears from a dirt lane with female Nipa. She advises self to bring the money. I take the money from Sergeant Girdlestone, and if you go back to the back page again, Your Honour, it's a double aster, the notes are a bit disjointed, they were done after we were done the operation, and... and at the double aster, at this time, Corporal Flanagan joins me, and advised he still has not seen the dope, and they want us to walk down this lane and they'll meet us.

The road becomes very dark. I advise Corporal Flanagan we are not going down the road. We go no further down the lane, which kept us close to Corporal Girdlestone... or Sergeant Girdlestone and the cover team, which we knew were in the area.

I take the money again from Sergeant Girdlestone and walk to right, down... that's... Huai Kaeo Road Lane, go down there approximately thirty metres (30 m). It only goes to the right from the direction I'm coming. As we were waiting, a female, Thai number 2, pulls up on a motorbike. I had not seen her until that time. It was the first time I had seen her. And motions Corporal Flanagan to get on. He refuses, and we wait.

A few minutes later, the pick-up pulls up the lane with lights on facing us. It's parked in the middle of the roadway with the engine running. Alain is out of the vehicle and comes to us, and we go to a triple aster on the back page, Your Honour. 5

Alain came to us and advised the brother... the brother is in the truck and he has the dope. Flan says, "Let's give the take-down signal." I concur. Corporal Flanagan repeats it two (2) or three (3) times. I motion for Sergeant Girdlestone to move in and get ready. He begins to move towards the truck and us. 10

We're by the pick-up truck, and the female, Nipa, tell us to get in, and female number 2 is already in the truck. I can't see the driver at this time. I advise female Nipa we are not going anywhere until we see the dope. She talks in Thai. There was a male in the cab of the truck; this male gets out... 15

114 Q- Where was Mr. Olivier at this time? 20

A- He is in the area... I'm not sure, I'll just go through this. He's in the area.

115 Q- He's in the area? He's with you, or he's with Girdlestone, or he's with...

A- No, I believe he's close to myself, but I stand to 25

be corrected. The... this... the male now gets into the back of the truck with the package. Corporal Flanagan gets in the back with him. I was partway in and advised we still had not seen it, and I move away. At this time, Your Honour, we've given the take-down signal, we're waiting for the cover team to move in and we're trying to stall for time.

5

116 Q- When you say a package, who brought that? That's the heroin, I presume?

A- It turns out to be the heroin, as I understand.

10

117 Q- Okay. Who brought the package?

A- The Thai male.

118 Q- The Thai male. And he got in the back with Corporal Flanagan, is that it?

A- That's correct, in the back of an open pick-up truck, a small one, the... the smaller pick-up trucks.

15

119 Q- And do you know where Girdlestone was at that time?

A- Yes. He was at the end of the... at the end of the laneway, slowly moving in towards the vehicle, because I had motioned for him to come in.

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120 Q- At what distance from you?

A- Possibly twenty-five metres (25 m). It wasn't a great distance.

121 Q- He was walking towards you? He was running towards

25

you?

A- No, no, walking slowly, just slowly moving in.

122 Q- Slowly moving in. Okay.

A- He's... he knows we've given the signal, we're just waiting for the cover team.

5

123 Q- Okay. And how much time before the cover team shows up?

A- As we're stalling, they don't come till we realized we... we start to take the deal down. They're there momentarily. We yell "Police". I don't know what Sergeant Girdlestone said, but they're on the scene with him.

10

124 Q- Did you jump in the back of the pick-up truck?

A- I got partway in and I pulled the female Nipa off the back of Corporal Flanagan as he was struggling with the male in the back.

15

125 Q- So you were in the back of the truck?

A- No, no, I actually don't get in the back. I'm just at the edge of it, and I... it's not a big truck. I may have stepped on the tire to get up, but I grab her and I pull her off, and off we go.

20

126 Q- Okay. Were you armed, Mr. Bennett?

A- I was not.

127 Q- Was Mr. Girdlestone armed?

A- No, the only party that had a firearm at all in

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BARRY RUBEN BENNETT
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EXAMINATION

Thailand at any given time was at this evening when we were taking this down and it was agreed that Mr. Flanagan would be going with the Thais in the pick-up truck to view the drugs, discussion with... with Staff Sergeant Dop and Corporal Flanagan myself, a Thai colonel in charge, it was decided that they would have one of us armed and give them a firearm. We chose Flanagan to wear the firearm, 1) because he was... he was a member of emergency response team member, well-trained, also because he was at most risk going alone with the Thai. And yes, he was armed. It was a thirty-eight (38) Smith and Wesson six (6) shot revolver.

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128 Q- Before you got into a struggle in the back, did Corporal Flanagan look at the heroin, or it was just kept in the bag?

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A- No, he actually seized the package, and again, I barely had it, I don't... I never see it again.

129 Q- You had it in your hands?

A- I did not, no, I never see it again...


20

130 Q- Okay, you never touched it?

A- No.

131 Q- So, just to understand correctly, you went from the Thai male on the motorcycle, who had the heroin, who came up and he went in the back with Corporal

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Flanagan... 

A- Yes.


132 Q- ... with the package?

A- Yes.

133 Q- And during that time, Alain Olivier, you don't know exactly where he was, but he wasn't with you and he wasn't with Corporal Flanagan? 5

A- He wasn't in the back of the truck, no.

134 Q- Okay. Okay, he was what, at maybe ten (10) or fifteen feet (15 ft) away from you? Or you have no recollection? 10

A- I do. He was in the area, and... I believe he was between the truck and Sergeant Girdlestone  But he was in the area.

135 Q- So between, you said Sergeant Girdlestone was about seventy-five metres (75 m) away? 15

A- Twenty-five (25).

136 Q- Twenty-five (25), excuse me.

A- He wasn't very far away, the...

137 Q- So, Alain Olivier was maybe ten metres (10 m) away, is that it? 20

A- I'm believing that, yes.

138 Q- Yes? Okay. So... and he'd be about ten metres (10 m) away. This is when the Thai male got into the back with the package of heroin, would that be 25

correct?

A- Yes, he's... he's not... he's not in the back or by the truck when this...

139 Q- Okay. So the Thai male gets into the back of the pick-up truck, he hands over the package to Mr. Flanagan, or he doesn't?

A- He shows it Corporal Flanagan, Corporal Flanagan advises me it's here, and again we're... it seemed like a lot of time has gone by but it really hasn't. We're still waiting for the cover team. We don't realize later, Jim had made some indication for them, the wire is not working, so he says, "Let's do it," take it down and then there's a struggle over the package in the back, and that's when the female gets in the back...

140 Q- These were wires provided to you by the Thailand police?

A- No, we brought our own...

141 Q- These were your own wires?

A- We brought our own electronic equipment, our own viewers, bug for the room and the body pack. The body packs are... they're notorious for breaking down and problems. It's old technology, and...

THE COURT:

142 Q- But what happened with the wire? You said he didn't
know where...

A- Your Honour, what they are...

143 Q- Are you referring to the wire... **5**

A- Yes.

144 Q- ... worn by Mr. Flanagan...

A- Yes, it was a body pack.

145 Q- ... or Mr. Girdlestone?

A- No, no, Mr. Girdlestone looked after the tapes in **10**
the room through the bug in the room, but the body
pack is strictly a wire, and there's small little
square thing that holds a couple of batteries, and
you put them on your body, you have to run a
microphone up to your... near your voice, then you **15**
run the antenna down your leg, it's... the
technology, it's... anybody who's worn a lot of
them, they usually get burned somewhere during your
job, or they'll short out and you'll get burns, and
so they'd break on a regular basis. It's... it's **20**
not the best technology, and the wire, for some
reason it was working, failed to work. Cover team
didn't hear our take-down signal and everything went
the way it went.

146 Q- So only Mr. Flanagan was wearing... **25**

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A- That's correct, only he was wearing the body pack. I was being covered by... with Mr. Girdlestone, but we also had a Thai... our liaison officer was there, but we had a full Thai cover team, surveillance team. So we know they were always around us. So there was only one (1) party armed, and one (1) party wearing a wire.

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Me FRANÇOIS AUDET:

147 Q- Now, did you... my question was if Mr. Flanagan, did he check out the heroin? Did he have time, or it was too fast?

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A- It was too fast. The guy showed... the male showed it to him, and he just turned to me and said, "It's here."

148 Q- So he didn't open the package to look at it, or anything? He just said, "It's here"?

15

A- Excuse me, no, I suspect by the way it was wrapped, he would have known. We've done enough transactions in our careers, and he would have looked at it and said that's... yes, I don't recall it being opened up and... no, I don't.

20

149 Q- Okay. Did you jump in back of the truck?

A- No, I never get in the back of the truck. I may have... again, as I said, when the female jumped on Corporal Flanagan's back as he was struggling with

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the male, I may have had to get up on the tire...

150 Q- M'hm.

A- ... to reach in, I reach in, I pull her off, remove her from the truck, restrain her, so I'm never actually in the back of the truck, like fully in the back of the truck.

5

151 Q- So the most you did was get up on one (1) tire and pull off the Thai female off Mr. Flanagan?

A- I may have gotten up on the tire, but I did reach and I...

10

152 Q- You may have, this isn't... you don't remember?

A- I can't tell you exactly. The bottom line is do I ever get fully in the back of the truck? I never do.

153 Q- Okay. Listen, this is... you know, I don't know if this is professional witness 101 here, but, you know, did you get up on the tire or you didn't? You're giving a lot of answers, and there's no... nothing definite. You don't know if you got in the truck, but you might have gotten in the truck, but you never did really fully get in the truck. I mean, what are we supposed to understand from all that? Did you or did you not get in the truck?

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A- Your Honour, I never get in the truck. As I said, I may have got on the tire to reach in the truck to

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pull the female, I may...

154 Q- Did you? Did you do that?

A- I'm not sure. I did one (1) of the two (2) things.
I don't know.

155 Q- So you're just speculating as to what you did, you did this or you did that. So you don't have any recollection of this? Is this what you're saying? 5

A- I have a recollection of removing the female from Corporal Flanagan's back, from the pick-up truck, I take her out of there... 10

156 Q- Okay.

A- ... I don't get into the back of the pick-up truck.

157 Q- Okay. So you never got into the back of the pick-up truck, that you remember definitely?

A- And the reason why I never got into the back of the pick-up truck, because they had indicated they wanted us to get in. Had we both got in, because I have the money, now we no longer have control of the situation because they can drive away, we don't have control of the vehicle. There's no way I would get in the back of a pick-up truck just for security purposes, and putting us two (2) together. 15

158 Q- So the most you would have done was get up on the tire, and you're not even sure you remember that, you just remember you pulled her off, so you could 20

have pulled her off without getting up on the tire,
is that correct?

A- Yes, that's correct.

159 Q- Okay. Now, you pull her off, and the truck takes
off?

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A- Starts moving slowly down the lane, the female
behind the wheel.

160 Q- How about the Thai male? Where is he?

A- He's in the back struggling with Corporal Flanagan.

161 Q- Are they struggling over the bag of heroin?

10

A- I can't tell. I just know they're struggling, I can
see struggling going on.

162 Q- Okay.

THE COURT:

163 Q- But the girl you removed from Mr. Flanagan's back
was not the driver?

15

A- No, it wasn't. The driver turns out to be... it is
quite disjointed, actually. She was the one that
originally comes up on the motorbike, she ends up
behind the wheel, after the Thai male gets out, she
takes over going behind the wheel.

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Me FRANÇOIS AUDET:

164 Q- And the truck slowly moves away, and...

A- Moves down the... moves down the alley.

165 Q- How far before you see Corporal Flanagan falling out

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of the truck?

A- I never see him, Your Honour. The truck turns right... again, the truck is not racing away, but it's moving down the alley.

166 Q- Okay.

A- At that time, I have taken control of the female, she's continuing to fight. Mr. Olivier is apprehended by Sergeant Girdlestone...

167 Q- At what distance from you?

A- I would probably say twenty-five metres (25 m). It was at the corner of the lane and the street.

168 Q- So Girdlestone has Alain Olivier approximately twenty-five metres (25 m) from where you were at that point?

A- I believe it's twenty-five metres (25 m).

169 Q- Well, approximately?

A- Yes.

170 Q- Okay. So, and you say the truck slowly turned to the right?

A- It kept going down the lane and then turned to the right and out of my view.

171 Q- Okay.

A- I don't see it.

172 Q- Now, when is the next time you see the truck?

A- I don't see it till Monday or Tuesday, I see it at

the airport.

173 Q- You didn't go see Corporal Flanagan that night?

A- I took him to the...

174 Q- Corporal Flanagan fell off the truck?

A- I took him to the hospital. **5**

175 Q- Okay, so you went... you saw where he fell off?

A- Yes.

176 Q- The truck wasn't there anymore?

A- No, it was gone.

177 Q- Oh, the truck was gone? Oh, I see, okay. I thought **10**
the truck stayed there. How far away from where you
are... how far away did you find Corporal Flanagan
from where... from where the truck was initially
stopped, and Corporal Flanagan got in the back of
the truck and started to move; that point, how far **15**
was Corporal Flanagan when you found him?

A- We'll put twenty-five meters (25 m) to the corner...
I don't know, it's... it was at least another
twenty-five metres (25 m), it could have been fifty
metres (50 m). I'm not sure... **20**

178 Q- So, we're talking fifty (50) to seventy-five metres
(75 m) away? Would that be correct in stating that?

A- Yes.

179 Q- Okay. And how was the window on the back of the
pick-up truck broken? **25**

A- I don't know that, I see that the next day.

180 Q- You saw the...

A- I have...

181 Q- ... window shattered?

A- I have not... yeah, I don't know how that happened. 5

182 Q- Okay. Did you hear a gun fire, a gunshot that night?

A- It was quiet in that lane and there was no gunshot that night.

183 Q- There was no gunshot? 10

A- I can assure you there wasn't, I've been around guns enough and fired enough rounds I guess to know.

184 Q- Okay. And you knew in Bangkok, or in Thailand, the next day, the next two (2) days, there was newspaper articles speaking of a gunshot, and that Corporal Flanagan got shot? 15

A- Your Honour, when I approached Corporal Flanagan, I knew it was serious looking at him, and his condition. Again, it was a very serious head wound.

The first thing I did was, because we don't know what's taking place in the alley, we don't know who's around, although we don't see the track. I 20

reach behind him and I remove the thirty-eight (38)

revolver, and at that time, when I do this, Colonel Amaresrit of the Thai police is on his... he 25

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observes... we open up the cylinder of the thirty-eight (38) revolver, at which time I eject all six (6) cartridges to examine them, to make sure none have been fired. None of them were fired. I turned the gun over to the Colonel, at which time he had flagged down a minibus, these Baht buses, and Sergeant Girdlestone was there at that time, also giving CPR to Corporal Flanagan. 5

We loaded him on the floor of the bus and then we... Corporal Girdlestone and myself took him to the hospital with the bus. 10

185 Q- Now, Corporal Flanagan... or Mr. Bennett, I should say, excuse me...

Now, Mr. Bennett, you told the Court that it was very quiet, and you certainly could hear a gunshot if a gunshot had gone off. Now, why did you bother taking out the six (6) bullets out of his gun? What was that for? You knew it hadn't been fired, why are you making sure it hadn't been fired? 15

A- I just wanted to check... 20

186 Q- Check what?

A- Check the gun. There was no gunshots, Your Honour. There was no rounds fired...

187 Q- Why check the gun then?

A- I probably did it out of instinct. We're now in... 25

I'm going to say I'm in a bit of shock, I've got a... not just a colleague but a good friend down. He looks extremely serious. Yeah, I looked for the gun right away. I... I don't know if the gun's been taken, but I do the gun and I give it to the Colonel, and that's all. There was no shots fired, Your Honour. We were too close, and even though it's only a small gun, a thirty-eight (38) snub nose, the report, or the bang out of that, it's quite acute. You would hear it. And there was no... there was no shots fired. Mr. Flanagan was not shot, he was examined by experts while I was there in the hospital for a period of time.

188 Q- According to Mr. Olivier, he says that you were in the back of the truck with Corporal Flanagan, and as the truck was slowly moving away, he saw the lights in the distance concurrent with a gunshot, he saw the braking lights in the distance stop, and he definitely heard a gunshot. You're saying to the Court there was no gunshot?

A- I can assure you, Mr. Olivier did not hear a gunshot, Your Honour.

189 Q- Okay. And...

A- And had he heard a gunshot, number 1, Sergeant Girdlestone was much closer than I was to the truck

because he always can see the truck. I never get in the back of the truck, I do not drive down the lane in the truck, and Mr. Olivier can hear whatever he wants to hear, there was no gunshot, sir.

190 Q- And how were the rumours spread into the newspapers that gunshots were fired in the Thai newspapers, on the following Monday and Tuesday? Did you spread those rumours? 5

A- I certainly didn't but dealing with...

191 Q- Did any of the Thai police, to your knowledge, spread those rumours? 10

A- Now you're asking me how the rumours get in the newspapers, I think if we all read newspapers...

192 Q- No, I'm just asking, you said there was no gunshots whatsoever, I'm just asking you if you were aware if anybody would be... who would have leaked... 15

(Discussion)

Me FRANÇOIS AUDET: 20

193 Q- Mr. Bennett, are you aware or do you know how that rumour got started about the gunshot?

A- I have no idea...

194 Q- You have no idea?

A- I couldn't speculate on how newspapers get their 25

information.

195 Q- Did you hear anybody that night talk about gunshots?

A- No, I did not.

196 Q- No one talked about gunshots at all, to your knowledge, around you?

5

A- Didn't happen, Your Honour.

197 Q- And the Thai police neither?

A- I didn't have much to do with them, because I was in the hospital...

198 Q- Okay.

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A- ... but no, there was no gunshot talk.

199 Q- Okay. So there was no gun talk, there was no talk of guns being fired?

A- No, there wasn't.

200 Q- Okay. Alain Olivier testified to the fact that Ken Kelly came to the police car when he was in the back, and he would have told one of the Thai police officers that one of us went down, one of us got shot. You're saying that you weren't there for that? You didn't hear that?

15

A- I did not.

201 Q- You did not?

A- No.

202 Q- Were you around that police car? Did you see Ken Kelly that night?

25

A- I would have seen him after the hospital, but no.

203 Q- You didn't see him before the hospital?

A- He may have come up to, and I'm not sure if he came up to the scene when Corporal Flanagan was still on the ground with Amaresrit. It would make sense that he would, Your Honour, and I stand to be corrected, he may have come up there just before we took Flanagan to the hospital. But I wasn't around any police cars.

5

204 Q- You weren't around any police cars.

10

A- No.

205 Q- Okay. The following re-enactment made by the Thai authorities, did you participate in that re-enactment?

A- I did not.

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206 Q- Were you aware of what re-enactment they made? Did you see their tapes and their pictures?

A- I saw pictures, and I don't believe I ever saw a tape, but I had seen photographs and talked...

207 Q- You never... you saw photographs, but you never saw the tape of the re-enactment?

20

A- I don't recall seeing any tape, no.

208 Q- Are you able to tell the Court how, in what aspects their re-enactment differs from what you are telling the Court as to what really happened?

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A- The photographs just have... what I recall, just, they have the accused just pointing at buildings they went into, or rooms they went into...

209 Q- Okay, so there was just a series of photographs, and you couldn't really glean from these photographs what the Thai authorities re-enactment of the crime actually was, is that what you're saying to the Court? 5

A- Correct.

210 Q- That's correct? Okay. I understand you... following that evening, you went to the police department, and you made a statement, I believe it was on the twenty-second (22nd) of February, nineteen eighty-nine (1989), so it would be three (3) days later. 10

A- Correct. I would have given them a statement. 15

(French)

Me FRANÇOIS AUDET: 20

211 Q- Before getting to that point, Mr. Bennett, do you recall having made a statement to Frank Palmer on the ninth (9th) of March nineteen eighty-nine (1989)?

A- I don't recall, but I suspect I would have, or we... 25

there had to have been some reporting.

212 Q- Okay. And this... this is filed on page 736, I
don't know in what book... okay, filed in D-1,
Volume 4, page 736. Volume 5, page 736.

Okay, in this statement, do you recall having
given a statement to Mr. Palmer?

A- I don't, but I'm sure there would have been
statements given.

213 Q- Okay. I draw your attention to the... down at the
bottom page 736.

(Discussion)

A- Yes, I haven't seen this. Pretty difficult to read
actually.

Me FRANÇOIS AUDET:

214 Q- Well, I have... if my colleague wants... I don't
know if you want to see it, we typed it up. If my
colleague wants to see it first.

(Discussion)

RECESS

Me FRANÇOIS AUDET:

215 Q- So, do you recall meeting Mr. Palmer concerning what happened in Chiang Mai?

A- I actually don't have recall of it, Your Honour, but I would have. I can't actually say I... I don't... 5

216 Q- You did?

A- I would have met him in... yes.

217 Q- Do you recall giving him this statement?

A- Again, I... I don't recall doing it, but I would have done it. 10

218 Q- Okay. Now, if we take a third of... two thirds of the way down the page, of the first page, and...

(French) 15

Me FRANÇOIS AUDET:

219 Q- About two thirds of the way down, you say:

"I got in back of the truck, then out, thought they would drive away, showed money to girls and another male, male got out, jumped in back of truck, female got in truck, tried to get us into the truck, Derek in back of the truck, sitting on wheel well, Derek and I agreed to take 20 25

down, yelled police, Derek and target struggled in back of the truck, half sitting, half standing, I was at front of truck, girl jumped on D's back, I got in, pulled girl off back, and out of truck, truck took off, Olivier runs away right into Jim, took off, truck went around the corner, Derek in back, Jim said somebody fell out of the truck, didn't really see truck when D fell out, truck moving, doing twenty (20) to thirty kilometres (30 km) an hour, D moved only two (2) to three metres (3 m) after impact with street, J got to him first, called for ambulance, truck came right away, in hospital two (2) minutes, weapons, plural, issued, discussed at length in room earlier, fully discussed, Amaresrit said for protection, only not to pull it out until ready. Ended up dealing with people, weapons, not a problem."

Do you recall saying that to Mr. Palmer?

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A- No, I would have given him a statement, I don't recall giving it to him, but I would have given him the statement.

220 Q- Do you recall saying these things?

A- This would be, I mean, it's very disjointed, it would have been the gist of what I said to him, it's certainly not a verbatim conversation. 5

221 Q- Did you say these things that are at odds with what you're telling the Court now, that you:

"Got in back of the truck and then out, thought they would drive away, showed money to girls and another male, male got out, jumped in back of the truck, female got in truck, tried to get us into the truck sitting on wheel well. 10

This is all not what you told the Court just twenty (20) minutes ago. 15

A- Your Honour, *reading this, I do recall*, when they asked to get into the truck when Corporal Flanagan was in the back of the truck with the male, that *I did step in and I did step right back out, and I do recall that now that I've read that.* The weapons, with plural, there was only a singular weapon issued, the firearm, not weapons, firearm issued that evening, there was not two (2), even though 20

it's plural in the statement.

222 Q- Why would you talk about weapons, plural?

A- I didn't write this, and also, Your Honour, when I removed...

223 Q- So just to understand, so you're saying you're talking weapons, it would have been Mr. Palmer that made a mistake, is that it? 5

A- Ask Mr. Palmer.

224 Q- No, I'm just saying, you say you never said "weapons"? You said "weapon"? 10

A- I don't know...

225 Q- But it's written "weapons", so somebody made a mistake somewhere. Is it you or Mr. Palmer?

A- I don't know. There was one (1) firearm issued, Your Honour, that was to Corporal Flanagan... 15

226 Q- Okay, so my question again, Mr. Bennett, is who's making a mistake? Is it you said "weapon" and Mr. Palmer made a mistake and understood "weapons", or you said "weapons" by mistake, and Mr. Palmer wrote "weapons"? 20

A- I don't have an answer for you, I'm sorry.

227 Q- You have no idea how "weapons" got in there?

A- I don't have an answer for you, no.

228 Q- Okay. And here, all the struggle in the back, you get out, "target male struggle in back of truck, 25

half sitting, half standing, I was at front of truck". Where at the front of the truck, or that's not correct either?

A- I suspect that I was standing near the front of the truck. I know I could see Sergeant Girdlestone, and when the struggle started, take-down signal was given, we yelled "police", I go to the back of the truck, remove the female. I do not get in the back of the truck when I removed the female from the truck.

229 Q- Okay. In this, it says, and correct me... this is what it reads:

"I got in, pulled girl off back and out of truck, truck took off."

A- That's what it reads.

230 Q- M'hm.

A- As I said before, I may have got up on the wheel to pull her up, I only... again, reading this, I stepped in that truck, realized I shouldn't be in it, got out right away, it's the only time I ever stepped in the back. Your Honour, the back, it's the small Ford Chevy style Nissan pick-up trucks with the very small box, and... I admit that I stepped in and got out right away, I did not go in the back of the truck to remove the female.