

# A MANNING UPDATE

Ron Smith reconsiders the killing of Private Manning in East Timor in light of new evidence of what happened that day.

Papers recently released under the Official Information Act throw interesting further light on the July 2000 shooting in East Timor of New Zealand army private Leonard Manning and, particularly, on a number of specific issues that were raised by this writer in an article on the incident in the *NZIR* in May 2001 (vol 26, no 3). A different perspective on the whole episode also came from the trial in Jakarta in 2001-02 of five persons who were accused of participating in the incident,<sup>1</sup> and a little further illumination has been provided in the 2005 New Year's honours list. The papers referred to above were the edited product of a series of interviews conducted in early November 2000 by (then) official East Timor historian Lieutenant Colonel Glyn Harper. These interviews were conducted with various participants in the action, including other members of Manning's patrol.<sup>2</sup> Before turning to specific matters, it is necessary to provide a brief summary of the incident. This is not an easy matter since some facts are still obscure and some (obscure, or otherwise) are very controversial.

On the morning of 24 July 2000, Private Leonard Manning was second in a file of six New Zealand soldiers who were ascending a path through



**New Zealand soldiers on patrol in East Timor**

scrub, following the supposed trail of a group of pro-Indonesian militia that had been spotted the previous day. The New Zealand soldiers had slept out over night and had reason to think that their quarry might not have been far away, also lying up. Other members of their company (B Company, 2NZIR) were not far away and there may have been contact with them first thing, before Manning's section took the particular path it did. The patrol is said to have been close to the summit of a rocky 'feature' when shots rang out. The presumption is that Private Manning was struck at an early point, perhaps even with the very first shot. Private Phillip Cheater, who was ahead of Manning, attempted to get back to him but was driven off by continuing fire. The remainder of the patrol (who may have, anyway, been a little further behind) seem to have withdrawn immediately to a rally-point some distance down the hill. Cheater, who also made a rapid retreat, joined the remainder of the section a little while later and reported that he believed (judging by the way he was lying) that Manning was dead. This was not confirmed for more than six hours. This was the time it took New Zealand forces to get back to the contact area. The discovery of Manning's body was some time after this.

## Long delay

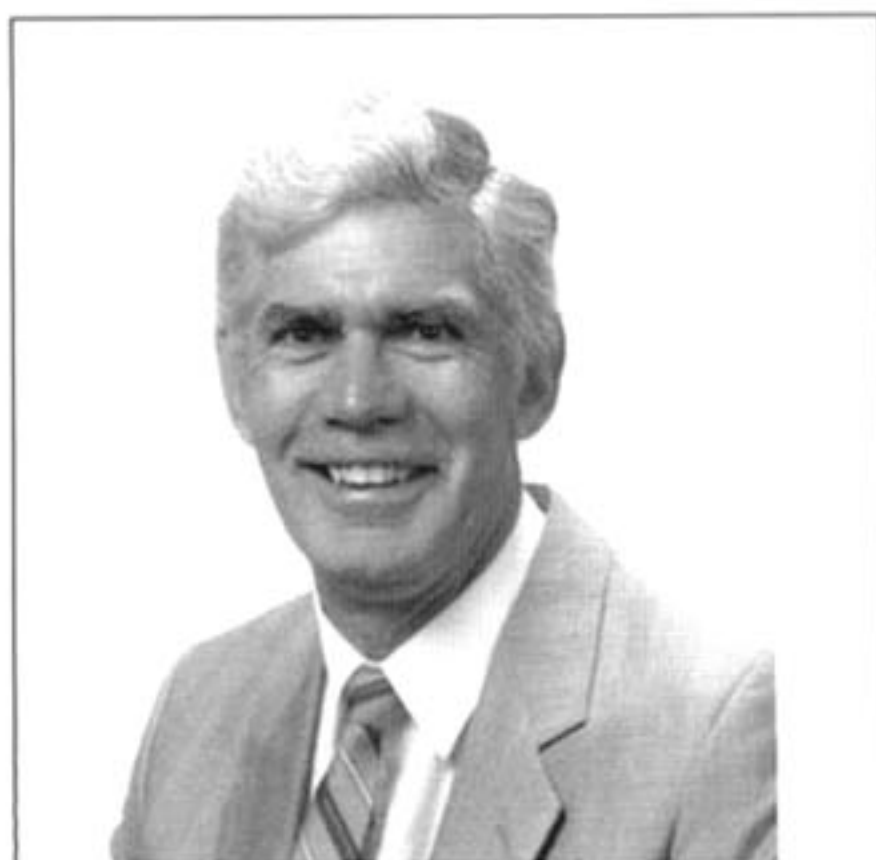
One of the crucial questions has always been why, with a comrade down, the remainder of Manning's unit did not attempt to recover the lost ground and determine what had happened to him. The official explana-

tion, as expressed in a summary of the court of inquiry findings that was issued in November 2000, is that Manning (as noted above) was 'strongly believed' to be dead and that a numerically superior (Harper says 'nearly double their size') 'threat group' occupied a dominating position. However, we now know (particularly from the interview transcripts) that the issue was not as clear-cut as this. According to the account that the medic from B Company gave (based on what Private Cheater told him when Cheater got back to the rally-point), there were grounds to hope that Manning was 'just injured rather than killed because of the way [Cheater] described the way Lenny had fallen'.<sup>3</sup> This hope that Private Manning might still be alive persisted right up to the time that his body was found by the B Company CSM some six hours later.

As far as the strength of the threat group is concerned, we now know that it was comprised of six persons, precisely the strength of the Manning platoon at the time of the initial contact and approximately half the strength of the New Zealand force that was together at a rally-point a few hundred metres away and within half an hour of the beginning of the shooting. The reason why the New Zealand forces did not attempt to get back to where Manning was shot is that they refused to do so. The Harper interviews are clear about this. When the platoon commander (with another section) met up with the remainder of the Manning patrol, he expressed the 'intention to go straight back up the hill'. The patrol persuaded him not to, 'we pretty much refused really'.<sup>4</sup> The decision not to immediately attempt to regain the high ground and confirm what had happened to Private Manning was then adopted higher up the chain of command. The focus of activity then became the establishment of a network of 'blocking positions' with a view to intercepting the threat group before they got across the boarder. This was unsuccessful.

## Poor equipment

Another issue of some significance that was raised in the May 2001 article was that of the part poorly performing equipment might have played in the events that followed the shooting of Private Manning (or those that preceded it). 'Could it be', it was asked, 'that the antiquated radio equip-



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**A group of New Zealand soldiers at the cross marking the spot where Private Manning was killed**

ment [from the Vietnam era] was predictably ineffectual in the difficult terrain of East Timor?' The immediate response was denial. Answering a parliamentary question, the Minister of Defence, Mark Burton, said, 'There were no problems with communications during the action'.<sup>5</sup> Harper also weighed in with a reference to 'erroneous allegations' and the assertion that 'equipment [problems] did not contribute to Private Manning's death', together with some general aspersions about the academic competence of the article's author.<sup>6</sup>

The transcripts tell a different story. In them the commanding officer of B Company is actually quoted as saying, 'Communications were difficult at the time, we could only get scattered, very sort of broken transmissions over the radio'. The state of affairs is confirmed by the corporal of Manning's patrol, 'Tried to raise comms on the radio but the good old radios over here didn't want to play the game'. This was the day before the Manning shooting, when the corporal was attempting to report intelligence received about the militia group. Just after the incident itself, a

member of 23 Bravo is quoted in the transcripts as saying, 'I lost comms . . . comms weren't great at that time'. The extraordinary thing about this is that Harper actually conducted the interviews from which these quotations are drawn and, of course, the material would have been available in the minister's office. The other thing to be noted, which is sadly not so extraordinary, is that we continue to dispatch military personnel with antiquated and inadequate equipment and continue to deny it.

### **Engagement rules**

One matter that was not raised in the May 2001 article was that of the rules of engagement that were in force at the time, although the matter of why helicopter fire support was not available immediately *was* raised and this certainly bore on the matter. The importance of rules of engagement is that they determine what equipment may be carried and what may be done and what may not be done in the event that (as in this case) New Zealand forces come into contact with a potentially hostile group, or individual. Some of the key principles were ex-

plained in a newspaper interview given by (then) Landforce Commander, (then) Brigadier Jerry Mataparae, a few days after the incident:

New Zealand soldiers in East Timor are governed by strict rules of engagement. The rules say that soldiers can return fire to defend themselves but cannot start a gunfight against militias. They must cease firing if their counterparts stop shooting and retreat.

On the morning of 24 July no New Zealand helicopter support was available (another equipment issue) and, anyway, it transpired that the rules of engagement under which New Zealand forces were operating would not have permitted the sort of fire support envisaged in the article (even if communications to effect this had been available, which they probably were not). Other rules of engagement in force at the time meant that New Zealand soldiers were not carrying explosive hand grenades or claymore mines. Luckily, through what appears to have been the exercise of local discretion, the Manning patrol had grenade launchers and this may have proved significant on the day. What is clear is that the rules of engagement that had been accepted up to 24 July were immediately seen as inadequate and they were changed abruptly:

'Yeah, after the contact everyone went into war mode'. [What happened to the Rules of Engagement?]

'Loopholes, they added a lot of loopholes'.<sup>7</sup>

The provisional conclusion to be drawn here is that political considerations caused the New Zealand forces in East Timor to adopt rules of engagement that hampered effective operation and put them at greater risk than they otherwise would have been.

### **Jakarta insights**

From proceedings in the Jakarta court we now know that the 'threat group' that was responsible for the death of Private Manning and which drove the remainder of his section down hill consisted of six East Timorese farmers, who were in the area looking for stray cattle. Probably, they were also members of the militia that had been responsible for the atrocities that brought the international force to East Timor in the first place. They certainly identified with the anti-independence cause and they were certainly well armed. According to their testimony at the trial, they saw *two* white persons approaching and decided to kill them. The fact that Cheater and Man-

Recent events have added significantly to our understanding of what happened on 24 July 2000 when Private Leonard Manning was killed on duty in East Timor. This particularly applies to the release in late 2004 of some eighteen pages of interviews with key participants in the events of that day. This material confirms earlier suspicions about the performance of certain items of equipment with which New Zealand forces were deployed and raises further questions about the performance of the forces and the extent to which political considerations may have adversely affected their safety and their ability to accomplish their mission.



ning had become separated from the rest of the patrol is confirmed in the citation for the medal that Cheater was subsequently awarded (see below).

It seems to this writer that this may explain what happened next. Indeed, it may be that the militia group might not have attacked at all if they had realised that there were six soldiers and not two. Certainly, this may explain what has been to this point quite inexplicable — why the militia group charged after the New Zealanders: they knew they had shot one person and they thought they were pursuing a single survivor. They only broke off this chase when it became apparent that there were more soldiers and this became clear when the patrol returned fire using rifle-propelled grenades. The 'Summary' of the court of inquiry, issued in November 2000, refers to an expectation that militia groups would generally avoid contact with the peacekeepers; at most they would 'shoot and scoot'. The fact that this did not happen in this case is most plausibly due to the fact that Cheater and Manning had become separated and the militia did not realise the size of the group approaching them. Of course, this misperception does not explain why the New Zealand soldiers were so easily driven off and why they could not return to the place where their comrade fell and confirm what had happened to him.

### Cheater's medal

The New Year's honours list for 1 January 2005 included the name of Trooper Phillip Cheater, who was awarded the New Zealand Gallantry Decoration in respect of his actions at the time that Private Manning was killed. The citation provides an account of (then Private) Cheater's actions that is broadly consistent with what was already known, but some additional material is revealed (as noted above). Included in this is the information that Cheater had attempted (under fire) to retrieve the section's only machine gun, as well as determine Manning's condition. This had always been an issue, since it had seemed that if he had got close enough to Manning to confirm that he was dead, he should have been close enough to get the gun. The citation also notes that Cheater suffered an ankle injury in the action. This is also mentioned in the transcripts, as are knee injuries to two other members of the patrol. It is clear that all three injuries were sustained as the soldiers of 23 Bravo ran down the hill from the contact point. The transcripts make



Australian Defence Force

### Private Manning's coffin returns to New Zealand

plain that these injuries contributed to the general unwillingness to resume the fight, referred to earlier.

There is a significant feature of the Cheater award that needs to be noted, and that is the apparent absence of any independent corroboration of the account he gives of his actions. Indeed, from this writer's knowledge of the events of 24 July 2000, it is not easy to see where such corroboration would come from. In these circumstances it is a little strange that an award should have been made at all, especially at such a high level. The New Zealand Gallantry Decoration is said to be equivalent to the old Military Cross and as such there would have been an expectation of eye-witness evidence. Traditionally, awards at this level have required such evidence and, in the event that this was not available, no award would be made. This is a position that would be adopted *in principle* and would not reflect on the truthfulness of the uncorroborated account. It would merely reflect that it *was* uncorroborated.

### Several problems

The Harper transcripts confirm what has been clear all along, that a factor in the performance of New Zealand forces in East Timor was the reliability of the equipment with which they were sent. Particular reference is made to communications problems, but there were also problems with the helicopters and the armoured personnel carriers. A firm resolution not to send New Zealand forces overseas until they are properly equipped is long overdue.

Equally seriously, the 24 July 2000 incident raises questions about the performance of New Zealand forces on the day. There may be a number of explanations for what occurred, of which a 'lack of match practice' may

be one. It is noteworthy that live fire training had been suspended for a number of years up to this time and was only resumed after a parliamentary question from ACT MP Rodney Hide, had revealed the fact.<sup>8</sup>

There is also a need for a serious look to be taken at the rules of engagement that are accepted for New Zealand forces on overseas deployment. The crucial question here is, do we have the balance right between the protection of non-combatants and the protection of members of our own armed forces and their mission? Clearly, the professionals have their doubts (as revealed by the transcripts). Perhaps we should have doubts as well.

### NOTES

1. Ministry of Foreign Affairs and Trade representatives, who attended these proceedings, reported to Wellington in a document that was subsequently released more widely. There were also occasional accounts in Indonesian, Australian and New Zealand newspapers.
2. Interviews were conducted with 'the medic of B Company' (identified in the notes below as Interview 1, followed by the page number), the OC and CSM of B Company (Interview 2), and four members of Manning's section ('23 Bravo'), including the point, Philip Cheater, and the section commander, Corporal Marfell (Interview 3).
3. Interview 1.
4. Interview 3, p.5.
5. Parliamentary Written Answer 6816 (2002)
6. *NZ International Review*, vol 26, no 4 (2001), p.33.
7. Interview 3, p.7.
8. Parliamentary Written Answer 13161 (2001).