

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Friday, 17th December 2004

(10.12 am)

MR JUSTICE DAVID STEEL: Yes, thank you very much. I think we will get underway.

Ladies and gentlemen, as we promised in October, it is now possible for us to hand down our report on the re-opened formal investigation.

It is, as you can see, a substantial document. It is long and it is technical. But we have not forgotten that behind the detail and the jargon lies a story of grief at the loss of 36 men from this city.

We started this inquiry in January with a minute's silence in their memory. We believe it would be fitting, now that we have completed our long task, that we should do so once again.

(One minute's silence)

Thank you.

Our aim throughout this long investigation has been to unearth the truth about this terrible casualty. We are confident that we have done so, although conscious that this is against a background of some suspicion and speculation.

What we propose to do is to give a short oral overview of our report. When we have completed that task, the full report itself will be released, both in

1 hard copy form here in Hull and on the Gaul website.

2 There is also a short printed version of the
3 overview which some of you may have, which I propose to
4 go through, although I must warn you that I intend to
5 amplify and add various passages to it as we go along.

6 It is now, as we all know, over 30 years ago
7 in February 1974, that the modern stern freezer trawler,
8 the Gaul, disappeared during a fishing voyage from Hull
9 when some 80 miles north of North Cape, Norway with her
10 entire crew of 36.

11 There was no distress call. The last message from
12 the Gaul was a private telegram sent at about 11.00 on
13 8th February. The Gaul did not report on the 16.30
14 freezer trawler schedule that day or at any time
15 thereafter.

16 The weather was very bad at the time but not, on the
17 face of it, so serious as to be beyond the capability of
18 a vessel such as the Gaul to cope. Indeed many other
19 similar vessels, including two sister ships of the Gaul,
20 rode out the storm. Some of them sustained damage but
21 they were never in danger or in need of assistance.

22 Subsequently, a diligent and thorough air and sea
23 search over nearly 180,000 square miles was carried out
24 by the Norwegian and British vessels and aircraft. It
25 was a remarkable exercise, but it unearthed no flotsam,

1 no oil slick and no bodies. It was eventually called
2 off at dusk on 15th February.

3 There had been some delay in launching the search
4 due to poor communications over the weekend of 9th and
5 10th February. The delay was not attributable to any
6 outside interference. It was explained in detail in the
7 report of the inquiry held back in September 1974, on
8 which topic we have nothing to add. Mistakes were made
9 by a senior officer of the owning company. These
10 failings were reprehensible but, in the final analysis,
11 they had no impact on the situation because whatever
12 happened to the Gaul must have been sudden and
13 catastrophic; and, indeed, the crew would have succumbed
14 very quickly and well before the outside world could
15 have become aware of their loss.

16 It was the British fishing industry's worst single
17 disaster and loss of life in peacetime. Indeed it was,
18 and remains, the worst disaster involving a freezer
19 trawler since they first appeared in the 1950s.
20 Furthermore, at the time of her disappearance
21 in February 1974, the Gaul was less than two years old.
22 She had been built to the standards of Lloyd's Register
23 of Shipping classification. She complied with all
24 relevant statutory requirements regarding safety,
25 including those introduced after the loss in 1975. She

1 had good reserves of stability. Her crew were
2 experienced and well qualified. Thus her disappearance
3 understandably left many people incredulous.

4 A formal investigation was promptly ordered. It was
5 held in Hull in September 1974. Prior to this inquiry,
6 the Department had appointed two surveyors who both
7 carried out some preliminary investigations of their
8 own, limited by the fact that they had available neither
9 a wreck, survivors or flotsam, except one lifebuoy
10 recovered in May 1974, some 80 miles from the last known
11 position.

12 One of the surveyors did express concerns about the
13 conditions on the sister vessels of supposedly
14 watertight openings into the factory deck, including the
15 duff and offal chutes. These concerns were not aired at
16 the inquiry because his co-inspector took a different
17 view based in part on a misappreciation of the available
18 documentary material and in part on the doubtful
19 proposition that there was no basis for drawing
20 inferences as to the condition of the Gaul from the
21 condition of the sister ships. Suggestions that
22 standards of maintenance in the fleet should be
23 investigated were never really pursued.

24 Having opened their case on the basis that the loss
25 was probably attributable to the entry of water into the

1 factory deck, the Department modified its view during
2 the course of the original inquiry and accepted that it
3 could have been solely attributable to water on the
4 trawl deck when the vessel was broadside to the sea, the
5 preferred theory of the owners. In the event, given the
6 very limited material available, the inquiry took the
7 view that there was no direct evidence to suggest that
8 the entry of water into the factory deck was the reason
9 that the vessel sank and decided that the Gaul had
10 capsized and foundered due to being overwhelmed by
11 a succession of heavy seas.

12 Thus, the lead-up to, and content of the original
13 inquiry, was somewhat unsatisfactory. The inspector's
14 concerns about the condition of the other vessels in the
15 fleet were never investigated, let alone aired, probably
16 because of the costs implications of pursuing such
17 a line of inquiry in the absence of the wreck.

18 In addition, tests undertaken by the National
19 Maritime Institute in 1977 indicated that the loss of
20 stability caused by water on the trawl deck would not be
21 sufficient on its own to capsize the vessel unless there
22 was additional water on the factory deck. Full-scale
23 trials on the sister ship Kurd confirmed this, showing
24 that the Gaul should have been capable of weathering the
25 storm on 8th February as long as the factory deck

1 remained watertight. This was, of course, in conflict
2 with the conclusion of the original inquiry that the
3 Gaul was simply overwhelmed by a succession of heavy
4 seas, and thus, thereafter, the Department was left in
5 the uncomfortable position of having to express
6 confidence in the outcome of the inquiry that it in fact
7 viewed as doubtful.

8 In any event, it is not surprising that the original
9 inquiry's report did not satisfy the relatives. Against
10 a background of disbelief that the Gaul, despite
11 retaining her watertight integrity, had nonetheless been
12 lost suddenly, it was perhaps predictable that rumours
13 developed that the Gaul had been engaged in some form of
14 espionage against Russian naval operations in the
15 Barents and White Seas and as a result the vessel had
16 been captured and the crew taken into Russian hands.
17 Lurking behind this theory was the premise that there
18 was in fact a NATO exercise underway in the area where
19 the Gaul was lost. (In fact evidence before us at the
20 re-opened inquiry was that there was no such NATO
21 exercise in the Barents Sea at the time since it had
22 been cancelled.)

23 It has to be remembered that 1974 was still in the
24 time of the Cold War and, although there were denials by
25 the Government, it was an open secret in Hull, at least

1 in the fishing industry, that fishing vessels were
2 engaged in low level intelligence gathering. Thus the
3 denials simply added support to the rumours.

4 Furthermore, television programmes broadcast in 1975
5 expressed the view that the lifebuoy that was recovered
6 in May 1974 had been deliberately planted as some form
7 of decoy. As explained in our report, this conclusion
8 rested on a fragile foundation, based as it was on an
9 inference drawn solely from some limited and unaudited
10 material relating to the position and condition of the
11 lifebuoy when found. In a later programme, a similar
12 sinister inference was said to be reasonably drawn from
13 the failure to discover during the search the
14 life rafts, as they should have inflated automatically.
15 The logical extension of this theory, it was postulated,
16 was that there was no other explanation than that the
17 Gaul had been the innocent victim of the Cold War, that
18 there had been a collision, and that non-disclosure of
19 the incident was to cover up governmental embarrassment.
20 Unfortunately, it was only much later that this
21 speculation was overtaken by the subsequent discovery of
22 the wreck. Obviously, any suggestion that the lifebuoy,
23 for instance, had been laid as part of a conspiracy to
24 conceal the fact the vessel had not been lost in the
25 first place, simply evaporated. In the meantime, the

1 broadcast, in association with the Department's refusal
2 to carry out a search for the wreck over the next
3 20 years, had the unfortunate unintended side effect of
4 doing much to fortify the relatives' suspicions.

5 In fact, evidence given to the re-opened inquiry
6 established that neither the Gaul nor her crew were
7 engaged in spying. There was no NATO exercise underway.
8 In any event, even if suspected of spying, it was
9 obviously not a practical proposition in the prevailing
10 weather and sea conditions for the vessel or its crew to
11 have been arrested or detained. Furthermore, in our
12 judgment, such extreme action was not conceivable as
13 a facet of the Cold War, let alone with the outcome
14 being thereafter kept secret by all parties.

15 From 1975, reports of a new obstruction in the
16 Barents Sea began to be received from trawlers. By
17 1977, it had become apparent that this obstruction was
18 more than probably the Gaul. Throughout this period,
19 relatives demanded that an underwater search should be
20 undertaken. However, the Department took the decision
21 not to conduct one. This decision, taken in the context
22 of the primitive equipment and narrow window of time
23 available for the search, was based partly on cost and
24 partly on the proposition that, at best, nothing would
25 be learnt beyond confirming that the obstruction was

1 indeed the wreck of the Gaul.

2 It is clear that the decision was solely directed to
3 balancing the interests of those immediately affected by
4 the loss with the wider public interest. In our view,
5 the Department made its decision in good faith and for
6 the reasons publicly expressed at the time.
7 Nevertheless, the unhappy side effect was that it fueled
8 the belief that the Government had something to hide.
9 With the benefit of hindsight, a search in 1977, even if
10 it did no more than positively identify that the wreck
11 was indeed that of the Gaul, would probably have stilled
12 the chorus of distress and complaint since.

13 The years passed. There was a form of stand-off
14 between the Gaul families and the Department, punctuated
15 by a series of strongly worded letters to Ministers,
16 officials and even the Prime Ministers of the day.
17 However in 1997, the situation changed dramatically when
18 the wreck of the Gaul was successfully located and
19 videoed on the seabed by an enterprising journalist in
20 the very position that had been assumed to be her last
21 resting place.

22 The video taken on that visit was not adequate to
23 determine how the Gaul was lost. The new Maritime
24 Accident Investigation Branch of the Department
25 conducted its own survey in 1998. It was potentially

1 significant that this survey demonstrated that, whilst
2 the wreck was in one piece, the two fish loading hatches
3 were open and the weathertight door from the trawl deck
4 to the factory deck was open and secured in position.
5 This was effectively the start of this re-opened formal
6 investigation.

7 It is true to say that no marine casualty involving
8 a fishing vessel has been involved such a thorough and
9 expensive analysis. In particular, a sophisticated
10 sub-sea survey was carried out in 2002 with the use of
11 new state-of-the-art mini unmanned submarines. The
12 survey was videoed throughout and all the copies of the
13 video are complete. Some of the remarkable pictures are
14 shown in stills in our report and the video clips are in
15 the attached CD. The most significant find in 2002 was
16 that the duff and offal chutes on the factory deck were
17 in the open position. This meant that the factory deck
18 had no watertight integrity at the time of her loss and
19 her reserves of stability were accordingly compromised.

20 Thereafter, in preparation for this hearing, all the
21 previous evidence was reviewed, consultancy contracts
22 were placed with leading experts in the field of
23 oceanography, naval architecture and engineering and new
24 model tests were undertaken at MARIN in Holland.

25 The outcome of this re-opened inquiry can be

1 summarised shortly. There can be no doubt that the
2 wreck on the seabed is that of the Gaul and that it has
3 laid there since its disappearance in February 1974.
4 The wreck is in an intact condition. It has been
5 possible to eliminate all those scenarios posed as
6 possible causes of the loss that have been canvassed
7 over the years, save one.

8 First, it has been possible to rule out seizure by
9 the Russians (or any other hostile force), scuttling by
10 either third parties or by the crew, fire, explosion,
11 icing, cargo shift, structural failure, grounding,
12 machinery failure and knock down by large breaking
13 waves.

14 Secondly, it has been possible to exclude collision,
15 in particular collision with a submarine as promoted by
16 various television programmes. Such a collision,
17 resulting in a sinking, would have caused extensive
18 structural damage. Even though part of the external
19 hull on the starboard side was concealed by silt, there
20 are no signs of structural damage throughout the wreck,
21 save some damage caused by hydrostatic pressure. In any
22 event, in order for such a collision to lead to the
23 sinking of the vessel, there would had to have been
24 penetration of the bottom plating and the tank tops and
25 consequent escape of oil into the hull. No such oil was

1 observed.

2 Third, although it was suggested that the vessel may
3 have been fishing at the time of her loss and the loss
4 was attributable to snagging some obstruction on the
5 bottom, it is clear that the Gaul was not fishing. At
6 the relevant time, the Gaul was simply laid and dodging.
7 The weather was severe and, although by no means
8 exceptional for this region in winter, it was clearly
9 too severe for trawling. In any event, both trawl
10 winches were found to have a full warp on the drum with
11 both doors attached to the relevant warp and each door
12 at or near the stern of the vessel. It is true that the
13 fish hatches were found open on the seabed but they were
14 unpinned and must have opened under gravity when the
15 vessel rolled beyond 90 degrees during the loss.

16 Fourth, there are equally no valid grounds for
17 concluding that there was a telecommunications or SOSUS
18 cable in the vicinity of the wreck. Such was put
19 forward as a suggestion by some TV commentators as being
20 associated with the loss. All the wires, or cables,
21 seen during the surveys appear to be trawl wires or
22 warps. Further, not only could no fouling of such
23 a cable have been accomplished unless the Gaul was
24 fishing at the relevant time but there is also no viable
25 explanation of how the fouling of such a cable could

1 have led to the loss of the vessel.

2 Fifth, a later suggestion that the Gaul had been
3 dragged astern and sunk after having its nets become
4 entangled with a Polaris submarine can also be rejected.
5 Once again there is no substance in the suggestion that
6 the Gaul was fishing at the time of her loss. No
7 Polaris submarine was within 1,000 miles of the position
8 of the wreck. Further, in the event of a submarine
9 having become entangled with the trawl, it would not
10 have imperiled the Gaul but simply have parted the trawl
11 wire.

12 Sixth, we are aware that a further theory has been
13 promulgated to the effect that a man-made wave struck
14 and sank the Gaul, a wave created, so the startling
15 theory suggests, by a nuclear explosion. For the record
16 we should say that there was no evidence before us of
17 any such explosion or the radioactivity that would
18 inevitably be associated with it.

19 More to the point, the suggestion that a huge wave
20 of whatever origin was responsible for the loss is
21 simply inconsistent with the evidence put before the
22 inquiry. The earlier suggestion by the MAIB that the
23 Gaul had been struck by a large wave was based on an
24 interpretation of the 1998 underwater video that was
25 conclusively demonstrated to be wrong by the new and

1 better evidence obtained in 2002. It is clear that
2 there is no impact damage visible on the wreck,
3 particularly in way of the vulnerable parts, such as the
4 bulwarks, the funnels and the bridge windows.

5 We have come to the firm conclusion that the cause
6 of the loss has been clearly established. Our task has
7 been simplified by both the data from the wreck and by
8 the MARIN tests. In particular, the condition of the
9 wreck enabled us to exclude collision, wave impact and
10 any form of casualty associated with fishing. We have
11 had the benefit of computer simulations using the FREDYN
12 computer program which were able to test the hypothesis
13 of factory deck flooding in a truly realistic fashion.

14 The last comment from anybody on board Gaul as to
15 their intentions was to the effect: "we are going to
16 dodge more into land". The state of the weather, the
17 prognosis that it would remain poor for some time, the
18 inability to fish and the availability of shelter in
19 relatively close proximity, all gives support to the
20 good sense of the proposed course of action and the
21 likelihood that it was implemented.

22 In the result, we have concluded that it is probable
23 that the Gaul was steering a southerly course from about
24 10.30 on 8th February 1974 and that she was lost some
25 time after 11.09 when the last private telegram was sent

1 and before 16.30 which was the next skipper's schedule.

2 Model tests have demonstrated that down flooding
3 through the duff and offal chutes during straight course
4 runs is strongest in stern quartering seas. With the
5 vessel seeking shelter on a southerly course, the vessel
6 would have been vulnerable to substantial rates of down
7 flooding. It is probable that water ingressed into the
8 factory deck through the open duff and offal chutes. It
9 is also possible, but unlikely, that there was
10 additionally some water from the machinery in the
11 factory deck. Personnel would have had no occasion to
12 enter the factory deck after about 09.15 and the tank
13 tests demonstrate that there would be no material change
14 in roll motion during the accumulation of water on the
15 factory deck so that it would very likely have gone
16 unnoticed by those on board.

17 At some point, the officer of the watch may have
18 realised there was water on the factory deck or that for
19 some other reason the ship was in some danger with the
20 seas on her port side. He did what every skipper or
21 officer in charge would do and attempted to bring her
22 into the wind and sea by applying full port rudder and
23 full power on the engine as found on the wreck.
24 Unfortunately the centrifugal courses from the turn came
25 into play heeling the vessel further to starboard and

1 with the surge of water on the factory deck capsize of
2 the Gaul was inevitable. In short, she never completed
3 that turn. The crew would have been rapidly disabled
4 and therefore unable to send out a distress call.

5 We have not forgotten that sister vessels of the
6 Gaul survived this storm. There is a range of
7 possibilities as to why that is so. Firstly, the duff
8 and offal chute covers may have been secured or their
9 non-return flaps operating properly. Secondly, the
10 headings of the relevant vessels may not have been
11 critical even if the chutes were open. Thirdly, their
12 Turo pumps may have been switched on.

13 It is quite clear that the duff and offal chutes on
14 board Gaul were seized in the open position. This
15 reflects poorly on the maintenance and repair work
16 performed by the owners and their staff. The basic
17 problem was that such work was dependent on problems
18 being reported by the crew. There was no system of
19 independent inspection and remedial action by the shore
20 staff. The chutes were an overlooked item, with their
21 significance as a potential down flooding point not
22 appreciated. This was all the more unfortunate given
23 the importance of the factory deck in the stability
24 calculations and the fact that the ship would be at risk
25 if its watertight integrity was compromised.

1 We recognise that some people will find it difficult
2 to accept this stark description of the last few minutes
3 of the Gaul. However she was not the first to be lost
4 in this way, nor was she the last. As part of the
5 investigation, we ordered a review of the known losses
6 of factory trawlers in which flooding of the factory
7 deck was a contributory factor. We found no less than
8 10 such cases throughout the world in which there was
9 enough evidence for us to make comparisons.

10 The first of these was the German factory trawler,
11 Munchen, that was almost the same size as the Gaul and
12 was lost off Greenland in 1963 in moderate weather. The
13 factory deck flooded probably through a blockage of a
14 wastewater scupper. In spite of the valiant efforts of
15 the crew of the Munchen, the factory deck flooded and
16 she heeled to starboard and sank with the loss of
17 27 lives. In this case, there were 15 survivors from
18 which it was possible to learn in some detail what had
19 happened.

20 The most recent casualty was the American trawler,
21 Arctic Rose, which capsized and sank off Alaska in
22 April 2001 with the loss of the entire crew of 15 in a
23 freak squall. The United States Coastguard carried out
24 an underwater survey of the wreck, very similar to those
25 that were made of the Gaul. The official US Coastguard

1 report concluded that the vessel was lost through
2 progressive and rapid flooding of the factory deck
3 through a door from the trawl deck.

4 The total loss of life in these 10 incidents was
5 150 fishermen, to which must be added the 36 men onboard
6 the Gaul. Such loss of life is wholly unacceptable and
7 we hope that the intensive and far reaching
8 investigations that have been carried out as part of the
9 Gaul inquiry will help make fishing a lot safer so that
10 we will not see this type of tragedy again.

11 In saying that, we note with regret that only two
12 weeks ago, Lloyd's list reported the loss of the Russian
13 longline fishing vessel, Malakhit, in the Barents Sea.
14 She was a similar size to the Gaul, her hatches were
15 ripped off in the storm and despite the presence of
16 rescue helicopters, 2 of her crew of 20 were lost after
17 abandoning the ship.

18 No one could be a participant in this inquiry
19 without recognising the sense of desolation this tragedy
20 left on the people of Hull in general and the families
21 of the crew in particular. I also hope it is well
22 understood that my colleagues and I were, and remain,
23 fully sympathetic to the suspicions that the
24 disappearance of the ship and crew aroused and the
25 theories that flowed from it.

1 When the Deputy Prime Minister ordered the reopening
2 of this inquiry, he was giving recognition to the
3 entitlement of all of you in this room and outside in
4 the city to the truth about the fate of the Gaul. To
5 that end, he appointed this independent and impartial
6 tribunal, all of whom have long experience with the
7 merchant, marine and fishing industries.

8 This is a long report, well over half a million
9 words, and in passing, may I pay tribute to the enormous
10 contribution to this volume that has been made by my
11 assessors. We have sought to investigate every avenue
12 of inquiry, however remote or unpromising. The wide
13 scope of the report will be readily apparent from
14 reading the contents page alone. Please take it away
15 and read it carefully. We are sure that we have
16 unearthed the truth; we hope that on mature reflection,
17 you will agree.

18 We also hope that the crew of the Gaul can now
19 continue to rest in peace, memories of them no longer
20 disturbed by the sort of speculation that was perhaps
21 inevitably created by their dramatic and apparently
22 inexplicable disappearance.

23 That is the end of these proceedings. My colleagues
24 and I do not wish to hurry away; we would like the
25 opportunity of remaking acquaintance with the families

1 in this room. This will be a private meeting, it will
2 not last long, 15 or 20 minutes, but I hope the press
3 will understand if we ask them now to leave us.

4 Thank you very much.

5 (10.44 am)

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

