

THE CRANSTON INQUIRY

SECOND WITNESS STATEMENT OF MATTHEW LEAT

I, Matthew Leat, Assistant Chief Coastguard at His Majesty's Coastguard ('HMCG') c/o Spring Place, 105 Commercial Road, Southampton, SO15 1EG, will say as follows:-

1. I make this statement on behalf of the Maritime and Coastguard Agency ('MCA') in response to a second witness evidence request from the Cranston Inquiry ('the Inquiry') dated 4 February 2025. This statement is provided on behalf of the MCA and is made further to my first witness statement dated 1 November 2024 [INQ010098].
2. I confirm that I am duly authorised to make this statement.
3. The Inquiry's request is in relation to the Automatic Identification System ('AIS') data for the part of the Dover Strait relevant to the small boat known as "Charlie" between 2100UTC to 2359UTC on 23 November 2021 [INQ010508].

4. I have been asked, with reference to the AIS data for 2100UTC to 2359UTC on 23 November 2021, to provide the location, course and speed of the French warship, the 'Flamant', within the same time period.
5. The MCA has undertaken an analysis of this AIS data and provides the following commentary:
 - a. Approx 2220UTC the Flamant (described as "Warship") alters course in a northerly direction. Its speed is 11.5 knots.
 - b. AIS signal for "Warship" lost 2235UTC.
 - c. AIS returns for "Warship" at 2237UTC – vessel further north and west. Its speed is 12-13 knots.
 - d. AIS track continues to 2252UTC, when there are small alterations to course.
 - e. 2256UTC AIS signal for "Warship" lost.
 - f. AIS returns for "Warship" 2306UTC. There is an alteration to course, and speed is 12 knots.
 - g. AIS signal lost at 2313UTC.
 - h. 2316UTC AIS returns. The speed is 11 knots and "Warship" has altered course to an easterly direction, heading towards French Coast (Dunkirk area).
6. I have been asked to explain whether, in HMCG's view, it is likely that between 2100UTC to 2359UTC on 23 November 2021, the 'Flamant' accompanied the small boat known as "Charlie", or any other small boat. By accompanied, I understand the Inquiry to mean travelled with Charlie for a prolonged period of time at approximately the same speed and on

approximately the same course, in a matter similar to that described in the witness statement of Issa Mohammed Omar INQ010388

7. With reference to the information set out in paragraph 5 above, the experience of HMCG is that it would be impossible for a small boat crossing the English Channel to make over 11 knots, with realistic speeds likely to be below 5 knots.
8. Therefore, it is HMCG's opinion that it cannot have been the Flamant which was accompanying "Charlie" on approximately the same course and at approximately the same speed for a significant period of time.
9. For the same reasons as set out above, it is unlikely in HMCG's view that the Flamant was tracking any other small boat or small boats during this time period.
10. In contrast, AIS data indicates that at 23:55UTC on the 23 November 2021 the Flamant is in a position approximately 1.3NM to the North of Dunkerque at a speed of 4.3 Knots, and thereafter its speed does not exceed 6.8 knots until 01:59UTC on the 24 November 2021. This may be consistent with accompanying a small boat, but is outside the timeframe the Inquiry has asked about.
11. HMCG does acknowledge that some communication with the French Coastguard and the French trackers received on 24 November 2021 do refer to the Flamant in the context of migrant vessels on 23 November 2021. Whilst I am able to provide an opinion on whether the AIS data

suggests the Flamant accompanied a small boat, it does not allow me to determine whether or not the Flamant sighted, passed or was otherwise in the vicinity of small boats (including "Charlie").

12. I have been asked to provide HMCG's view, with reasons, of the consistency of the information obtained from the AIS data between 2100UTC to 2359UTC on 23 November 2021 with §§79-82 of the statement of Issa Mohammed Omar INQ010388, which set out his recollection of being accompanied by a French Coastguard vessel approximately one hour into the journey, for around one to two hours.

13. HMCG's analysis has concluded that the AIS replay does not indicate any French naval vessel, French Coastguard vessel or other vessel travelling in a manner consistent with Mr Omar's description.

14. The implications of this are that either a vessel did accompany Mr Omar's boat as described in his witness statement and MAIB interview INQ010121 but did not have its AIS transponder turned on throughout the period of time that it did so, or Mr Omar is mistaken in his recollection as to the nature of the vessel, its course and speed, the period of time in question, or otherwise.

15. I have been asked to confirm whether, from the AIS data or otherwise, HMCG is aware of any other vessel tasked by the French Coastguard travelling in the Dover Strait between 2100UTC to 2359UTC on 23 November 2021.

16. HMCG has reviewed the trackers provided by the French Coastguard on 24 November 2021 and has identified that the French assets listed are: the Flamant, the Berck lifeboat ('Berck SNS') and Escaut, which is another known French patrol vessel.
17. Berck SNS appears on the French Tracker sent at 0453 UTC, in connection with French migrant 12 [INQ007696].
18. Escaut appears on this same tracker in connection with French migrant 13. HMCG has also identified Escaut on the AIS data from approximately 04:30UTC. HMCG has been unable to identify the Escaut on the AIS data for the time period between 2100UTC to 2359UTC on 23 November 2021.
19. French helicopter SAMU 62 is recorded as having called in migrant 7 ("Charlie") at 0048 with a location of the MPC buoy. This appears in the second French Tracker at 0148 UTC [INQ007692].
20. I have been asked to provide HMCG's view, with reasons, of the likelihood or otherwise that the following vessels would not have their AIS transponder turned on: i) Vessels tasked, or otherwise used, by French Coastguard; ii) Commercial vessels.
21. AIS is now ubiquitous technology, and by convention a vessel equipped with AIS would navigate with its AIS transponder turned on. In addition,

regulation 19 of SOLAS Chapter V¹ sets requirements for all ships irrespective of size to be fitted with suitable means to establish and update the ship's position by automatic means at all times throughout the intended voyage; and in particular requires all ships of 300 gross tonnage or more engaged on international voyages and all passenger ships to be fitted with, and operate, AIS. However, it should also be noted that regulation 1.1 of SOLAS Chapter V provides a general exception for warships, naval auxiliaries and other ships owned or operated by a Contracting Government and used only on government non-commercial service. Such ships are still encouraged to act in a manner consistent, so far as reasonable and practicable, with SOLAS Chapter V.

22. I am unable to say with any certainty why a vessel would not have its AIS transponder turned on, or the likelihood of this. In my view, there are however two possible reasons why an AIS transponder may not be on. The first is that there is an equipment fault on board a vessel which means the AIS transponder does not work and therefore does not transmit its position. The second is that the AIS unit is turned off / disabled by the vessel's crew.

23. It is also possible that signal is not received / 'lost'. From the AIS data between 2100UTC to 2359UTC on 23 November 2021 (as set out at paragraph 5 of this statement), it can be seen that the Flamant 'loses' its AIS signal for short periods of time on a number of occasions. However,

¹ Which can be found here:
https://assets.publishing.service.gov.uk/media/5a7f0081ed915d74e33f3c6e/solas_v_on_safety_of_navigation.pdf

generally if other vessels are identified and transmitting in the area, it is unlikely that lost signal is a reason for an AIS transmission not being received for a long period of time.

24. I have also been asked to confirm whether the AIS data for the time period 2100UTC to 2359UTC on 23 November 2021 was disclosed to the MAIB. I confirm that it was not. The MAIB's position was that "the actions of MRCC Gris-Nez and other French authorities were outside the scope of the MAIB investigation" (MAIB report para 2.6.4). This is why the AIS data for the Flamant disclosed to the MAIB commences at 0000UTC on 24 November 2021.

Statement of Truth

I believe the content of this statement to be true.

Signed:

Personal Data

Dated: 17/02/2025