



**METROPOLITAN
POLICE**

TOTAL POLICING

Freedom of Information Request Reference No:

I note you seek access to the following information:

I am seeking to examine the records of the 1970 police investigation of the Batang Kali incident December 1948 in Malaya.

These were provided to the Batang Kali plaintiffs lawyers - but my application to read this material was refused.

These documents are referred to as DISCLOSURE BY THE COMMISSIONER OF THE POLICE OF THE METROPOLIS as part of the legal case CO 1827/2011.

I possess a PDF synopsis of the material which amounts to 106 pages.

DECISION

Please find attached at the end of this email the Senior Investigating Officers closing report for this investigation. This is the part of the disclosure documentation that you requested above.

Please note that several redactions have been made to this document.

I list the redactions made to the document below:

Redactions 1 - 23 & 26 were removed due to engaging Section 40(2)(3) of the Freedom of Information Act 2000 (the Act).

Redactions 24 & 25 were removed due to being outside the ambit of your request.

Having located and considered the relevant information, I am afraid that I am not required by statute to release this information. This email serves as a Refusal Notice under Section 17(1)(a)(b)(c) of the Act.

Please refer to the attached document.

Specialist Crime & Operations

C.1/7

METROPOLITAN POLICE

Central Officer's
Special ReportCRIMINAL INVESTIGATION DEPARTMENT,
New Scotland Yard,

SUBJECT

30th... day of July 197...0...

ALLEGED MASSACREIN MALAYA

Reference to Papers

25

- 1 -

To Commander C.1

- 1) This report deals with enquiries made into an allegation that British troops massacred a number of Chinese plantation workers near a village called Batang Kali, in Malaya, during the emergency in 1948.
- 2) The investigation which began on 16th March 1970 at the request of the Director of Public Prosecutions, was brought to a close on 30th June 1970 after the Director had consulted the Attorney General, Sir Peter RAWLINSON, Q.C.
- 3) At the outset this matter was politically flavoured and it is patently clear that the decision to terminate enquiries in the middle of the investigation was due to a political change of view when the new Conservative Government came into office after the General Election on 18th June 1970.
- 4) The allegation that a massacre had occurred at the hands of a patrol of the 2nd Battalion, Scots Guards, was given wide and sensational publicity in the 'People' newspaper dated 1st and 8th February 1970.

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Art. 2
Pages 2-12

5) Whether or not the allegation is true will not now be proved. What has been revealed is the manner in which information was obtained by reporters of that newspaper, which leaves much to be desired, and also a degree of irresponsibility in publication which might well lead to civil litigation.

6) Bearing this in mind, although the enquiry has been abandoned, I propose to describe some of the events and action taken fairly comprehensively.

THE EMERGENCY AND ROLE OF THE BRITISH ARMY

7) Malaya, prior to 1957, was a British Protectorate consisting of nine British protected States. The Federation was administered by a High Commissioner, assisted by a Federal Council.

8) In 1948 terrorist activities were begun by Communists, mostly of Chinese origin, in an attempt to overthrow the Government. Emergency powers were proclaimed and British troops were used in aid of the Civil Power. The troops were given powers similar to police officers in the territory.

9) As part of this aid the 2nd Battalion Scots Guards were despatched from England in September 1948.

10) Most operations were controlled by the police who usually obtained the initial information of bandit activity and all military patrols were accompanied by liaison police officers.

11) Murders of civilians and soldiers were commonplace and although there were no written standing

orders to troops in 1948, there was power to shoot on sight in certain circumstances.

HOW THE ALLEGATION CAME TO LIGHT AND
WHAT IT CONTAINS

12) On 30th November 1969 a leader article appeared in the 'People' newspaper criticising a statement by Mr. George BROWN, M.P. in which he had suggested that British troops might well have committed atrocities similar to the 'Pinkville Massacre' in Vietnam.

Bundle 3
Art. 1
Page 1

13) Following the publication of this article, William COOTES, a process operator of [REDACTED]

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[REDACTED] contacted the Manchester office of the 'People' newspaper and as a result, on 2nd December 1969, he was met in a public house by William DORRAN, a reporter from the Manchester office of that newspaper.

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Pages 42-55

14) Cootes recounted in graphic terms a story of how he took part in a massacre by British troops in Malaya in December 1948, when he was a guardsman in 'G' Company of the 2nd Battalion, Scots Guards. In short he alleged that 28 Chinese plantation workers had been killed in cold blood for little or no reason and named certain other ex-guardsmen who could be traced to verify what he had said.

15) An interesting feature of this initial interview is that Cootes, while asserting that his conscience had troubled him about the incident, at the same time explored the possibilities of obtaining money for a deposit on a house.

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" 40-41
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Bundle 2
Pages 1-12

16) Dorran reported this interview to his editor and on 5th December 1969 he took Cootes to the London office of the 'People' newspaper and introduced him to ² [] the assistant editor. Cootes again brought up the question of payment for his story and after receiving certain promises, he agreed to make a full statement which Dorran took from him.

17) The following day, a further reporter, William Kenneth GARDNER, was introduced to Cootes and Gardner, who was deputed to take control of the enquiry, prepared another statement which Cootes on 8th January 1970, swore before a Commissioner for Oaths. During his dealings with Gardner, Cootes made known his domestic position which was to the effect that he was separated from his wife, living with another woman and was short of money.

18) It will be convenient here to briefly outline the allegation in the sworn statement as follows :-

19) Cootes says he was called up for National Service in 1947 and in May 1948, was posted to 'G' Company, the 2nd Battalion, Scots Guards at Chelsea Barracks. In September of that year the Battalion was posted to Malaya, arriving in Singapore early in October.

20) After about three weeks jungle training 'G' Company was posted to Kuala Kubu Baru, which is about 40 miles from Kuala Lumpur in the State of Selangor. He went on several patrols with his unit and usually these patrols consisted of an officer or officers, a sergeant and about twelve other ranks.

- 21) Cootes says that at this time stories were being circulated of atrocities against civilians and soldiers and the men were incensed about it. In particular he mentions talk of an incident when three Hussars had petrol poured over them by terrorists and were burnt to death.
- 22) On a day he places as Friday, December 10th, 1948 he went on a patrol to a village in the Khota Baru area and he says that because of the Hussars incident the troops were told they were going to wipe out the village, as terrorists were being fed from there.
- 23) No officer was on the patrol, which was led by two sergeants, Hughes and Douglas, and one of these sergeants was responsible for the order to 'wipe out the village'.
- 24) Cootes goes on to say that the patrol of two sergeants, 12 other ranks and possibly a liaison officer, travelled in a truck to the edge of the jungle and then marched about ten miles to the village. There was an air of excitement and the troops talked of getting their own back for what the terrorists had done to the Hussars. (See paragraphs (59) later in this report). The sergeants said they were going to wipe out everyone found there.
- 25) They arrived at the village which comprised of three Kongsis (huts on stilts) in a jungle clearing, at mid-afternoon on the Saturday and Sergeant Hughes immediately posted men in defensive positions around the village, facing the jungle. He (Cootes) was posted on the verandah of one of the kongsis. The villagers

comprising of about 80 men, women and children, were herded together in the clearing and they were interrogated as to terrorist activities and movements.

26) According to Cootes, the next thing he remembers is Sergeant Douglas shooting a youth in the back after he had motioned him to go down a path ahead of him. This was in full sight of the villagers. The youth did not die at once and Sergeant Hughes finished him off with a bullet through the head from his Sten gun.

27) At about the time of this incident, Hughes took a man into one of the kongsis and ordered him (Cootes) to fire his rifle into the roof for effect. He says that this man was so terrified that his hair turned white in a few hours.

28) Cootes continues by saying that the women and children were kept in one of the kongsis during the night and the men were kept in another. It was the intention to turn the women and children loose on the Sunday (December 12th) but a lorry carrying plantation workers arrived and the women and children were put on it and sent away with the man who had been terrorised and was still in a serious state of shock.

29) A few hours later the Sergeants called the members of the patrol together and two of them named REMEDIOS and FEARN were posted down a track to watch for further vehicles that might arrive. He says that these two men were deliberately chosen for this duty because they were known to be 'squeamish'.

30) Hughes then told the patrol that they were going to shoot the 28 villagers who were left and no one protested. The troops were divided into four groups

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Pages 183-189

and Cootes found himself with a man named TUPPEN and another named GORTON. The villagers whose ages ranged from about 16 years to 80 years, were divided into four groups of about seven, taken to the edge of the village near a stream and all shot dead.

31) They left the bodies where they lay and burned down the huts in the village.

32) Cootes alleges that no arms or other evidence to connect the villagers with bandits was found. He also says that about four days after returning to the base camp, the patrol was called together, either by one of the Sergeants or by their acting Company Commander, Captain RAMSAY, and told of an impending inquiry into the incident, at Government offices in Kuala Lumpur. They were told to get together and fabricate a story and between them they decided to say that the villagers were shot while trying to escape into the jungle.

33) At the inquiry which he says was held by British Government officials, the agreed version was given after either one of the Sergeants or Captain Ramsay had said they would get 14 years each if it was proved that an unlawful killing had taken place.

34) Cootes also says one of the officials expressed an opinion that if the version that the villagers were running away was correct, it was strange that the bodies were found lying closely together in groups.

35) At the end of the sworn statement he names Captain Ramsay as the man he believes gave the order to wipe out the village and he also names a number of men who were members of the patrol.

FURTHER ACTION BY THE PEOPLE REPORTERS

36) Following the interviews with Cootes, the reporters Gardner and Dorran, who realised the value to their newspaper of such a sensational story, took steps to trace the other members of the patrol. With the help of Cootes, who travelled with them, ex-guardsmen Alan TUPPEN was traced to his home at ³ [redacted]

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[redacted] and after several interviews a similar statement to that taken from Cootes was prepared and later sworn before a Commissioner for Oaths. This statement largely agrees with that of Cootes, that there was an unlawful mass killing in which he took part and he says that before it happened the troops were given the opportunity by Sergeant Hughes to fall out if anyone was too squeamish to kill.

Bundle 2
Pages 13-17

37) Tuppen also agrees with Cootes that false stories were told at the inquiry and he names Captain Ramsay as the officer he believes briefed them before the patrol set out, to wipe out the village.

Bundle 2
Pages 18-19

38) Again acting upon information supplied by Cootes, the reporters traced ex-guardsmen Victor REMEDIOS to ⁴ [redacted] This man also made a statement to them, in the presence of Cootes, agreeing in general with what had been alleged and later it was sworn before a Commissioner for Oaths.

39) Likewise to Cootes and Tuppen, Remedios names Captain Ramsay as the officer, who, before the patrol set out from the base camp, briefed them to kill. He also reiterates the allegation that false evidence was given at the Inquiry.

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40) Gardner, Dorran and Cootes then located ex-guardsman George KYDD at⁵ [redacted] and although Kydd refused to make a written statement, they received from him some verbal confirmation of the mass killing which they recorded in notebooks.

41) Ex-guardsman Robert BROWNRIGG of⁶ [redacted] was also traced by the reporters accompanied by Cootes. He, too, confirmed the allegation in the main and in due course swore the statement before a Commissioner for Oaths. Brownrigg, it appears, could not remember any briefing, but did remember that false evidence was given at the Inquiry.

42) Sergeant (now R.S.M.) Charles DOUGLAS, Scots Guards, was eventually interviewed by the two reporters at Carlisle Barracks in the presence of an officer. Douglas made no written statement but verbally denied the allegation.

43) Ex-Sergeant Thomas HUGHES was also seen by the reporters at his address,⁷ [redacted] This man who is now a⁸ [redacted] attached to⁹ [redacted] also denied the allegation and did not make a written statement.

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44) Colonel George Patrick Maule RAMSAY, now on the retired list and currently a Merchant Banker of¹⁰ [redacted] was also interviewed by Gardner and Dorran. According to Gardner who made notes, Colonel Ramsay who identified himself as the officer concerned, expressed considerable surprise and said little apart from the fact that the information about the bandit activity at Batang Kali had come from the police officer in charge of the district; there was an

inquiry into the incident which cleared the patrol and he thought this was conducted by the Lord Chief Justice of Malaya at Kuala Lumpur. He also mentioned that he, in fact, had commanded another patrol which he took to another venue at the same time.

45) During the course of the enquiries carried out by Gardner and Dorran, Gardner in particular was in touch with the Press Office of the Ministry of Defence. In fact the senior Information Officer, ¹¹ [redacted] [redacted] after being apprised of the existence of the four sworn statements, expressly asked Gardner to delay publication of the story which he said could have serious repercussions in Northern Ireland where British troops were being faced with increasing tension. Gannon made it clear to Gardner that the Army Authorities should have time to consult records before publication. In spite of this a most sensational story, covering the front and some inner pages of the 'People', appeared on Sunday, 1st February.

46) On 3rd February 1970 Dorran flew to Malaysia, visited the Batang Kali area, and with the assistance of the press in that country, interviewed various 'witnesses' about the shooting.

47) In particular Dorran interviewed an alleged survivor named Cheong HUNG, who told him a story of how the British troops had arrived at the village and after separating the women and children from the men, divided the men into groups and shot them. He alleged that when the shooting began, he fainted and when he came to he found all his friends dead, lying in groups about ten yards apart. He said he managed to escape and hid in a

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friend's house at a nearby village called Ulu Yam Bahru.

48) Cheong Hung also told Dorran that on the previous evening, a 20 year old youth named Low Kit LING had been shot by one of the soldiers after the youth had been dragged along by the shirt for about 100 yards. He said the youth was not a bandit and was not trying to escape at the time. This incident undoubtedly refers to the one mentioned in paragraph 25 of this report.

49) A story, mainly concerning what Cheong Hung had said, with photographs, appeared in the 'People' on Sunday, 8th February 1970. There was also publicity in the Malaysian newspapers.

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Pages 13-21

BROADCASTS

50) Following on the wide publicity of what was headlined, 'Horror in a nameless village' and 'The Massacre', ex-guardsmen Tuppen appeared on television and ex-guardsmen Remedios made radio broadcasts in which each repeated the allegation that a wanton and unnecessary killing had taken place at Batang Kali.

Bundle 6
Schedule 1

ACTION BY MINISTRY OF DEFENCE AND DIRECTOR OF PUBLIC PROSECUTIONS

51) As a result of the publicity and concern expressed by Members of Parliament, the Ministry of Defence took steps to obtain any existing records that might assist an investigation. Few documents were traced, mainly due, it is thought, to the fact that Malaysia became an independent State in 1957.

52) The matter was then placed in the hands of the Director of Public Prosecutions and on 16th March 1970

I attended the Director's Office where Mr. Wood formally requested a police investigation. Mr. Wood handed to me a precise setting out the allegation and the law on the subject.

POLICE ENQUIRIES

53) A full police investigation into this matter, which occurred some 21 years ago, presented many difficulties and after a conference it was decided to concentrate on tracing the members of the patrol and certain other persons who could give useful information as a first phase before continuing the enquiries in Malaysia. It was intended to leave any interviews with R.S.M. Douglas and ex-Sergeant Hughes until the last stages.

54) Enquiries at the Ministry of Defence and other sources disclosed that the following persons were members of the patrol concerned and these are the total so far traced :-

- 1. Sergeant (now R.S.M. Charles DOUGLAS,

12

- 2. Ex-Sergeant Thomas HUGHES,

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- 3. Ex-Lance Corporal Roy GORTON,

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- 4. Ex-Lance Corporal George Hector PORTER,

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- 5. Ex-Guardsman William COOTES,

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- 6. Ex-Guardsman Alan Peter TUPPEN.

17

- 7. Ex-Guardsman Victor REMEDIOS.

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- 8. Ex-Guardsman Robert BROWNRIGG,

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9. Ex-Guardsman George KYDD,

²⁰
[Redacted]

10. Ex-Guardsman Donald Keith WOOD,

²¹
[Redacted]

11. Ex-Guardsman James Alfred FERN,

²²
[Redacted]

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" 221-222

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55) In addition there were two officers of the Malayan Police Force, Detective Sergeant C. P. GOPAL and Detective Corporal Chia Kam WOH. There is also a person who claims to have been a guide with the patrol, namely Inche Jaffir Bin TAIB, who was interviewed by a reporter of the Straits Times in Malaysia recently.

56) The man Inche Jaffir Bin Taib claims to have been present at the shooting and says he was told to turn his back when the villagers were killed.

57) It will be recalled that efforts were made by the Ministry of Defence to secure any existing documents relating to the incident and it may be convenient here to point out that copies of statements made by the two Malaya Police Officers and one by the alleged survivor, Cheong Hung, were obtained by the Ministry of Defence and handed to me to assist in the enquiry.

58) It will be sufficient to say that the statements, particularly the one made by Cheong Hung, do not include any allegations whatsoever about any wanton or unnecessary killing by the patrol. In fact Cheong Hung says categorically that he did not witness the shooting and at the relevant time was lying in a yam patch some distance away. He also says he gave information to the

troops about certain bandit activities in the village.

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59) A number of enquiries were made of the military covering various aspects of this investigation. The history of regiments in Malaya at the time of the emergency has been studied and it is revealed that no incident concerning the murder of Hussars took place until well after the Batang Kali incident. Further, the history of the Malaya Emergency shows that it was accepted as a military necessity to burn down villages of bandit sympathisers and to remove the inhabitants to other areas where control could be more easily exercised.

60) I propose now to describe as briefly as possible the result of police interviews with the persons most directly concerned in this enquiry :-

The Patrol

61) The members of the patrol shown in paragraph 54 with the exception of Douglas, Hughes and Fern, were interviewed by me.

Cootes, Tuppen (with solicitor) Brownrigg and Kydd admitted in statements, after caution, that murder had been committed.

Woods, in the presence of a solicitor, verbally admitted that murder had been committed, after he had been cautioned.

Remedios, in the presence of a solicitor, refused to comment on, or add anything to his original sworn statement.

Porter and Gorton made statements denying the allegation.

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 " 276-303
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GARDNER AND DORRAN

62) Both persons made lengthy statements and it will be seen they used methods to obtain sworn statements which, if this matter had reached a Court, would undoubtedly have been the subject of severe criticism. I took possession of the sworn statements.

63) As far as these reporters are concerned, the enquiry has revealed the following questionable conduct :-

- (1) They offered Cootes money for his sworn statement and in fact paid him £1,500, telling him he could not be extradited to Malaysia and could not possibly be prosecuted.
- (2) There is little doubt they obtained the other sworn statements by similarly impressing upon the makers that they could not be extradited or prosecuted.
- (3) They took the dubious character Cootes with them in order to influence the others to make sworn statements.
- (4) They and their editor were responsible for publication of allegations of murder that had not been enquired into by the proper authorities. Also names and details were published which could have seriously affected the evidence if a prosecution had resulted.

Captain Ramsay

64) I was satisfied that Captain Ramsay, who terminated his regular Army service as a Colonel, was completely vindicated of the allegations that he had briefed the troops unlawfully to 'wipe out the village'.

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Statements by ex-Lance Sergeant Harry FULLER²³ [redacted] and Major Donald McNab WHYTE, M.B.E., now serving with the Regular Commissions Branch, Wiltshire, and who was at the time C.S.M. of 'G' Company, fully disprove what was said.

THE INQUIRY IN MALAYA

65) I would now like to briefly touch upon this aspect of the case and mention that because allegations of false evidence were made by Cootes and others, Sir Stafford William Powell FOSTER-SUTTON, who at the relevant time was the Attorney General of the Federation of Malaya and is now the President of the Pensions Appeals Tribunal for England and Wales, was seen by me.

66) In his capacity as Attorney General, Sir Stafford held an Inquiry into the Batang Kali incident in 1948, after it would seem, there was some public disquiet following a complaint from the Manager of the rubber plantation where the incident occurred.

67) The inquiry was not legally constituted and no evidence was taken on oath. Sir Stafford dismisses the allegation as 'a wicked lie' and says that he actually went to the scene to satisfy himself and in fact found certain ammunition or shell cases which he accepted as confirmation that the villagers were at least connected with terrorist activities. The troops were exonerated and he reported his findings to the High Commissioner, Sir Henry GURNEY.

CONCLUSION

68) In the early stages of this report I mentioned that from the outset there was a political aspect to this case.

- 69) On 10th June 1970 I attended the offices of the Director of Public Prosecutions and was told by Mr. Wood that now the initial police enquiries had been completed as far as possible, a decision would be made by the Attorney General, Mr. Elwyn JONES, as to further enquiries being made in Malaysia. When the expected decision was reached a request would be made through diplomatic channels to the Malaysian Government for their co-operation and assistance.
- 70) Statements and documents so far obtained were called for and it was stressed that no covering report was necessary. The statements and documents were handed over and in due course I was told by Mr. Wood that no decision could be expected until after the General Election on 18th June 1970.
- 71) On 29th June 1970 I was informed from the Director's Office that following a conference between the Director of Public Prosecutions and the new Attorney General, Sir Peter Rawlinson, Q.C., on 26th June 1970, the Attorney General had decided it was unlikely that sufficient evidence would be obtained to support a prosecution, therefore the investigation must terminate forthwith.
- 72) A formal letter in these terms, dated 30th June 1970, from the Director's Office is attached to these papers.
- 73) All statements and documents obtained in this case are also attached and indexed for possible reference purposes.
- 74) Submitted for information and record.