

CHAPTER 2: EVIDENCE CONCERNING THOSE WHO DIED IN THE BATTLE OF DANNY BOY BUT WHO DID NOT ENTER CAMP ABU NAJI ON 14-15 MAY 2004

- 2.38** Having identified the 20 men shown in Captain Rands' KIA photographs (see Figure 2 above), there still remained 8 names on the Inquiry's list of deceased (as detailed below) who were said to have died on or as a direct result of the events of 14-15 May 2004. Of course, the manner in which Iraqis who were not taken to Camp Abu Naji died is not the subject of the Inquiry's Terms of Reference, but their deaths have been considered as part of the task of ascertaining who is shown in Captain Rands' KIA photographs (and who were thus the subject of allegations of unlawful killing at Camp Abu Naji) and those who had undoubtedly died on the battlefield.
- 2.39** In this part of the Report I will set out what is known about each of these 8 individuals and the circumstances surrounding their deaths, insofar as those details may be relevant to the fulfilment of this Inquiry's terms of reference.
- 2.40** It is apparent that some of Iraqis who had been killed in the battle were collected from the scene of the engagement by relatives, by other residents of Al Majar al'Kabir and, in some cases, by medical assistants from the Al Majar al'Kabir hospital.
- 2.41** I am satisfied that the evidence gathered by the Inquiry clearly established that each of the 8 individuals, referred to above and set out below, died as a direct result of the battle that occurred on 14 May 2004 and were taken straight from the battlefield in the manner summarised in the previous paragraph. None of them went or were taken to Camp Abu Naji at any stage. In the event, this conclusion was entirely uncontroversial, as appears below. However, it is helpful to summarise the main details of the evidence in question at this stage, as follows.

1. Deceased 29 – Rahma Abdelkareem Al-Hashimi – death certificate 978076 (MOD027704)

- 2.42** Rahma Abdelkareem Al-Hashimi (deceased 29) was the first casualty of the battle on 14 May 2004 to arrive at the Al Majar al'Kabir hospital. His death certificate, issued on 19 May 2004, records the date and time of death as 13:00hrs on 19 May 2004. Three causes of death are mentioned, including a bullet in the stomach. The deceased's date of birth is recorded as 1 July 1919, making him 84 at the time of his death.⁶²
- 2.43** Hatem Abud Abed Hassan (witness 92) was a medical assistant working at the Al Majar al'Kabir hospital on 14 May 2004.⁶³ He had first heard the sounds of fighting at around 16:00hrs.⁶⁴ He recalled that the first injured person to arrive at the hospital was "Ruhma Abdel Kareem", who was a shepherd. Hatem Hassan stated that Rahma Al-Hashimi had a bullet wound to his abdomen and was conscious but unable to speak.⁶⁵ Hatem Hassan administered first aid. It had been intended that the patient should be transferred to the Al Sadr hospital in Al Amarah, but when the ambulance couldn't get through he was operated on at the Al Majar

⁶² (MOD027704)

⁶³ Hatem Abud Abed Hassan (witness 92) [24/81]

⁶⁴ Hatem Abud Abed Hassan (witness 92) (ASI008084) [26]

⁶⁵ Hatem Abud Abed Hassan (witness 92) (ASI008084) [27]

al'Kabir hospital instead. According to Hatem Hassan, Rahma Al-Hashimi was subsequently taken to Al Sadr on 15 May 2004 and died 2 or 3 days later.⁶⁶

- 2.44** Aqueel Abdul Abbas Jamol (witness 93) was a Laboratory Technician working at the Al Majar al'Kabir hospital on 14 May 2004.⁶⁷ He recalled that "an old farmer...Rohma" was brought to the hospital by his family in the late afternoon, having been shot in the stomach. He also remembered the man being given first aid and then operated on, after a failed attempt to transfer him to the Al Sadr hospital.⁶⁸
- 2.45** Ahmed Abbas Makhfe Al-Fartoosi (witness 91) recalled Rahma Abdelkareem Al-Hashimi (deceased 29) arriving at the Al Majar al'Kabir hospital during the afternoon of 14 May 2004 with a gunshot wound to his left abdomen. He described the patient as unconscious or nearly unconscious, and unable to tell the witness what had happened to him. He also recalled a failed attempt to transfer the patient to Al Amarah on 14 May 2004, an operation taking place at Al Majar al'Kabir instead, and the patient dying thereafter.⁶⁹
- 2.46** Khuder Al-Sweady (witness 1) stated that he was told by "Mr Rohma" himself that he had been shot whilst crossing the road from his house.⁷⁰ Khuder Al-Sweady marked the location of the house on a map, to the south of the Al Majar al'Kabir road and to the east of Route 6.⁷¹
- 2.47** Ali Abed Eitheyyib (Abu Salwan) (witness 79), an ambulance driver, described returning to the Al Majar al'Kabir hospital from Al Amarah around 15:00hrs on 14 May 2004 and being asked to take an injured shepherd with an abdominal wound to the Al Sadr hospital.⁷² He stated that the patient's sons travelled with him, and that they told him that their father had been shot whilst tending his sheep near to Qal'at Salih, and that they saw two Land Rovers drive off.⁷³ This witness also described how he was forced to turn back when they reached Route 6.⁷⁴
- 2.48** Assad Mozan Khalait Al-Kaabi (witness 78) recalled an old man with two gunshot wounds (to the abdomen and chest) being brought to the Al Majar al'Kabir hospital between 15:30hrs and 16:30hrs on 14 May 2004. Assad Al-Kaabi recalled being amongst a group of people who gave the man first aid.⁷⁵ However, he was not involved in attempting to transport him to Al Amarah.⁷⁶

⁶⁶ Hatem Abud Abed Hassan (witness 92) (ASI008085) [28]

⁶⁷ Aqueel Abdul Abbas Jamol (witness 93) (ASI008464) [7]

⁶⁸ Aqueel Abdul Abbas Jamol (witness 93) (ASI008468) [26]

⁶⁹ Ahmed Abbas Makhfe Al-Fartoosi (witness 91) (ASI008438-ASI008440) [19] – [25]

⁷⁰ Khuder Al-Sweady (witness 1) (ASI001092) [27]

⁷¹ (ASI002923)

⁷² Ali Abed Eitheyyib (witness 79) (ASI008861) [25]

⁷³ Ali Abed Eitheyyib (witness 79) (ASI008861-ASI008862) [26] – [27]

⁷⁴ Ali Abed Eitheyyib (witness 79) (ASI008863) [31]

⁷⁵ Assad Mozan Khalait Al-Kaabi (witness 78) (ASI000916-ASI000917) [54]

⁷⁶ Salim Adday Mohaisen Al-Baidhani (witness 157), who was working as an ambulance driver on 14 May 2004, recalled travelling from the Al Majar al'Kabir hospital to the scene of the battle on the instructions of Dr Adel Majeed Al Shawi (witness 81) during the afternoon of 14 May 2004 in convoy with an ambulance in which Assad Al-Kaabi (witness 78) was travelling, driven by Ali Abed Eitheyyib (Abu Salwan)(witness 79). Salim Al-Baidhani recalled that at the time there was gunfire and the fields were on fire. He stated that he was told by Ali Abed Eitheyyib that an injured shepherd had been brought to their ambulance, suffering from a serious abdominal wound, and that they had taken him to the Al Majar al'Kabir hospital. This man died 3 or 4 days later following surgery. However, it was not necessary to decide precisely how Rahma Abdelkareem Al-Hashimi (deceased 29) travelled to the Al Majar al'Kabir hospital that afternoon, because it is clear on all accounts that he did arrive there and that he was never taken to Camp Abu Naji.

2. Deceased 30 – Muhammad Abdelhussain Al-Jeezani – death certificate 683449 (MOD022728)

- 2.49** Muhammad Abdelhussain Al-Jeezani (deceased 30) died on 9 November 2006, having been injured as a result of the fighting on 14 May 2004. His death certificate lists three causes of death, the first of which is “Damaged spinal cord because of a bullet”.⁷⁷
- 2.50** Before his death, but after the events of 14 May 2004, Muhammad Al-Jeezani gave a video recorded interview to a journalist in which he gave an account of what he claimed had happened to him and what he had seen happening to others, during the battle on 14 May 2004.⁷⁸ In my view, it is not necessary to go into the details of that interview except to note that Muhammad Al-Jeezani alleged that he had been shot in the head and back by the British shortly after arriving at his land in the vicinity of Qal’at Salih and that he had then dragged himself to a ditch, where he had remained hidden until he was found later by some Iraqis.
- 2.51** Muhammad Al-Jeezani was seen on the morning of 15 May 2004 by Mahood Jheijeh Dawood Al-Mozani (witness 60) in the hospital at Qal’at Salih.⁷⁹ Mahood Al-Mozani recalled that Muhammad Al-Jeezani had told him that he saw his son, Abbas Mahood Jheijeh Dawood Al-Mozani (deceased 20) being placed into a ‘Hummer’.⁸⁰

3. Deceased 13 – Muhammad Maleh Ghleiwi Atiya Obeid Al-Malki – death certificate 978152 (MOD007723)

- 2.52** The death certificate, issued on 15 May 2004, records the date and time of Muhammad Maleh Ghleiwi Atiya Obeid Al-Malki’s death as “6pm, 14 May 2004” and the cause of death as “Entrance bullet wound from the right side of the head, exit wound from the left side of the head”. The deceased’s date of birth is recorded as 2 May 1979, making him 25 at the time of his death.⁸¹
- 2.53** The Inquiry located and obtained a witness statement from Muhammad Al-Malki’s brother Salem Maleh Ghleiwi Atiya Obeid Al-Malki (witness 45). Salem Al-Malki stated that, on the morning of 14 May 2004 he saw his brother leave Al Majar al’Kabir, driving his white Fiat in company with his friend Majed Jubair Suweid Edayyem Al-Shweili (deceased 21).⁸² He understood that his brother was travelling to farm a family plot of land situated to the south of the road to Al Majar al’Kabir, as usual.⁸³ He heard the sound of guns and saw a helicopter over Route 6 at around 15:30 hours,⁸⁴ and heard from others about an exchange of fire between the British army and “other people” in the area of the plot of land where his brother worked.⁸⁵ Around 17:00hrs he grew concerned for his brother’s safety, and cycled to the plot of land.⁸⁶ Once there, he found his brother’s car burnt out, and nearby fields on fire. He discovered his brother’s body in an irrigation channel, and nearby, the body of his brother’s friend Majed Jubair Suweid Edayyem Al-Shweili (deceased 21).⁸⁷

⁷⁷ (MOD022728)

⁷⁸ (ASI005909)

⁷⁹ Mahood Jheijeh Dawood Al-Mozani (witness 60) (ASI007736) [119]

⁸⁰ Mahood Jheijeh Dawood Al-Mozani (witness 60) (ASI007736) [120]

⁸¹ (MOD007725)

⁸² Salem Maleh Ghleiwi Atiya Obeid Al-Malki (witness 45) (ASI007826) [14]

⁸³ Salem Maleh Ghleiwi Atiya Obeid Al-Malki (witness 45) (ASI007824-25) [6]

⁸⁴ Salem Maleh Ghleiwi Atiya Obeid Al-Malki (witness 45) (ASI007827) [20]

⁸⁵ Salem Maleh Ghleiwi Atiya Obeid Al-Malki (witness 45) (ASI007827) [21]

⁸⁶ Salem Maleh Ghleiwi Atiya Obeid Al-Malki (witness 45) (ASI007827) [23]

⁸⁷ Salem Maleh Ghleiwi Atiya Obeid Al-Malki (witness 45) (ASI007828) [24]

- 2.54** Salem Al-Malki stated that Muhammad Al-Malki's body (deceased 13) was found face down in an irrigation channel. He described seeing one bullet wound to the front of his brother's head with a corresponding larger exit hole at the back of the head, and a bullet wound to his brother's right shoulder, again with a larger exit wound to the rear. He noted no signs of burned flesh.⁸⁸ Salem Al-Malki said that Majed Al-Shweili (deceased 21) was found just outside the channel, on his back. He had several bullet injuries to his chest and abdomen and his intestines were spilling from the body.⁸⁹
- 2.55** Salem Al-Malki said that he observed British Army vehicles to the south and north of his location at this time. Those to the north were armoured and stationary in the area of the gas station and Pepsi factory. Those to the south were a mix of tracked and non-tracked vehicles and were moving north. He did not observe any firing or anyone else in the vicinity.⁹⁰
- 2.56** Salem Al-Malki headed towards Route 6 and met with Khalid Tayeh Abdulhassan Al-Arjawee (witness 169) who was driving a white pick-up truck, returning home from work.⁹¹ The two bodies were loaded onto the truck, and driven to Al Majar al'Kabir hospital.⁹² Salem Al-Malki described how both bodies were examined by a Dr Hassan Jabbar Gubayan, who has since died, and who issued the death certificates.⁹³
- 2.57** Khalid Tayeh Abdulhassan Al-Arjawee (witness 169) described travelling down the road to Al Majar al'Kabir sometime after 16:30hrs on 14 May 2004, in company with his driver Husam Ghazi Mohsin Al-Magsoosi (witness 236).⁹⁴ According to Khalid Al-Arjawee, he became aware of 30 to 40 people emerging from a waterway or ditch to the south of the road. The fields to the south of the road were on fire.⁹⁵
- 2.58** Khalid Al-Arjawee said that, some way further along the road travelling towards Al Majar al'Kabir [marked on ASI006485], he came across Salem Al-Malki (witness 45) who was an old family friend. It was getting dark by this time.⁹⁶ He described how Salem Al-Malki had told him that he, his brother Muhammad Al-Malki and Majed Al-Shweili had all been working on their plot of land when Muhammad Al-Malki and Majed Al-Shweili had been shot.⁹⁷
- 2.59** Khalid Al-Arjawee (witness 169) stated that he then went with Husam Ghazi Mohson Al-Magsoosi (witness 236), Salem Al-Malki (witness 45) and Khuder Al-Sweady (witness 1) (who was also in the vicinity according to Khalid Al-Arjawee) to search for the bodies of Muhammad Al-Malki and Majed Al-Shweili. According to Khalid Al-Arjawee, they found them lying face down in a field.⁹⁸ He described Muhammad Al-Malki (deceased 13) as having many injuries to the stomach with his intestines spilling out, and Majed Al-Shweili (deceased 21) as having a lot of injuries all over his body, including cuts on his legs, hands and body.⁹⁹ The bodies were loaded then onto Khalid Al-Arjawee's truck and transported to Al Majar al'Kabir.¹⁰⁰

⁸⁸ Salem Maleh Ghleiwi Atiya Obeid Al-Malki (witness 45) (ASI007828) [25]

⁸⁹ Salem Maleh Ghleiwi Atiya Obeid Al-Malki (witness 45) (ASI007828) [26]

⁹⁰ Salem Maleh Ghleiwi Atiya Obeid Al-Malki (witness 45) (ASI007828-29) [28]

⁹¹ Salem Maleh Ghleiwi Atiya Obeid Al-Malki (witness 45) (ASI007829) [31]

⁹² Salem Maleh Ghleiwi Atiya Obeid Al-Malki (witness 45) (ASI007829) [32]-[33]

⁹³ Salem Maleh Ghleiwi Atiya Obeid Al-Malki (witness 45) (ASI007829) [34]

⁹⁴ Khalid Tayeh Abdulhassan Al-Arjawee (witness 169) (ASI010352) [24]

⁹⁵ Khalid Tayeh Abdulhassan Al-Arjawee (witness 169) (ASI010363) [49]

⁹⁶ Khalid Tayeh Abdulhassan Al-Arjawee (witness 169) (ASI010363) [51]

⁹⁷ Khalid Tayeh Abdulhassan Al-Arjawee (witness 169) (ASI010364) [53]

⁹⁸ Khalid Tayeh Abdulhassan Al-Arjawee (witness 169) (ASI010366) [58]

⁹⁹ Khalid Tayeh Abdulhassan Al-Arjawee (witness 169) (ASI010366) [59]

¹⁰⁰ Khalid Tayeh Abdulhassan Al-Arjawee (witness 169) (ASI010367) [62]

- 2.60** Khuder Al-Sweady's (witness 1) account of 14 May 2004 included a description of being stopped on the Al Majar al'Kabir road by Salem Maleh Ghleiwi Atiya Obeid Al-Malki (witness 45), searching and finding two bodies, Muhammad Maleh Ghleiwi Atiya Obeid Al-Malki (deceased 13) and Majed Jubair Suweid Edayyem Al-Shweili (deceased 21).¹⁰¹ Khuder Al-Sweady described Muhammad Al-Malki as having '*a huge wound to his abdomen*'¹⁰² and Majed Al-Shweili as '*shot through the stomach so that he appeared to have been cut in half*'¹⁰³. He stated that the battle was still ongoing at this stage. He assisted Salem Al-Malki to put the two bodies into a pick-up truck which then headed towards the hospital in Al Majar al'Kabir.¹⁰⁴
- 2.61** Assad Mozan Khalait Al-Kaabi (witness 78) recalled how he had seen the bodies of Muhammad Al-Malki (deceased 13) and Majed Al-Shweili (deceased 21) arrive at the Al Majar al'Kabir hospital during the evening of 14 May 2004. He described their wounds as '*unconventional... not gunshot wounds, but wounds from a blast. The bodies were also burnt on the legs and feet...*'¹⁰⁵
- 2.62** It is apparent that the accounts of these witnesses, as to the injuries suffered by the bodies of Muhammad Al-Malki (deceased 13) and Majed Al-Shweili (deceased 21), are somewhat muddled about which body had sustained which injuries. In my view, the death certificates for the two men tend to suggest that the description given by Salem Maleh Ghleiwi Atiya Obeid Al-Malki (witness 45), the brother of Muhammad Al-Malki (deceased 13) is likely to be the most accurate.

4. Deceased 21 – Majed Jubair Suweid Edayyem Al-Shweili – death certificate 978151 (MOD007752)

- 2.63** Majed Jubair Suweid Edayyem Al-Shweili's (deceased 21) death certificate, issued on 15 May 2004, records the date and time of his death as "6pm, 14 May 2004" and the cause of death as "*Several entrance bullet wounds with deterioration of the abdomen and thigh*". The deceased's date of birth is recorded as 22 September 1981, making him 22 at the time of his death.¹⁰⁶
- 2.64** Majed Al-Shweili's body was found at the same time as that of Muhammad Maleh Ghleiwi Atiya Obeid Al-Malki (deceased 13) by Muhammad's brother Salem Maleh Ghleiwi Atiya Obeid Al-Malki (witness 45). The location and circumstances in which he was found, and the observations of his injuries made by those who found him, have been covered in the paragraphs above.
- 2.65** The Inquiry located and obtained a statement from Majed Al-Shweili's brother Muhammad Jubair Suweid Edayyem Al-Shweili (witness 64) who returned home from work around 8pm on 14 May 2004 and was told by other family members that his brother Majed Al-Shweili had been killed during a battle involving the British Army.¹⁰⁷ As the eldest male in the family he attended the Al Majar al'Kabir hospital at around 21:00hrs that evening to identify his brother's body. He saw the body in the refrigeration unit and noted that his brother's injuries

¹⁰¹ Khuder Al-Sweady (witness 1) (PIL000627) [30]

¹⁰² Khuder Al-Sweady (witness 1) (ASI001093) [32]

¹⁰³ Khuder Al-Sweady (witness 1) (PIL000627) [31]

¹⁰⁴ Ibid.

¹⁰⁵ Assad Mozan Khalait Al-Kaabi (witness 78) (ASI000924-25) [94]

¹⁰⁶ (MOD007754)

¹⁰⁷ Muhammad Jubair Suweid Edayyem Al-Shweili (witness 64) (ASI007751) [25]

were a shot in the back approximately 3cm in diameter and an exit wound in the abdomen. He noted that the intestines were outside the body.¹⁰⁸ In the refrigeration unit that night he saw only his brother's body, and that of his brother's friend Muhammad Maleh Ghleiwi Atiya Obeid Al-Malki (deceased 13).¹⁰⁹

- 2.66** Muhammad Al-Shweili also identified his brother's image from amongst the pictures that made up the martyrs' poster.¹¹⁰

5. Deceased 10 – Firas Radhi Kahyoush Shazar Al-Grawi – death certificate 978155 (MOD07711)

- 2.67** Firas Radhi Kahyoush Shazar Al-Grawi's death certificate, issued on 15 May 2004, records the date and time of his death as "6pm, 14 May 2004" and the cause of death as "Gunshot wound to the head, entrance wound from the front, exit wound from the back". The deceased's date of birth is recorded as 18 June 1976, making him 27 at the time of his death.¹¹¹

- 2.68** The Inquiry located and obtained witness statements from Firas Al-Grawi's brother – Naji Radhi Kahyoush Shazar Al-Grawi (witness 39) and his cousin Al'a Hassoun Kahyoush Shazar Al-Grawi (witness 37). The latter also gave oral evidence.

- 2.69** Al'a Al-Grawi (witness 37) was shot on 14 May 2004, but survived. His evidence was that he was out grazing cattle with his cousin Firas Al-Grawi (deceased 10) on 14 May 2004 and identified their location as being opposite the Pepsi factory on Route 6.¹¹² He said that sometime during the afternoon he heard gunfire, and saw British armoured military vehicles on Route 6, and one armed soldier outside the vehicles.¹¹³

- 2.70** Al'a Al-Grawi stated that he and Firas Al-Grawi hid near a canal. The fields around him were set alight, so he and Firas Al-Grawi then moved into the canal to hide.¹¹⁴ He described then being shot at by a soldier in an armoured vehicle and being injured by a bullet passing through the surface of his back.¹¹⁵ He said that he had lost consciousness sometime after being shot, and next remembered being at the Al Majar al'Kabir hospital, not knowing where Firas Al-Grawi was.¹¹⁶

¹⁰⁸ Muhammad Jubair Suweid Edayyem Al-Shweili (witness 64) (ASI007752-53) [32]-[33]

¹⁰⁹ Muhammad Jubair Suweid Edayyem Al-Shweili (witness 64) (ASI007753) [36]

¹¹⁰ Although this witness was not shown the poster at (ASI004748) the image he identified as his brother was identical to the image shown on page (ASI004749) at the top left of the page

¹¹¹ (MOD007713)

¹¹² Al'a Hassoun Kahyoush Shazar Al-Grawi (witness 37) (ASI006332) [21]

¹¹³ Al'a Hassoun Kahyoush Shazar Al-Grawi (witness 37) (ASI006334-35) [32]-[34]

¹¹⁴ Al'a Hassoun Kahyoush Shazar Al-Grawi (witness 37) (ASI006335) [36]

¹¹⁵ Al'a Hassoun Kahyoush Shazar Al-Grawi (witness 37) (ASI006336) [39]-[40]

¹¹⁶ In his witness statement Ahmed Abbas Makhfe Al-Fartoosi (witness 91) (ASI008433), a medical assistant working at the Al Majar al'Kabir hospital on 14 May 2004, recalled receiving a patient named 'Alaa Rathee' who had a wound about 20cm long on his back, parallel to the spine, which was not deep. The patient told him that he had been shot by the British. His wound was treated and he was discharged the same day. Hatem Abud Abed Hassan (witness 92) (ASI008077), also a medical assistant at the Al Majar al'Kabir hospital, recalled 'Alaa Rathee' arriving at the hospital on the afternoon of 14 May 2004 with an open wound on his back across his shoulder blades; the patient told him he had been shot whilst fixing a broken harvesting vehicle. Khuder Al-Sweady (witness 1) (PIL 000615 at [46]) described treating 'Alaa Kahwesh Al-Ghadewe' for an 8cm bullet wound to his back, the bullet not having entered the body. He described this man as the cousin of 'Feras Rathi Al-Ghrawi' (deceased 10). I am satisfied that all three witnesses were, in fact, describing Al'a Hassoun Kahyoush Shazar Al-Grawi (witness 37).

- 2.71** Al'a Al-Grawi then described how, at around daybreak on 15 May 2004, he had accompanied other family members and some policemen to the location where he had been hiding with Firas Al-Grawi, at which time Firas Al-Grawi's corpse was found by others.¹¹⁷
- 2.72** Al'a Al-Grawi (witness 37) identified Firas Al-Grawi as shown in a still taken from the DVD DCM/6¹¹⁸.
- 2.73** Naji Radhi Kahyoush Shazar Al-Grawi (witness 39) is Firas Al-Grawi's brother. Naji Al-Grawi did not see his brother on 14 May 2004, but said that he understood Firas Al-Grawi had gone to graze the family's cows as normal.¹¹⁹ He heard about the battle on 14 May from others, and when his brother Firas Al-Grawi did not return home, went to the fields to look for him.¹²⁰ He did not find Firas Al-Grawi, and first learnt of his death when his body was brought home on 15 May 2004.¹²¹ On the body he observed the following injuries: (1) a bullet wound to the head just above the right eye, with an exit wound at the base of the head at the back; (2) a bullet entry wound to the left shoulder; (3) other minor injuries such as scratches to the chest; (4) pressure marks just above the ankles.¹²²
- 2.74** Naji Al-Grawi stated that he was aware that his brother knew others who died on 14-15 May 2004, namely Ali Mawat Al-Mozani (deceased 8), Hamid Mizal Karim Al-Sweady (deceased 3), and Haidar Hitter Mtashar Al-Lami (deceased 2).
- 2.75** Luay Mohammed Zayir Al-Noori (witness 108), one of the cameramen responsible for shooting footage of the return of the Iraqi dead from Camp Abu Naji on 15 May 2004, stated that he had been present in fields to the west of Route 6 and north of the Al Majar al'Kabir road sometime after 20:30hrs on 14 May 2004 when he spotted a body in a water-filled ditch.¹²³ Others present pulled the body from the water.¹²⁴ Luay Al-Noori stated that he understood from what others were saying that this was "*Firas*".¹²⁵ He observed a wound at the top of the skull, round and about 3cm across.¹²⁶ He saw the body taken away in a vehicle, and assumed it was being taken to the hospital in Al Majar al'Kabir.¹²⁷

¹¹⁷ The Inquiry is in possession of footage of an interview conducted by the journalist Lee Gordon in May 2004 with an individual named as 'Alaa Hassan'; the Inquiry produced a transcript of that interview (ASI001422) and showed it to this witness Al'a Hassoun Kahyoush Shazar Al-Grawi (witness 37). The witness stated that he did not recall giving such an interview, nor any of the detail contained in the transcript (ASI 006329 at paragraph 43), and would not comment further on it without seeing the film of the interview (which was not available to him at the time of interview by the Inquiry's investigators). When he gave oral evidence, however, he did recall the interview and indicated that he had been shown it [36/85]. He did agree that the personal details given by the interviewee at the outset matched his own. The interviewee's account differs significantly from that given by this witness in the following respects: (i) the interviewee stated that he went to the fields on 14 May 2004 with his cousin in order to fix a harvesting machine; (ii) when the shooting began he and his cousin attempted to hide but both were shot in the shoulder; (iii) he dragged his cousin to a canal and kept an eye on him; (iv) he saw soldiers go to his cousin and stab him in the neck with a bayonet. In his oral evidence to the Inquiry, Al'a Al-Grawi admitted this allegation was a deliberate lie [36/75-76]. As discussed later in this Report (see paragraphs 2.890-2.891) the area in which Al'a Al-Grawi was present with his cousin Firas Al-Grawi, was an area of significant insurgent activity and exchange of fire with British troops.

¹¹⁸ (ASI003389)

¹¹⁹ Naji Radhi Kahyoush Shazar Al-Grawi (witness 39) (ASI006421) [3]

¹²⁰ Naji Radhi Kahyoush Shazar Al-Grawi (witness 39) (ASI006423-24) [14]-[15]

¹²¹ Naji Radhi Kahyoush Shazar Al-Grawi (witness 39) (ASI006425) [21]

¹²² Naji Radhi Kahyoush Shazar Al-Grawi (witness 39) (ASI006425-26) [24]-[25]

¹²³ Luay Mohammed Zayir Al-Noori (witness 108) (ASI008568-69) [74]

¹²⁴ Luay Mohammed Zayir Al-Noori (witness 108) (ASI008570) [79]

¹²⁵ It should be noted (i) that Luay Mohammed Zayir Al-Noori (witness 108) did not know the deceased; (ii) that evidence from the deceased's cousin (37) and brother (39) tends to suggest that Firas Al-Grawi's body was found on the morning of 15 May 2004; and (iii) that Luay Mohammed Zayir Al-Noori (witness 108) described the body named as 'Firas' as being that of a 14 year old boy

¹²⁶ Luay Mohammed Zayir Al-Noori (witness 108) (ASI008571) [83]

¹²⁷ Luay Mohammed Zayir Al-Noori (witness 108) (ASI008572) [86]

- 2.76** Sometime after 20:00-20:30hrs on 14 May 2004 Assad Mozan Khalait Al-Kaabi (witness 78), a medical assistant at the Al Majar al’Kabir hospital, also travelled to the fields to the west of Route 6 and north of the Al Majar al’Kabir road in company with others in order to search for missing persons.¹²⁸ Although he did not see Firas Al-Grawi’s body, he became aware from others that the body had been found in a “*drainage channel*”. The body of Nissan Rasem Jabbar Al-Abbadi Al-Ruhaimi (deceased 25) was found around 200 metres away in the same ditch.¹²⁹ Assad Al-Kaabi saw Firas Al-Grawi’s body whilst it was in the refrigerated unit at the hospital in Al Majar al’Kabir and saw that he had a gunshot wound to the head.¹³⁰
- 2.77** Khuder Al-Sweady (witness 1) described having searched for bodies on 14 May 2004 after dark, during which he had assisted in carrying the body of Firas Radhi Kahyoush Shazar Al-Grawi (deceased 10) from a water-filled canal.¹³¹
- 2.78** In the event, I have no doubt that both Al’a Al-Grawi (witness 37) and Firas Al-Grawi (deceased 10) were both present at the scene as willing and active participants in the armed ambush of British troops on 14 May 2004 and I am satisfied that Firas Al-Grawi (deceased 10) was killed during the Northern Battle on 14 May 2004 and that his body was found in a canal running west from Route 6. When the events of the battle are covered later in this Report, this particular canal will be referred to as “Trench 2”.

6. Deceased 25 – Nissan Rasem Jabbar Al-Abbadi Al-Ruhaimi – death certificate 978154 (MOD007763)

- 2.79** Nissan Rasem Jabbar Al-Abbadi Al-Ruhaimi’s death certificate, issued on 15 May 2004, records the date and time of his death as “*6pm, 14 May 2004*” and the cause of death as “*(1) Bullet to the upper left side of the head, (2) Bullet to the upper part of the abdomen*”. The deceased’s date of birth is recorded as 28 August 1976, making him 27 at the time of his death.¹³²
- 2.80** The Inquiry located and obtained a witness statement from Nissan Al-Ruhaimi’s brother Bilal Rasem Jabbar Al-Ruhaimi Al-Ebadi (witness 71) who was at home in Al Majar al’Kabir on the afternoon of 14 May 2004 when he claimed to have heard and seen two helicopters about 4 or 5 kilometres away and the sound of gunfire.¹³³ Before sunset he travelled to the land that he and his brother farmed, which was to the west of Route 6, opposite the Pepsi factory.¹³⁴ He saw crops on fire, and assisted in carrying two bodies from drainage ditches.¹³⁵ He stated that he did not find his brother but returned to that area once it was light on 15 May 2004 and that at around 06.00hrs he had found his brother’s body floating in a drainage ditch.¹³⁶

¹²⁸ Assad Mozan Khalait Al-Kaabi (witness 78) (ASI000923) [89]

¹²⁹ Assad Mozan Khalait Al-Kaabi (witness 78) (ASI000924) [93]; It should be noted (i) that Assad Mozan Khalait Al-Kaabi (witness 78) did not know the deceased; (ii) that evidence from the deceased’s cousin (witness 37) and brother (witness 39) tends to suggest that Firas Al-Grawi’s body was found on the morning of 15 May 2004; and (iii) that evidence from the brother (witness 71) of Nissan Rasem Jabbar Al-Abbadi Al-Ruhaimi (deceased 25), whose body Assad Al-Kaabi described as being found at the same time, tends to suggest that the bodies were found on the morning of 15 May 2004

¹³⁰ Assad Mozan Khalait Al-Kaabi (witness 78) (ASI000926) [102]

¹³¹ Khuder Al-Sweady (witness 1) (ASI001094) [36]; It should be noted that evidence from the deceased’s cousin (witness 37) and brother (witness 39) tends to suggest that Firas Al-Grawi’s body was found on the morning of 15 May 2004

¹³² (MOD007765)

¹³³ Bilal Rasem Jabbar Al-Ruhaimi Al-Ebadi (witness 71) (ASI007623) [31]

¹³⁴ Bilal Rasem Jabbar Al-Ruhaimi Al-Ebadi (witness 71) (ASI007624) [34]

¹³⁵ Bilal Rasem Jabbar Al-Ruhaimi Al-Ebadi (witness 71) (ASI007624-25) [35]-[38]

¹³⁶ Bilal Rasem Jabbar Al-Ruhaimi Al-Ebadi (witness 71) (ASI007625-26) [41]-[43]

- 2.81** An ambulance was called to take Nissan Al-Ruhaimi's body to the Al Majar al'Kabir hospital.¹³⁷ Bilal Al-Ebadi was able to inspect the injuries to his brother's body at the time and again when it was inspected by a doctor at the hospital, who completed the death certificate. He saw the body again when it was prepared for burial later on 15 May. He noted bullet wounds to the face, a large injury to the back of the head, bullet wounds to his chest and right arm (with corresponding exit wounds) and an injury to his thigh.¹³⁸
- 2.82** Khuder Al-Sweady (witness 1) described searching for bodies on 14 May 2004 after dark, during which he had heard from others that the body of Nissan Rasem Jabbar (deceased 25) had been found in a canal.¹³⁹
- 2.83** Assad Mozan Khalait Al-Kaabi (witness 78) observed Nissan Al-Ruhaimi's body briefly whilst it was in the refrigerator at the Al Majar al'Kabir hospital, and saw that he had a gunshot wound to the head.¹⁴⁰
- 2.84** Hatem Abud Abed Hassan (witness 92) was a medical assistant working at the Al Majar al'Kabir hospital on 14 May 2004. He recalled examining Nissan Al-Ruhaimi's body during the evening, before it was placed in the mortuary, and noticing gunshot wounds to the head.¹⁴¹
- 2.85** I am satisfied that Nissan Al-Ruhaimi was killed during the Northern Battle on 14 May 2004 and that his body was found in a canal running west from Route 6, before being taken directly to Al Majar al'Kabir hospital.

7. Deceased 19 – Atheer Abdelameer Ja'far Sarout Al-Shweili – death certificate 978153 (MOD007745)

- 2.86** Atheer Abdelameer Ja'far Sarout Al-Shweili's death certificate, issued on 15 May 2004, records the date and time of his death as *"6pm, 14 May 2004"* and the cause of death as *"Entrance bullet wound to the right side of the back with an exit wound in the chest area"*. The deceased's date of birth is recorded as 9 June 1975, making him 27 at the time of his death.¹⁴²
- 2.87** In his first written Inquiry statement, Abbas Abd Ali Abdulridha (detainee 776) stated that he had seen Atheer Al-Shweili in the fields to the west of Route 6 and north of the Al Majar al'Kabir road on the afternoon of 14 May 2004, sometime after the battle had begun. He claimed that he had discussed with Atheer Al-Shweili whether they should leave the area.¹⁴³ However during his oral evidence, he completely rejected this, denied knowing Atheer Al-Shweili and was unable to explain how Atheer Al-Shweili's name came to be in his statement.¹⁴⁴
- 2.88** The Inquiry located and obtained a witness statement from Atheer Al-Shweili's father Abdelameer Ja'far Sarout Al-Ismaili (witness 57). He stated that he had last seen his son before noon on 14 May 2004. Abdelameer Al-Ismaili said that he understood that Atheer

¹³⁷ Bilal Rasem Jabbar Al-Ruhaimi Al-Ebadi (witness 71) (ASI007627) [47]

¹³⁸ Bilal Rasem Jabbar Al-Ruhaimi Al-Ebadi (witness 71) (ASI007627-28) [52]

¹³⁹ Khuder Al-Sweady (witness 1) (ASI001094) [36]; It should be noted that evidence from the brother of the deceased (witness 71), who stated that he found the body, suggests that Nissan's body was found on the morning of 15 May 2004

¹⁴⁰ Assad Mozan Khalait Al-Kaabi (witness 78) (ASI000931)

¹⁴¹ Hatem Abud Abed Hassan (witness 92) (ASI008089) [40]

¹⁴² (MOD007747)

¹⁴³ Abbas Abd Ali Abdulridha (detainee 776) (ASI000862) [20] Note: Atheer Al-Shweili (deceased 19) is referred to as "Athir Abed Al-Amir" in the statement.

¹⁴⁴ Abbas Abd Ali Abdulridha (detainee 776) [14/32-33]

Al-Shweili was going to the Al Amarah mosque for Friday prayers and that he then intended to go to a market in Al Amarah to purchase some parts for his bicycle business.¹⁴⁵

2.89 Abdelameer Al-Ismaili (witness 57) said that during the evening of 14 May he heard that there had been a battle and made his way to the hospital in Al Majar al’Kabir where he was told that his son was dead.¹⁴⁶ He was prevented by hospital staff from seeing the body at that time and so he returned home around midnight or 1am.¹⁴⁷

2.90 Abdelameer Al-Ismaili (witness 57) stated that around 05:00hrs or 06:00hrs on 15 May 2004 he returned to the hospital and collected Atheer Al-Shweili’s body from the mortuary.¹⁴⁸ He observed the following injuries: grazes and cuts to the face; one leg twisted at an unusual angle. He stated that he had been told that his son also had three bullet wounds in his back with a massive exit wound in the chest.¹⁴⁹

2.91 Khuder Al-Sweady (witness 1) stated that he was present when Atheer Al-Shweili’s body was found on the evening of 14 May 2004 in a dry irrigation channel to the west of Route 6 and north of the Al Majar al’Kabir road. He described the body as having a huge hole in it, and stated that his legs had been run over by a tank.¹⁵⁰

2.92 Assad Mozan Khalait Al-Kaabi (witness 78) saw Atheer Al-Shweili’s body briefly in the refrigerator at Al Majar al’Kabir hospital and observed a large calibre gunshot wound to the abdomen.¹⁵¹

2.93 Hatem Abud Abed Hassan (witness 92) was a medical assistant working at the Al Majar al’Kabir hospital on 14 May 2004. He recalled Atheer Al-Shweili’s body being brought to the hospital on the evening of 14 May 2004 along with the body of Nissan Rasem Jabbar (deceased 25). He observed the body as it was brought into the hospital and noted a bullet entry wound in his back with an exit wound in the abdomen.¹⁵²

8. Deceased 23 – Ali Dawood Aleiwi Al-Malki – death certificate 978156 (MOD007759)

2.94 Ali Dawood Aleiwi Al-Malki’s death certificate, issued on 15 May 2004, records the date and time of his death as “6pm, 14 May 2004” and the cause of death as “*Entrance bullet wound to the front of the head with an exit wound to the back of the head*”. The deceased’s date of birth is recorded as 7 April 1981, making him 23 at the time of his death.¹⁵³

2.95 The Inquiry located and obtained statements from Ali Al-Malki’s brother Alaa Dawood Aleiwi Al-Malki (witness 67) and his mother Farha Ja’yool Sa’d Al-Malki (witness 68).

¹⁴⁵ Abdelameer Ja’far Sarout Al-Ismaili (witness 57) (ASI007885) [22]

¹⁴⁶ Abdelameer Ja’far Sarout Al-Ismaili (witness 57) (ASI007886-87) [29]

¹⁴⁷ Abdelameer Ja’far Sarout Al-Ismaili (witness 57) (ASI007887) [30]-[31]

¹⁴⁸ Abdelameer Ja’far Sarout Al-Ismaili (witness 57) (ASI007887) [33]

¹⁴⁹ Abdelameer Ja’far Sarout Al-Ismaili (witness 57) (ASI007888) [36]

¹⁵⁰ Khuder Al-Sweady (witness 1) (ASI001094) [35]

¹⁵¹ Assad Mozan Khalait Al-Kaabi (witness 78) (ASI000930)

¹⁵² Hatem Abud Abed Hassan (witness 92) (ASI008088) [39]; Salman Oudah Zghair Al-Mohammedawi (witness 246) (PIL000545) stated that he was present on his land north of the Al Majar al’Kabir road and west of Route 6 at around 08:40hrs on 15 May 2004 when he became aware of 2 or 3 bodies being pulled from a canal, one of which he later learned was Atheer Abdelameer Ja’far Sarout Al-Shweili (deceased 19), also known to him by the name ‘Sayid Atheer’. The Inquiry did not call the witness to give oral evidence, because all witnesses consistently state that Atheer Al-Shweili’s body was collected by Iraqis from the fields (and was therefore not one of those who may have been unlawfully killed at Camp Abu Naji)

¹⁵³ (MOD00776)

- 2.96** Alaa Dawood Aleiwi Al-Malki (witness 67) said that he had travelled on foot to the Al Majar al’Kabir hospital at 8pm on 14 May 2004, having heard about the battle from others and also that some bodies had been taken to the hospital.¹⁵⁴ He went in company with his mother (witness 68).¹⁵⁵ He claimed to have known that his brother (deceased 23) had been working in the fields to the west of Route 6 and north of the Al Majar al’Kabir road that day, looking after goats.¹⁵⁶ At the hospital he identified his brother’s body and observed the following injuries: a gunshot wound to the forehead with a black colour around the injury; a large open exit wound to the back of the head; blue bruising on the upper arms and torso the shape and size of a military boot.¹⁵⁷ The body was left in the hospital refrigerator overnight and Alaa Al-Malki returned on 15 May 2004 and collected the body and death certificate.¹⁵⁸
- 2.97** Farha Ja’yool Sa’d Al-Malki (witness 68) said that she understood that her son Ali Al-Malki (deceased 23) had been tending the family flock of 150 sheep on 14 May 2004.¹⁵⁹ She stated that she had heard sounds of gunfire around 3 or 4pm on 14 May, and saw aircraft in the sky.¹⁶⁰ She became concerned when Ali Al-Malki did not return by sunset and went to the family farm to look for him in company with her daughter.¹⁶¹
- 2.98** Farha Al-Malki said that there were others there looking for relatives and also some police officers.¹⁶² She had found Ali Al-Malki’s body in a stream at the edge of a field and, on seeing the body, she had passed out.¹⁶³ She recalled attending the Al Majar al’Kabir hospital that night and taking the body home before the morning. Farha Al-Malki was present when her son’s body was washed in readiness for burial and noted the following injuries: a single bullet wound to the centre of his forehead with blue colouring around it and a much larger wound to the rear of the head; large areas of severe bruising on his upper right arm and chest in particular, and what appeared to be boot marks.¹⁶⁴
- 2.99** I am satisfied that Ali Al-Malki (deceased 23) was killed during the Northern Battle on 14 May 2004 and that his body was recovered from a canal running west from Route 6 before being taken directly to Al Majar al’Kabir hospital.
- 2.100** Having regard to the state of the evidence concerning the foregoing 8 individuals, as summarised above and as outlined by Mr Acton Davis QC in his opening statement as Lead Counsel to the Inquiry, on 11th March 2013 (Day 5 of the oral hearings) I gave a direction that the Inquiry, the Core Participants and the Treasury Solicitor should thereafter proceed on the basis that, in fact, the foregoing eight deceased Iraqis (i.e. Deceased 10, 13, 19, 21, 23, 25, 29 and 30) had died on the battlefield and that their bodies had not been taken back to Camp Abu Naji. I further directed that any party who objected to that approach should lodge written submissions, giving reasons why it was suggested that any of the 8 individuals did not die on the battlefield and/or had been taken to Camp Abu Naji by close of business on 15th March 2013.¹⁶⁵ None of the parties lodged any objection. It thus became clear that

¹⁵⁴ Alaa Dawood Aleiwi Al-Malki (witness 67) (PIL000141) [29]

¹⁵⁵ Alaa Dawood Aleiwi Al-Malki (witness 67) (PIL000141) [30]

¹⁵⁶ Alaa Dawood Aleiwi Al-Malki (witness 67) (PIL000137) [12]-[13]

¹⁵⁷ Alaa Dawood Aleiwi Al-Malki (witness 67) (PIL000142) [34]-[37]

¹⁵⁸ Alaa Dawood Aleiwi Al-Malki (witness 67) (PIL000144) [42]

¹⁵⁹ Farha Ja’yool Sa’d Al-Malki (witness 68) (ASI007639) [5]

¹⁶⁰ Farha Ja’yool Sa’d Al-Malki (witness 68) (ASI007642) [16]-[17]

¹⁶¹ Farha Ja’yool Sa’d Al-Malki (witness 68) (ASI007643) [18]-[19]

¹⁶² Farha Ja’yool Sa’d Al-Malki (witness 68) (ASI007643) [21]

¹⁶³ Farha Ja’yool Sa’d Al-Malki (witness 68) (ASI007643-44) [22]

¹⁶⁴ Farha Ja’yool Sa’d Al-Malki (witness 68) (ASI007644) [23]

¹⁶⁵ The Direction is included in Appendix 6 to this Report

everybody accepted that the 8 individuals in question had all died and/or been fatally injured on the battlefield and that none of them had been taken back to Camp Abu Naji at any stage.

2.101 Having established the identities of the 28 Iraqi citizens who were killed and/or fatally injured in the battle of Danny Boy, I now turn to consider the circumstances in which they met their deaths on, or as a result of the events of, 14 May 2004. As already indicated, this necessarily involves a consideration of the facts and circumstances of the Battle of Danny Boy.