

1 IN THE MATTER OF AN INVESTIGATION INTO THE DEATH OF MR AHMED

2 JABBAR KAREEM ALI

3

4 Court 15
5 7 Rolls Buildings
6 Fetter Lane
7 London
8 EC4A 1NL

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10

18 May 2016

11

12

Before

13

SIR GEORGE NEWMAN (THE INSPECTOR)

14

(No video link to Iraq due to technical difficulties)

15

16

MS J LOWIS (Counsel in London)
MS Z AL-QURNAWI (Counsel in Iraq - unable to attend
via video link due to technical difficulties)

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S016 was represented by MS HELEN MOSS
S017 was represented by MR FADI DAOUD
S018 was represented by MR SIMON NATAS
S015 was represented by MR DUNCAN HENDERSON

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2 (9.30 am)

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(Proceedings delayed)

4

(10.34 am)

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Introduction by THE INSPECTOR

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THE INSPECTOR: Good morning. Can I say how sorry I am for what's become almost an intolerable delay. We've been endeavouring to establish a video link with Iraq.

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We reached a stage at which I was able to see the gathering in Iraq, the gathering being a lawyer who assists me in my investigations, with the member of the family of the deceased who presently represents him, and the witness, Hanon. Their purpose was not to participate in any active way. Their purpose was to witness what we were doing today in order to give that element of participation to the family of the deceased, in particular, which these investigations are meant to occasion.

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Regrettably, I don't believe it's in anybody's interests, and in particular your interests as witnesses today, for you to wait any longer. I gather that technical efforts will be made to try and solve the problem so that they can watch if the link is established. But for the moment we must go on.

25

The first thing I want to do today is to give some

1 sort of an update as to where this investigation is, and
2 also to draw particular attention, for the benefit of
3 the four soldiers who are here today, what it is that
4 I want to do.

5 So far as the update is concerned, let me record
6 what I can from my present findings in very brief form.

7 Ahmed Jabbar Kareem Ali, the deceased, aged
8 15 years, was detained with three other looters near the
9 Basra General Hospital by members of British Forces in
10 Iraq on 8 May 2003. He was taken by four soldiers,
11 members of the Irish Guards, in a Warrior tank,
12 a distance of some 8 kilometres from the hospital to the
13 edge of the Shatt al-Basra canal at a point where the
14 canal is crossed by a bridge known as Bridge Four. He
15 drowned there in the presence of the four soldiers.

16 British Forces, including the Irish Guards, had
17 experienced fierce fighting at that bridge only a month
18 or so before 8 May, in the course of their assault and
19 progress towards Basra, which led to the end of the
20 combat campaign to occupy Basra. The bridge was known
21 to them. As the map shows, it lies at a point about
22 8 kilometres along a straight road from Basra
23 General Hospital.

24 I want to make clear what I wish to concentrate on
25 today, and to do so will indicate the facts and

1 circumstances which are sufficiently clear for present
2 purposes from the evidence I have already received.
3 I am making these statements, which have to be seen as
4 preliminary, in order to focus the attention of the
5 soldiers upon the matters which I wish to hear from
6 them.

7 1. Looting commenced in Basra within hours of the
8 British Forces occupying the city. In days, an
9 explosion of serious, widespread and comprehensive
10 looting occurred. The buildings, the infrastructure,
11 contents of buildings, in particular public offices,
12 were stripped, contents taken out. The buildings were
13 taken apart by hundreds, if not thousands, of looters.

14 2. There had been no preparation or planning for
15 looting on this scale. Little or no instruction or
16 training was given to soldiers. In any event, it would
17 appear, the scale was well beyond the ability of the
18 British Forces' capacity to bring under control.

19 3. It was directed that specific buildings and
20 assets had to be given some form of 24-hour protective
21 guard. Basra General Hospital was one such building and
22 facility. Platoons of the Irish Guards provided
23 protection on a rotational basis by positioning
24 a Warrior tank at the front of the building, with
25 dismounts present in the hospital and available to

1 patrol outside.

2 4. An initial instruction that looters were to be
3 detained and processed through the chain of command
4 proved largely unworkable because of the numbers
5 involved and the absence of facilities and soldiers to
6 handle the process.

7 What then happened or was happening at a policy
8 level and in high command is likely to require more
9 investigation by me, perhaps in the context of other
10 similar occurrences. But for the moment I can record
11 that it seems likely that the need to do something about
12 looting fell into a procedurally formless vacuum and
13 rested within the discretion of company and section
14 commanders.

15 In that vacuum, and in the exercise of that
16 discretion, it would seem that various homemade
17 processes and procedures were devised and, probably by
18 gossip rather than instruction, spread to different
19 companies and platoons. It seems likely that some
20 platoons took the view there was no point in trying to
21 stop, deter or apprehend looters. Others -- reasonably,
22 as I would be likely to conclude -- took the view that
23 something had to be done.

24 As I have said, the detail and significance of the
25 absence of instruction are for more investigation by me

1 and they will be considered. But I need not and do not
2 want the matters which I have to examine in what could
3 be termed the wider background circumstances affecting
4 chain of command to hold up what I see as the high
5 priority for everybody, including the soldiers here
6 today and the family in Iraq, to delay getting on with
7 the focused part of my investigation, which centres on
8 what happened at the canal.

9 The only need for me by way of record to state is
10 that among the homemade procedures to which I have
11 referred, two of them have a relevance in this case:
12 first, the taking of looters and depositing them
13 a distance away from the looting; and secondly, making
14 looters wet, not as might conventionally be a method to
15 break up rioting, namely using fire hoses or water
16 cannon, but by detaining one or more of them and then
17 seeing that they were made wet by a measure of immersion
18 in any water which might be available, either nearby or
19 at hand or at some distance.

20 It is well known that the four soldiers who have
21 attended today in response to my request -- and for
22 their attendance I express my appreciation -- were
23 prosecuted in court-martial proceedings for manslaughter
24 and they were acquitted.

25 For reasons connected with the pursuit of that

1 prosecution, a considerable degree of attention was paid
2 to the military considerations and orderliness of
3 a Warrior tank departing from the static position,
4 leaving any dismounts who were there at the hospital,
5 and then travelling a distance from the secure operation
6 in which it was actually involved. That is not a matter
7 upon which I wish to spend a great deal of time today.

8 Further, for the convenience of the trial, the
9 exposures of looters to being made wet was referred to
10 by counsel as "the practice of wetting". That phrase,
11 it seems, has achieved as a result a form of recognised
12 status which in my judgment may well not be merited.
13 Insofar as it could be regarded as a practice, it
14 remains something I will look into after today and
15 perhaps, as I say, in the context of any other similar
16 case.

17 Further, a section of the evidence centred at the
18 court-martial upon allegations of specific acts taken by
19 the soldiers to force the looters into the canal.
20 I want to emphasise to them today that I am much more
21 concerned for them to grasp and recognise the undeniable
22 fact that four looters entered the water of the canal up
23 to their waists; as I would, applying common sense, be
24 minded to conclude, obviously not because they wanted to
25 spend time splashing about in the shallows of the canal

1 before walking home. One of them floundered and was
2 seen to go under, but he was not rescued and he drowned.

3 These are, as I see it, from all the evidence I have
4 heard or gathered, undeniable facts. I want the
5 soldiers today to grapple and grasp those facts and for
6 us to move the investigation on from those undeniable
7 facts so that we have as thorough an understanding of
8 what happened at the canal as I can achieve.

9 The soldiers have made statements for the purposes
10 of this investigation, and I am grateful to them. They
11 are on the website. They have had the benefit of legal
12 advice and assistance in that process, and they still
13 have the benefit of legal advice and guidance. I am
14 grateful to their solicitors for the work that has been
15 done. But as I have already said, the purpose of today
16 and my investigation at the moment is to take matters
17 beyond the level of clarity achieved at the
18 court-martial, beyond the level of clarity which I have
19 endeavoured to emphasise today.

20 I have already explained to them and their lawyers
21 that I am not here to determine issues of legal
22 culpability but to find the facts. I have explained to
23 them -- and they must well know, but if they are in
24 doubt, they must ask me and tell me -- that in giving
25 their accounts, they should not be inhibited by fears

1 that they may incriminate themselves. They have the
2 benefit of assurances from the Attorney General and from
3 the International Criminal Court in connection with
4 their own evidence. They have protection under the
5 general law, which militates against being prosecuted
6 again.

7 Now is the time for each of them to give me the
8 details so that I can report fully and adequately, and
9 put an end to investigations into what they did on
10 8 May 2003. What was done or known about on a wider
11 front may have to wait.

12 I cannot overemphasise how important it is that each
13 of the soldiers realises the framework of today. By
14 giving me an account which is candid and full and
15 honest, each has protection. Unevenness between
16 accounts as given might have the effect of leaving
17 a particular member of that group exposed, not in a way
18 which I can be sure, but exposed to the appearance, in
19 any event, that he has been less than candid.

20 It is in the interests of each one of you to put
21 an end to this investigation and enable me to leave no
22 matters open. Putting an end to it is in everybody's
23 interests, your interests, so many years after the
24 event. Like the family of the deceased, you, I know,
25 have suffered, some perhaps more than others. But the

1 remedy lies in what we do between now and about
2 1 o'clock.

3 Before asking you to come forward, let me explain
4 the impact of what has already been said to me.

5 On the evidence I have received so far, I am far
6 from satisfied by a suggestion which has been put
7 forward that the Warrior travelled 8 kilometres, to
8 within a few metres of the edge of the water in the
9 canal, simply to deposit the four looters away from the
10 looting site and because, additionally and incidentally,
11 it was a convenient point to turn the Warrior around;
12 and yet further, incidentally, four looters entered the
13 water. That does not have, to me, any ring of a reality
14 about it, and I want realism.

15 On the evidence I have received so far, I am not
16 impressed by a suggestion that the four looters
17 voluntarily walked into the canal. Again I ask for
18 common sense. They were in the presence of four fully
19 armed soldiers and had been detained and conveyed in
20 close quarters, cuffed by rags, it would seem, to each
21 other, or in pairs, inside an armoured vehicle. On any
22 basis, people subjected in that position and detained
23 would have been terrified of the whole experience, and
24 when they arrived at Bridge Four and the edge of the
25 canal could not be regarded, it seems to me, by someone

1 exercising common sense, as people who had exercised
2 a choice to go into the canal.

3 While some of the soldiers speak of the looters in
4 the water, I am not presently impressed by the
5 suggestion that not all of the soldiers were
6 sufficiently proximate to know and see what happened.

7 I expect candour and common sense to prevail in the
8 accounts which I am to be reviewing today by my
9 questions. It is in everybody's interest to reflect on
10 what I have said. I have said it slowly, deliberately
11 and repeated in effect the same point to enable it to
12 rest deeply in your consciousness.

13 I have granted, at the request of these soldiers and
14 indeed others, anonymity for the purposes of my
15 investigation. Therefore what we will hear from them
16 today will be from them identified by their cipher
17 numbers. There will be, for the witness giving
18 evidence, a cipher code, so that he will be able to
19 follow when he gives his evidence the cipher references
20 and maintain that anonymity.

21 For the purposes of the media, I of course recognise
22 that the fact of the court-martial and the fact that
23 other things have occurred may well enable the diligent
24 reporter/journalist to identify names from what they
25 hear today, but I ask that they do not do that and

1 reveal the identity of the soldiers. They are entitled
2 now to anonymity and I ask that that be preserved.

3 I start the questions that I have to ask, please, of
4 S016.

5 Could you come to here (indicated), S016.

6 MS MOSS: We weren't aware of which cipher number was which,
7 sorry.

8 THE INSPECTOR: You should have had it, I'm sorry.

9 There should be a witness bundle. We will put this
10 in the witness bundle at divider 6. And anybody else
11 who needs one, please ...

12 S016, come forward now, please, and then we will
13 take it from there.

14 S016 (called)

15 Questions by THE INSPECTOR

16 THE INSPECTOR: S016, if you have the bundle in front of you
17 there with a table of contents.

18 A. Sure.

19 THE INSPECTOR: Do you see tab 7?

20 A. I do.

21 THE INSPECTOR: It refers to a copy of your statement.

22 A. Okay.

23 THE INSPECTOR: Could you, just for the record, please
24 identify that as your statement made to this
25 investigation? (Pause) You needn't read it all.

1 A. Yes, it looks like mine.

2 THE INSPECTOR: It was signed, but it's been redacted of
3 course. I think we can be satisfied -- and Helen Moss
4 will tell me if I can't be -- that this is your
5 statement and that you can identify it.

6 Does that statement contain an accurate and true
7 account, to the best of your recollection, of the events
8 of 8 May 2003?

9 A. Having not read through all this right now, sir, I would
10 say no. But if this is a part of the evidence that's
11 included, then it would be.

12 THE INSPECTOR: You have read the statement after you made
13 it, I take it?

14 A. From recollection, I imagine that I would have done
15 throughout the proceedings. But I haven't read through
16 it since turning up here; I don't need to.

17 THE INSPECTOR: No, I don't think you do. What I want to do
18 is really just make sure that I can take this
19 statement -- as I have already, since you submitted it.

20 A. Yes.

21 THE INSPECTOR: I take this statement as your best
22 recollection when it was made of the events, and that
23 it's true and accurate as you recollected at the time.

24 A. Yes.

25 THE INSPECTOR: Is that all right?

1 A. Yes, that's fine.

2 THE INSPECTOR: Thank you.

3 Since the statement is there and it's on the
4 website, I don't need to take you through it.

5 I want to go to 8 May itself. Just taking you back
6 to it, if you have, if you like, that statement open at
7 paragraph 18, page 4.

8 A. Yes.

9 THE INSPECTOR: You tell me that on the morning of 8 May,
10 which was your last day in Basra, you were on static
11 guard outside Basra General Hospital --

12 A. Correct.

13 THE INSPECTOR: -- tasked with protecting it as part of the
14 rotational obligations that there were to be done.

15 A. Sir.

16 THE INSPECTOR: If you drop down to paragraph 22, you say in
17 that paragraph:
18 "I had comms ..."
19 That's communications, I take it?

20 A. Mm-hmm.

21 THE INSPECTOR: "... with ... SO15 and he instructed me
22 where to drive to which was out to Bridge Four."

23 A. Sir.

24 THE INSPECTOR: You of course being the driver of the
25 Warrior?

1 A. Mm-hmm.

2 THE INSPECTOR: That's right?

3 A. Yes.

4 THE INSPECTOR: Are you able to help me as to at what point
5 in the journey he told you to drive to Bridge Four?
6 I mean by that: was it at the outset or in the course of
7 it or what?

8 A. Mm-hmm.

9 THE INSPECTOR: What do you remember?

10 A. So to my recollection, being given a general direction
11 towards a particular location isn't how it operates. It
12 would normally be, "When you're ready to move off,
13 [S016]", outside the door or outside the gate or
14 wherever we are, and turn in a particular direction.
15 I would go in that direction and we would continue to
16 drive until the next order would be given.

17 THE INSPECTOR: Have you now any recollection of that day,
18 when you were at the hospital and you were, as it were,
19 ready and off to move in the Warrior, as to what was
20 said? Was it anything specific, or simply "Move off and
21 turn right" or "Move off and turn left" or what?

22 A. I would imagine ... I say "imagine". To my
23 recollection, it would have just been a conversation of,
24 "When you head out of here, [S016], turn right".

25 THE INSPECTOR: You say in this paragraph that you were

1 instructed to drive and you mentioned Bridge Four. Do
2 you remember now the stage at which you became aware
3 that you were driving the Warrior to Bridge Four?
4 A. No, sir.
5 THE INSPECTOR: You don't?
6 A. No.
7 THE INSPECTOR: Do you remember the stage of the journey
8 when you were instructed to do something else other than
9 to drive?
10 A. Yes. As we started to approach Bridge Four, I was
11 instructed to turn left, which crosses over the junction
12 and takes you into the area under Bridge Four.
13 THE INSPECTOR: The area under Bridge Four?
14 A. Yes, yes.
15 THE INSPECTOR: Do you remember that being given to you as
16 a specific instruction in that journey?
17 A. Yes, I wouldn't have done it on my own accord.
18 THE INSPECTOR: I don't want to put pressure on you, but
19 there are photographs of Bridge Four and the canal --
20 A. Mm-hmm.
21 THE INSPECTOR: -- in the bundle in front of you. Do you
22 feel able to look at them?
23 A. Yes, that's grand.
24 THE INSPECTOR: If you look at the first divider, number 1,
25 do you recognise that as Bridge Four?

1 A. I certainly recognise the buildings on the opposite side
2 of the bank and ... I don't so much recognise the
3 stanchions in the middle of the river.

4 THE INSPECTOR: Never mind. But I can tell you that that is
5 Bridge Four.

6 A. Yes, yes.

7 THE INSPECTOR: When you say you went under the bridge, you
8 were instructed to go under the bridge, come off the
9 road and under the bridge, do I assume that you would
10 have been to the left of the cameraman in this
11 photograph?

12 A. Yes.

13 THE INSPECTOR: Do you remember what caused you to stop at
14 the point where you did stop the Warrior?

15 A. Being instructed to do so.

16 THE INSPECTOR: What, "Stop, stop the Warrior"?

17 A. Yes, "Stop here".

18 THE INSPECTOR: "Stop here"?

19 A. Yes.

20 THE INSPECTOR: Do you remember now how far away from the
21 water you were when you were told to stop?

22 A. Yes, I know there has been some discussion as to the
23 length between where the Warrior was and the bank, and
24 I would say that, from memory, it would have been
25 anywhere between 2 to 5 metres or something; not very

1 far.

2 THE INSPECTOR: Did you understand -- if you had any
3 understanding -- did you understand you had been
4 instructed to drive and to stop at that point?

5 A. I remember no conversation ever taking place as to what
6 exactly the plan was, and so more than likely I operate
7 in my own little world when I'm driving that Warrior and
8 just do as instructed. I knew that we had the looters
9 in the back of the Warrior vehicle. And so, yes,
10 I don't think much consideration was ever put to it.

11 THE INSPECTOR: So when you stopped, what did you consider
12 you had to do, having stopped the vehicle?

13 A. From my recollection, whenever the vehicle stopped, I've
14 always struggled to remember whether the hydraulics for
15 the rear door were broken or they were fixed at that
16 point, but I remember getting out of the vehicle and
17 heading round to the back and -- yeah, it was just ...
18 I don't know whether I was told to get out or whether
19 I just got out of my own accord.

20 THE INSPECTOR: Is it right that S015 was with you, as it
21 were, at the top of the vehicle?

22 A. Mm-hmm. (Nods)

23 THE INSPECTOR: And S017 and S018 were inside the Warrior in
24 the course of the journey?

25 A. Mm-hmm.

1 THE INSPECTOR: You do have a recollection, do you, of going
2 round to the back door?

3 A. Sir.

4 THE INSPECTOR: Can you remember: was it you who opened it
5 or was it opened or what? If you can't remember, do
6 tell me you can't remember.

7 A. I think if I was to lean a particular way then it would
8 be that the door was already open, but it becomes hazy
9 as to whether actually I cracked the door open for them
10 or not.

11 THE INSPECTOR: Somebody inside could have opened it from
12 the inside?

13 A. Yes, yes. There are ways and means to do that.

14 THE INSPECTOR: When you were there, do you remember now
15 where S015 was?

16 A. At the point of opening the door?

17 THE INSPECTOR: Mm.

18 A. No.

19 THE INSPECTOR: You have described in your statement what
20 you remember happening next.

21 A. Mm-hmm.

22 THE INSPECTOR: Can you just give it to me in just a few
23 words, so that I have it in your own words now as you
24 recollect it.

25 A. Mm-hmm.

1 So from getting to the rear of the vehicle, I joined
2 with [S017]. I then took over two of the looters to try
3 and untie the rags in which they were connected with.
4 I remember [S018] being on my left and the guys that
5 I was with were tugging around and pulling whilst I was
6 trying to untie the rags.

7 THE INSPECTOR: Try and use the cipher code, could you.

8 A. Ah yes, apologies.

9 And so -- yes, so from there -- yes, I tried to undo
10 the rags from the looters and then ... from there my
11 memory goes to looking round to my right-hand side,
12 where S015 was there and asked me to come over there and
13 to join that area, at which point S017 and 18 were
14 already at that location --

15 THE INSPECTOR: What is the location you are now referring
16 to?

17 A. The edge of the riverbank.

18 THE INSPECTOR: The edge of the canal?

19 A. Yes.

20 THE INSPECTOR: The edge of the water.

21 A. And then from there, that's when the looters were
22 then -- made their way down into the bank.

23 THE INSPECTOR: Was there some difficulty in de-cuffing the
24 rags that were keeping the two looters you had control
25 of from each other?

1 A. Yes. You've kind of already alluded to the fact that,
2 you know, the individuals would have been certainly
3 scared of the situation that they found themselves to be
4 in. And so whenever I was trying to untie the rags that
5 they were connected to, it was quite tight, and some
6 part of me remembers asking S017 if he would be able to
7 find something to be able to cut the rags and then ...
8 yes, so eventually I managed to get the rags untied
9 myself.

10 THE INSPECTOR: By the time you had done that, are you
11 saying that by that time S015, S017 and S018 were on the
12 edge of the canal with the other two looters?

13 A. Sir.

14 THE INSPECTOR: Do you remember S015 saying anything to you
15 about what to do with the two looters you had just
16 disconnected one from the other?

17 A. No, sir.

18 THE INSPECTOR: What did you do with the two looters?

19 A. From there, they then -- my two went down and joined the
20 other two looters that had already started making their
21 way down the bank. When looking at these pictures, the
22 bank looks completely different to what my memory
23 serves.

24 THE INSPECTOR: Yes, I think that's fair enough. There are
25 other photographs which do show what might be regarded

1 as a rather more shallow entrance into the water. Is
2 that what you are --

3 A. Yes.

4 THE INSPECTOR: -- in broad terms referring to?

5 A. Yes. Are they in --

6 THE INSPECTOR: They are not in this bundle, I'm afraid, but
7 they are available to me and I've seen them, and they
8 are so described.

9 Why did the two looters that you had released one
10 from the other go down? What caused them to go down to
11 the edge of the water?

12 A. The two that I had?

13 THE INSPECTOR: Yes.

14 A. I very much imagined that by having control of the two
15 of them, that I would have, by motion, pointed them
16 towards the other two looters that were already at that
17 location.

18 THE INSPECTOR: And you still had your rifle with you at
19 this time?

20 A. Either it would have been on my person and strapped
21 around or it would have remained in the driver's cab of
22 the Warrior vehicle.

23 THE INSPECTOR: Do you remember whether you gesticulated to
24 them: get down to the water's edge, with your rifle or
25 by any means?

1 A. Certainly not with the rifle or aught like that because
2 I had command of both of them, one in each hand. And so
3 through gesticulating that, you know, I'm pointing them
4 in that particular direction, then yes.

5 THE INSPECTOR: Where did you hold them in order to have
6 command of them?

7 A. I believe I had them under the armpits.

8 THE INSPECTOR: Are you able now to say whether one of the
9 two that you had was the one that drowned?

10 A. No, sir.

11 THE INSPECTOR: Do you have any recollection of the physical
12 size of the one who drowned?

13 A. No, sir.

14 THE INSPECTOR: Did you yourself form any view -- no reason
15 why you should have done particularly -- but did you
16 form a view as to whether or not he was a youth or a man
17 or what?

18 A. No, I don't think that I did.

19 THE INSPECTOR: You describe -- and I don't for the moment
20 want to go over matters that are there for me -- but you
21 describe having to deal with one of the looters who was
22 obviously very disturbed --

23 A. (Nods)

24 THE INSPECTOR: -- and you hit him on the head.

25 A. Yes, whenever I was trying to untie the rags, when they

1 were -- because of their distressed state, they were
2 trying to tug on me and pull on my body armour and
3 things of those sorts, and he was making the task that
4 I was, I suppose, so engrossed in all the more
5 difficult.

6 THE INSPECTOR: Would you therefore agree that they were
7 probably terrified, both of them, with what was
8 happening?

9 A. I would certainly ... I would agree with the statement.
10 But in the same breath, the individuals or anybody from
11 that particular environment, knowing the situation that
12 they got themselves into, know what it takes to be able
13 to get out of those sorts of situations. And so whilst
14 I agree that they probably would have been scared,
15 absolutely, I don't deny that for a second, but at the
16 same time they weren't a blubbering mess and incapable
17 of controlling themselves.

18 THE INSPECTOR: Right. Did the two that you had been
19 concerned with enter the shallow water of the canal?

20 A. Yes.

21 THE INSPECTOR: Do you remember that?

22 A. I do.

23 THE INSPECTOR: Do you know why they did that?

24 A. Yes, because we were standing on the bank and then they
25 continued to walk down until they were standing in the

1 water.

2 THE INSPECTOR: Do you remember seeing all four of them in
3 the water?

4 A. I do. I have visions of that, yes.

5 THE INSPECTOR: Were they in water which was about waist
6 height?

7 A. I would say between that ... From my recollection, the
8 water seemed to be slow-moving, but that might just be
9 what my brain wants me to tell myself. But I do
10 remember there being difficulty in footing, if you like,
11 maybe because of the tides or just because of whatever
12 was underneath the water that was on their feet, because
13 none of them had shoes on that I can remember. And so
14 they were just, yes, slightly stumbling around to try
15 and find their footing in and around that height.

16 THE INSPECTOR: All four of them?

17 A. Yes.

18 THE INSPECTOR: At that time, whilst this was going on --
19 not for, as I understand it, any long period of time --

20 A. No.

21 THE INSPECTOR: -- the four of you, the soldiers, you were
22 at the edge of the canal?

23 A. Mm-hmm.

24 THE INSPECTOR: What do you remember the four of them doing?
25 Do you remember how they conducted themselves once they

1 had achieved some footing or hadn't achieved footing?
2 What happened?

3 A. So my memory recalls it, they were literally just
4 standing there staring at us. I don't know whether they
5 were holding on to each other's hands at a point, if
6 they were losing their footing or aught like that. But
7 then I -- I think I recall it was the third man in from
8 the left that started to get into difficulty and then
9 popped under the water, and I think that happened maybe
10 two or three occasions before the next conversations
11 took place.

12 THE INSPECTOR: So let's call him number 3 pops under the
13 water, well, literally goes under the water, two or
14 three times?

15 A. Mm-hmm.

16 THE INSPECTOR: And that means comes up at least twice?

17 A. Mm-hmm.

18 THE INSPECTOR: So that you could see his head and face
19 again?

20 A. Yes.

21 THE INSPECTOR: What sort of state was he in? How was he
22 behaving? Was he calling out or ...?

23 A. So I remember no noise, I remember no splashing about.
24 Yes, none of that recalls to my mind.

25 THE INSPECTOR: And what about the other three?

1 A. They stood there.

2 THE INSPECTOR: Why -- I imagine it did go through your
3 mind -- why did you think they were in the water? Why
4 did you think that the four of them had been brought by
5 you and put into the water? What did you think was
6 going on?

7 A. Honestly, no clue. It wasn't ... it was not thought in
8 my mind.

9 THE INSPECTOR: Sorry?

10 A. It was not thought that in my mind, as to what the
11 outcome was desired to be.

12 THE INSPECTOR: Well, what the process itself was?

13 A. No.

14 THE INSPECTOR: No idea?

15 A. No.

16 THE INSPECTOR: Had you ever seen it before?

17 A. Not that I had done, no.

18 THE INSPECTOR: Had you heard by way of gossip that ...

19 A. No.

20 THE INSPECTOR: -- looters were sometimes, somehow, made
21 wet?

22 A. Certainly not that I can recall of, no.

23 THE INSPECTOR: Why did you think you were there and this
24 was going on?

25 A. I honestly have no answer. I do not know.

1 THE INSPECTOR: Then I think you were going to tell me
2 something was said by somebody whilst his head was going
3 down and then coming up again and so forth.

4 A. Yes. So I imagine between the four of us, SO15, 16, 17
5 and 18, there was a recognition that something wasn't
6 right. I tried numerous times to try and remember
7 whether I removed any clothing. I have -- I have some
8 memory of being upset that I was going to get wet and
9 have to jump in. I can't remember whether I took my
10 boots off either. It's ... yeah.

11 THE INSPECTOR: There's some evidence from others that you
12 did take some clothing off. Were you, do you think,
13 preparing to try and go in and help him?

14 A. That was certainly the idea.

15 THE INSPECTOR: And why didn't you?

16 A. Conversations changed. We got back in the vehicle and
17 that was that.

18 THE INSPECTOR: Did it cross your mind that he could drown
19 if you didn't go in and help him?

20 A. Through a process of common sense now, yes. At the
21 time, did I have that thought? I don't know. I could
22 only imagine that I would have done, but I can't say for
23 sure whether I actually did consider that.

24 THE INSPECTOR: Was there anything specific that was said
25 which meant you didn't go on taking your clothes off and

1 go into the water?

2 A. So part of me wants to say that ... that I was about to
3 go in, and the order was given that we would mount back
4 up and we're off, yes.

5 THE INSPECTOR: When you say part of you, part of you
6 suggests a recollection that's what happened, what does
7 the other part of you say?

8 A. That I just can't remember and that I'd be making it up
9 through my own memories of just what army life is like
10 and how the conversations go.

11 THE INSPECTOR: But the decision to move from the water's
12 edge, can you now say was there some form of decision
13 made, an instruction given to leave the water's edge?

14 A. Sir.

15 THE INSPECTOR: That's for the leader, the commander of the
16 Warrior, is it?

17 A. Yes, I would choose the language of the commander of the
18 vehicle, yes.

19 THE INSPECTOR: Hmm?

20 A. Yes, the commander of the vehicle.

21 THE INSPECTOR: Would you leave the water if the commander
22 of the vehicle said nothing, didn't say, "We're going to
23 leave"? I mean, what makes you leave the water? That's
24 what I want to know.

25 A. By command that's given. We don't operate

1 independently; it's not how it works.

2 THE INSPECTOR: Then you went off in the Warrior back to

3 Basra General Hospital?

4 A. Sir.

5 THE INSPECTOR: You say in your statement that you are sorry

6 that this happened. Do you want to look at the bit --

7 A. I don't need to look at it, sir.

8 THE INSPECTOR: What are you really sorry for, which part of

9 what happened?

10 A. That for all the nous that I have about me and the way

11 in which I've been brought up by the men in my family,

12 I'm a lot greater than what I allowed myself to find

13 myself in. It goes against pretty much everything of

14 who I am and ... yeah, I'm ... you know.

15 THE INSPECTOR: What, that you left --

16 A. Mm-hmm.

17 THE INSPECTOR: -- without going into the water?

18 A. Mm-hmm.

19 THE INSPECTOR: Is that what you mean?

20 A. Yes. As well as because I had the ability to be able to

21 make the outcome far different from what it is that

22 we're talking about today.

23 THE INSPECTOR: As I have seen, you were awarded the

24 Military Cross for outstanding courage --

25 A. Sir.

1 THE INSPECTOR: -- in Afghanistan.

2 A. Mm-hmm.

3 THE INSPECTOR: Going to the rescue of an interpreter.

4 A. Mm-hmm.

5 THE INSPECTOR: Thank you. Thank you very much. Would you
6 like to go back now.

7 A. Sir.

8 (S016 withdrew)

9 THE INSPECTOR: S017, please. Again, are you ignorant of
10 ciphers still? S017.

11 S017 (called)

12 Questions by THE INSPECTOR

13 THE INSPECTOR: Looking at the bundle in front of you, does
14 it have the contents page there at the front --

15 A. Yes.

16 THE INSPECTOR: -- or does it have a cipher code or list in
17 front?

18 A. The cipher code is here and the contents is in the
19 folder, yes.

20 THE INSPECTOR: Fine. Then S017, could you go to tab 8.

21 A. Yes.

22 THE INSPECTOR: Could you just confirm for me that you did
23 make a statement and that that statement was signed and
24 supplied by you to me, and can you take it from me that
25 now redacted and in the shape it is, that's the

1 statement in the bundle?

2 A. It is, yes.

3 THE INSPECTOR: Can you just confirm for me that when you
4 made that statement, it was to the best of your
5 recollection a true and accurate account of what you
6 could remember of 8 May 2003?

7 A. It was, yes.

8 THE INSPECTOR: You have had the benefit of seeing my
9 questions of S016.

10 A. Yes.

11 THE INSPECTOR: So you know really exactly what -- because
12 I am going to ask you the same thing.

13 A. Yes.

14 THE INSPECTOR: In terms of your position, as I know from
15 what I've been told, you were in effect the gunner for
16 the Warrior?

17 A. That's correct, yes.

18 THE INSPECTOR: But on the day in question, you were not, as
19 I understand it, at the gun turret; you were inside the
20 vehicle?

21 A. Correct.

22 THE INSPECTOR: You were inside the vehicle with S018;
23 correct?

24 A. Correct, yes.

25 THE INSPECTOR: And the four looters?

1 A. Yes.

2 THE INSPECTOR: The four looters, were they in couples, tied
3 up by rags; is that what it was? Sort of cuffed to each
4 other in that way?

5 A. To be fair, I can't remember whether they were tied up
6 as couples or whether they were tied up individually.
7 I can't remember, to be fair.

8 THE INSPECTOR: When the Warrior moved off from Basra
9 General Hospital, did you know where you were going?

10 A. No.

11 THE INSPECTOR: Who told you to get into the vehicle?

12 A. SO15.

13 THE INSPECTOR: Did you know why the looters were in the
14 vehicle?

15 A. No, not -- not really, no. I just -- I heard that there
16 was ... they'd been doing a bit of looting, and that's
17 all I -- and then I was commanded to get into the back
18 of the vehicle.

19 THE INSPECTOR: Had you ever been in the back of a Warrior
20 with looters before?

21 A. Never.

22 THE INSPECTOR: Or been as gunner in a vehicle with looters
23 in the back?

24 A. Not to my recollection, no, we ... I've never been in
25 the back with looters, I've never -- to be fair, I don't

1 think we ever had looters in the back of our Warrior
2 except for this case.

3 THE INSPECTOR: So you didn't have any idea where you were
4 going?

5 A. No.

6 THE INSPECTOR: Did you have any idea why the looters were
7 being taken anywhere in the Warrior?

8 A. No.

9 THE INSPECTOR: Someone in your position, is this a question
10 you would ask of anybody, or do you just get on with it?

11 A. No, no, we ... someone in my position, it would just be:
12 get on with it, do what you're told. Basically, you're
13 paid not to think.

14 THE INSPECTOR: Paid not to think?

15 A. Yes.

16 THE INSPECTOR: The Warrior travels off, with you and SO18
17 and the four looters, and there comes a time when it
18 stops.

19 A. Correct.

20 THE INSPECTOR: Did you know where it had stopped, before
21 you could see where it was you had stopped?

22 A. No. You've got -- when you're in the back of the
23 Warrior, you've got -- there's just a little porthole in
24 the back door. So you can't see where you're going or
25 anything.

1 THE INSPECTOR: When it stopped, what do you remember now
2 was the thing that happened? Did you open the doors
3 from the inside or did somebody else or what?
4 A. I can't remember -- the same as S016 says, I can't
5 remember if the door -- whether our ram on the door was
6 broken and it was opened by somebody else.
7 THE INSPECTOR: When the door was opened and you could see
8 out, did you then recognise where you were or see where
9 you were?
10 A. Yes. I knew where I was then, yes.
11 THE INSPECTOR: You knew that you were at Bridge Four?
12 A. Yes.
13 THE INSPECTOR: You knew that you were underneath
14 Bridge Four, in truth; you could see that, could you?
15 A. Yes, yes.
16 THE INSPECTOR: You could see the water, could you, and the
17 edge of it, the edge of the canal?
18 A. Yes.
19 THE INSPECTOR: Doing the best you can, can you remember now
20 how far the Warrior had stopped from the water?
21 A. (Shakes head)
22 THE INSPECTOR: You have heard the estimate from S015.
23 A. S015 ... S016 is --
24 THE INSPECTOR: Sorry, S016.
25 A. Yes, his estimates were probably right, yes.

1 THE INSPECTOR: And then what happens?

2 A. With what?

3 THE INSPECTOR: Well, the doors open, there's the scene. Do
4 you get out?

5 A. Yes, me -- when -- I remember the door being opened and
6 SO15 and 16 were at the back door when myself and SO18
7 got out with the four looters.

8 THE INSPECTOR: What happened then?

9 A. Like SO16 said, it happened -- it was just a blur
10 really. I can remember going back to the Warrior
11 because SO16 asked me to try and get something to cut
12 it, to cut the looters -- the two looters that he had
13 free.

14 THE INSPECTOR: When you say "go back to the Warrior", go
15 back from where to the Warrior?

16 A. It was -- we were probably 4/5/6 feet away from the back
17 of the Warrior at this --

18 THE INSPECTOR: So you had moved away from the back of the
19 Warrior a bit?

20 A. Yes, yes.

21 THE INSPECTOR: Towards the canal, towards the water?

22 A. Erm ...

23 THE INSPECTOR: Or if you can't remember --

24 A. No, no, I can't really remember.

25 THE INSPECTOR: Just away from the back?

1 A. Just from the back door, yes, just from the back door.

2 THE INSPECTOR: And you remember being asked to get hold of
3 something to try and release the rag or cuff?

4 A. Yes.

5 THE INSPECTOR: You remember that?

6 A. Yes.

7 THE INSPECTOR: Do you remember whether you found anything
8 or what?

9 A. I think ... at the time I think I didn't find anything
10 because the cuffs had already been took off them. So
11 SO16 had obviously found a way to get the handcuffs off,
12 the rope -- cloth.

13 THE INSPECTOR: Who was dealing with the other two looters;
14 was that you as well? Assuming SO16 is dealing with two
15 looters whose cuffs are causing a problem because
16 they're a bit tight, what was happening to the other two
17 looters?

18 A. I believe that SO18 had got them. But it was -- it was
19 just ... it was a unit thing what had happened.

20 THE INSPECTOR: What did you believe or understand from
21 anybody what you were doing there, why you were
22 releasing the looters from these cuffs and why you had
23 taken them out of the Warrior?

24 A. I don't know.

25 THE INSPECTOR: You don't know?

1 A. We was just ... to let them go.

2 THE INSPECTOR: Let them go where?

3 A. I don't know.

4 THE INSPECTOR: Well, where did they go?

5 A. They obviously went towards the water.

6 THE INSPECTOR: Why did they go towards the water?

7 A. I'm not sure. That I don't know. Maybe that was

8 their ... their way of dealing and getting away.

9 THE INSPECTOR: They could have walked off along the side of

10 the canal, couldn't they, if they'd wanted to?

11 A. Maybe, yes, they could have. But ...

12 THE INSPECTOR: But they went into the water, all four of

13 them?

14 A. Yes, they were -- they were in the water, yes.

15 THE INSPECTOR: You saw them go into the water, did you?

16 A. Yes.

17 THE INSPECTOR: Why did they go into the water?

18 A. I'm not sure.

19 THE INSPECTOR: Just think hard on it.

20 A. I can't --

21 THE INSPECTOR: They have a choice, from what you're saying.

22 They have a choice of either going into the water or

23 walking away from where you were, having released them.

24 Is that right?

25 A. I never released any --

1 THE INSPECTOR: Well, there were four looters there who were
2 free to walk; correct?

3 A. Yes.

4 THE INSPECTOR: They had a choice as to whether they walked
5 along the canal, walked back up on to the road, walked
6 anywhere they liked on dry land, are you saying, but
7 that they chose to go into the canal? Just think hard
8 on it, would you.

9 A. I -- I ain't sure, to be ...

10 THE INSPECTOR: What was said to them? Or what
11 gesticulation, what communication was used to let them
12 know what they had to do or could do?

13 A. I don't know, because I was at the back of the Warrior
14 trying to find something to cut them free.

15 THE INSPECTOR: Well, then you came and you found them on
16 the edge of the water?

17 A. Yes.

18 THE INSPECTOR: Well, then at that point they had an option,
19 or a number of options, namely all the options there
20 were of walking on dry land or going into the water, and
21 you saw them go into the water?

22 A. No, I never actually seen them go into the water. But
23 when I'd finished from the back of the Warrior, they
24 were in the water. So you're asking me something that
25 I don't really ...

1 THE INSPECTOR: I see. So when you came back from the back
2 of the Warrior, there they were, all four of them,
3 standing in the water?
4 A. Correct.
5 THE INSPECTOR: Is what SO16 has said about their position
6 standing in the water what you recollect as well, or do
7 you recollect it differently?
8 A. No, no, that's correct, what SO16 has said.
9 THE INSPECTOR: They had no shoes on?
10 A. I can't remember that.
11 THE INSPECTOR: But they were probably not very sure-footed
12 in the position where they were?
13 A. Maybe.
14 THE INSPECTOR: But they were at waist height at least, if
15 not above?
16 A. I would say it was more waist height, yes, than -- not
17 above.
18 THE INSPECTOR: I see. So you join then your three
19 colleagues who are also on the edge of the canal?
20 A. Correct.
21 THE INSPECTOR: Correct?
22 A. Yes.
23 THE INSPECTOR: With the four looters standing in waist-high
24 water. Do you remember them looking a bit wobbly?
25 A. I can't remember.

1 THE INSPECTOR: Do you remember looking at them?

2 A. I can remember looking at them, yes.

3 THE INSPECTOR: Were you all looking at them?

4 A. Yes --

5 THE INSPECTOR: As far as you remember.

6 A. As far as I remember, yes.

7 THE INSPECTOR: Were they all four of them looking at you

8 four?

9 A. As far as I can remember, yes.

10 THE INSPECTOR: So what was going on?

11 A. I think it was ... I believe that they got in the water

12 and three of them swum to the other side. I think

13 that's what my head's telling me.

14 THE INSPECTOR: To the other side of the canal?

15 A. Yes.

16 THE INSPECTOR: Have a look at the photograph in divider 1.

17 That's Bridge Four and that's the canal. Are you

18 telling me that you saw any one of them swim the width

19 of that canal whilst you were there?

20 A. I'm not sure, to be fair.

21 THE INSPECTOR: Hmm?

22 A. I can't remember, to be fair.

23 THE INSPECTOR: Well, looking at it, you can't be right, can

24 you?

25 A. Probably not, no.

1 THE INSPECTOR: Look at the width of it. Look at the
2 bridge. There are at least three pontoon supports at
3 distance, if not four, straddling that river or canal.
4 It would --
5 A. They probably never then.
6 THE INSPECTOR: Hmm?
7 A. They probably didn't swim across then.
8 THE INSPECTOR: No. Let's think again then. So you've got
9 a recollection of two or three, is it -- two or three of
10 them or what? How many of them? -- in the water,
11 perhaps swimming about in some depth of water. Is that
12 what you're saying?
13 A. Yes, I think it was ... to be fair, they were all in the
14 water. All four of them were in the water.
15 THE INSPECTOR: Yes, but all swimming?
16 A. No, not ... not swimming, no.
17 THE INSPECTOR: No. So how many even gave the appearance of
18 swimming?
19 A. Erm, I'd say probably none because ... it's like you
20 said, they couldn't have swum to the other side. It's
21 just my head saying that they probably did.
22 THE INSPECTOR: Fair enough. So what did happen? What did
23 you see happen?
24 A. Not a lot really. It was just ... the fact of it -- it
25 happened quick and by the time something had happened,

1 it was -- we was told to mount up and go.

2 THE INSPECTOR: I know. But the heart of what I'm looking
3 at is in that which you say not much. In those seconds,
4 what happened? Let's have it in your words.

5 A. I remember -- I ain't sure, is it ... the one -- the one
6 looter going -- bobbing up and down a couple of times,
7 and I remember S016 taking his combat jacket off --
8 well, not jacket, combat shirt off, and I ain't sure
9 whether he untied his boots or not, I ain't sure,
10 I can't remember. And then it was literally within
11 seconds, "Mount up", so we mounted up and went.

12 THE INSPECTOR: Who said, "Mount up"?

13 A. I believe -- well, it would have been S015.

14 THE INSPECTOR: Do you remember any other conversation at
15 the water's edge relating to the lad or the looter who
16 was bobbing up?

17 A. No. I can't remember anything.

18 THE INSPECTOR: Do you remember now yourself forming the
19 view that he was in difficulty and needed help?

20 A. At the time, no. But obviously now, yes.

21 THE INSPECTOR: What did you think S016 was doing, taking
22 his shirt or taking any part of his clothing off, if he
23 wasn't going to do something about the looter bobbing in
24 the water? You realise that that was probably what he
25 had in mind to do, I take it?

1 A. Yeah, yeah, yeah.

2 THE INSPECTOR: Because he probably thought that the looter
3 was in difficulty and needed help?

4 A. Maybe, yes.

5 THE INSPECTOR: But you can't remember now whether you at
6 the time formed a view that he did need help?

7 A. I can't remember whether I did or not. It was so many
8 years ago.

9 THE INSPECTOR: You have thought about it since?

10 A. Yes.

11 THE INSPECTOR: You now realise that he was in difficulty?

12 A. Correct.

13 THE INSPECTOR: What was the last you remember seeing of him
14 in difficulty?

15 A. I can't remember.

16 THE INSPECTOR: When the order came to mount up, can you
17 remember where the three other looters were?

18 A. I believe they were in the water.

19 THE INSPECTOR: But not in difficulty?

20 A. I ain't sure. I can't -- I can't remember.

21 THE INSPECTOR: At the time the order to mount up came, you
22 followed it and went back to the Warrior, a short
23 distance?

24 A. Correct.

25 THE INSPECTOR: Did you think that you had left that fourth

1 looter in the water in difficulty?

2 A. Not at that particular time, because it all happened so
3 quick.

4 THE INSPECTOR: Look at paragraph 38 of your statement in
5 that bundle.

6 A. Which one, sorry?

7 THE INSPECTOR: Sorry, it will be in divider --

8 A. 7?

9 THE INSPECTOR: -- 7 and it's paragraph 38. I don't know
10 whether you have the right ...

11 A. Yes, there's not a 38.

12 THE INSPECTOR: It's tab 8, I'm sorry. My fault, sorry.
13 Tab 8. Do you see that now, paragraph 38?

14 A. Yes.

15 THE INSPECTOR: Just read that to yourself. (Pause)

16 A. Yes.

17 THE INSPECTOR: Is that your evidence to me?

18 A. It is.

19 THE INSPECTOR: "I did not go into the river to help ...
20 because I was not told to do so."

21 A. Yes.

22 THE INSPECTOR: I had read that as indicating that you
23 realised that the individual needed some help, but you
24 didn't go in yourself because you were not told to do
25 so.

1 A. No, well, if we ain't told to do it -- if I weren't told
2 to do anything, I never did it.

3 THE INSPECTOR: Then you go on to say:
4 "... SO15 had already delegated this job to ...
5 SO16..."

6 A. I ain't sure whether --

7 THE INSPECTOR: "... but then told him not to go in."

8 A. I ain't sure whether SO15 did delegate it, I ain't sure
9 whether SO16 had took it upon himself. But that's what
10 I'm led -- I'm led to believe.

11 THE INSPECTOR: When you say there, "but then told him not
12 to go in", do you mean those words or do you mean the
13 words "We're off" or "We're going" or ...?

14 A. Yeah, not so much as not to go in. It was "Mount up",
15 "Let's mount up, lads", from the order of SO16 -- SO15,
16 sorry.

17 THE INSPECTOR: When you left the scene in the Warrior, did
18 you think something had happened which shouldn't have
19 happened?

20 A. At that particular time?

21 THE INSPECTOR: Yes. As you left the Shatt al-Basra canal
22 in the Warrior, did you think something had happened
23 which should not have happened?

24 A. I was -- I was just doing a job. I never ... I never
25 thought of anything wrong at that time.

1 THE INSPECTOR: You never thought there was anything wrong
2 in what had happened?

3 A. Obviously it was wrong of -- what happened to the lad.
4 Yes, it was wrong, yes.

5 THE INSPECTOR: Well, that's what I'm asking you.

6 A. Yeah, it was, yeah.

7 THE INSPECTOR: Why was it wrong?

8 A. I -- I don't know.

9 THE INSPECTOR: It's not complicated. It's not difficult.
10 Just come up, face up: why did you think what had
11 happened to the lad was wrong?

12 A. I don't -- I don't know.

13 THE INSPECTOR: Did you think it was right to leave him in
14 the water when he was in difficulty? Did you think that
15 was right?

16 A. I was -- like I've already said before, I was just
17 a guardsman, you know. I mean, I was told what to do.

18 THE INSPECTOR: I know. But did you think it was right to
19 leave him in the water or did you think it was wrong to
20 leave him in the water?

21 A. All four of them were left in the water, as ...

22 THE INSPECTOR: Did you think it was wrong to leave the one
23 who was in trouble?

24 A. Probably, yes.

25 THE INSPECTOR: Right, thank you. Thank you very much, you

1 look at divider 1. Do you see the photographs? Do you
2 see the first photograph?

3 A. Yes, I see it.

4 THE INSPECTOR: Do you see that? You recognise that as
5 Bridge Four?

6 A. Yes.

7 THE INSPECTOR: What we need to now know is about your
8 account, SO18, of the journey down to the Bridge Four
9 and thereafter. The only difference really for the
10 moment which I have in my mind of course is you were
11 a dismount, weren't you?

12 A. Yes, sir.

13 THE INSPECTOR: So whilst there are normally four people in
14 a Warrior, you, the fourth, were a dismount, and you
15 were asked to get into the Warrior or instructed to get
16 into the Warrior by somebody, I take it?

17 A. Yes.

18 THE INSPECTOR: SO15?

19 A. More than likely, yes.

20 THE INSPECTOR: More than likely, so far as you remember it?

21 A. Yes, as far as I remember, yes.

22 THE INSPECTOR: When you got into the Warrior, you got into
23 the Warrior and there were four looters who had been
24 around in the vicinity of the Warrior and they were put
25 into the Warrior too?

1 A. Yes, I was with them four looters from the very start of
2 it.

3 THE INSPECTOR: You had been with them?

4 A. Yes.

5 THE INSPECTOR: You'd been with them from the --

6 A. From when the locals were bricking them.

7 THE INSPECTOR: So you had seen them ... There is another
8 photograph, I think, somewhere. In tab 2 --

9 A. Yes.

10 THE INSPECTOR: -- you'll see a couple of photographs.
11 That's a photograph of what's described as the "Baghdad
12 garage" area. Is that familiar to you?

13 A. To be honest, if only to be honest, the whole bridge
14 looks the same, so ...

15 THE INSPECTOR: I think at tab 3 there's a photograph you
16 probably do remember.

17 A. I do recall that, yes.

18 THE INSPECTOR: That's the very unpleasant-looking pool of
19 dirty water.

20 A. Yes.

21 THE INSPECTOR: That's the hospital in the background of the
22 photograph, is it?

23 A. Yes, sir. Yes.

24 THE INSPECTOR: You had gone down to the stagnant pool of
25 dirty water because you had been asked to do so by the

1 Iraqi police?

2 A. Yes.

3 THE INSPECTOR: You had been sent down there?

4 A. Yeah, to be honest, it is vague. I'm not going to lie
5 to you, I'm not going to turn round and say this
6 happened because --

7 THE INSPECTOR: Could you not speak too quickly.

8 A. But what I'm telling you --

9 THE INSPECTOR: I can't hear.

10 A. Oh right. That might be me accent.

11 THE INSPECTOR: Well, it's partly that.

12 A. Yes, [inaudible] Scouse.

13 Yes, to be fair, that stagnant water there, we were
14 called there -- I think we'd come back with the four
15 looters through that way and the local people shouting,
16 "Ali Baba, Ali Baba", and they start throwing bricks at
17 them, you know, and -- you know, it can be really
18 violent. And I think then what we thought was: let's
19 get them back through the hospital and away from them,
20 because there possibly -- there wouldn't have just been
21 one fatal, there would have been four, because they
22 would have just all been bricked to death, do you know
23 what I mean, because there was loads of people
24 gathering.

25 THE INSPECTOR: So had you seen the looters or any looters

1 being put into this stagnant pool by Iraqi police?

2 A. To be fair, sir, I can't even remember the --

3 THE INSPECTOR: You can't remember, okay.

4 A. I can't remember the Iraqi police.

5 THE INSPECTOR: Well, I am much more interested in the

6 journey from the hospital in the Warrior really.

7 A. Yes.

8 THE INSPECTOR: So the position ends up with you making the

9 second person inside the Warrior, along with SO17, with,

10 as you recollect, SO15 and SO16, the driver, SO15, the

11 Warrior commander, up the front, as it were?

12 A. (Nods)

13 THE INSPECTOR: All right?

14 A. Yes.

15 THE INSPECTOR: Did you know where the Warrior was going to?

16 A. No.

17 THE INSPECTOR: Did you know why the looters had been put

18 into the Warrior?

19 A. I could only assume it was for their own protection, to

20 be fair, because people were gathering round the Warrior

21 at this point, they followed them through. So I'm

22 assuming it was just for their own protection.

23 THE INSPECTOR: Did anybody say it was for their own

24 protection?

25 A. No.

1 THE INSPECTOR: Do you remember now the journey?

2 A. Not much to remember really. Just sat in a box, just in
3 the back of a tank, that's dark, dingy, and the door is
4 shut. There's a plate of glass about 7 inches thick
5 about that big (indicating).

6 THE INSPECTOR: So you go off. The journey is 8 kilometres?

7 A. Yes, possibly.

8 THE INSPECTOR: Do you remember a point in time when the
9 Warrior stopped?

10 A. To be honest, it stopped many a time, so ... yeah
11 I remember it, I think. Me mind's telling me that it
12 did -- yes, obviously it had stopped, yes.

13 THE INSPECTOR: Do you remember it stopping under the
14 bridge, Bridge Four?

15 A. No. Yeah, I think so, yes.

16 THE INSPECTOR: Think hard.

17 A. Well, I am thinking hard.

18 THE INSPECTOR: Don't rush it, don't rush it.

19 A. I wasn't intending --

20 THE INSPECTOR: There's no advantage, us having gathered
21 today to try and put a final account on this, in rushing
22 it.

23 Do you remember?

24 A. Yes.

25 THE INSPECTOR: Yes.

1 A. Yes.

2 THE INSPECTOR: It stopped under Bridge Four; correct?

3 A. Correct.

4 THE INSPECTOR: Do you remember, as the others have told us,
5 that it stopped some feet away from the edge of the
6 canal which we were just looking at?

7 A. No. I mean, them two said it, so ...

8 THE INSPECTOR: Sorry?

9 A. You know, it's been 13 years, like. You know, it's like
10 asking me what I had for me breakfast that morning.
11 I don't know. It could have been 20 metres, it could
12 have been 15. If I told you now and said, "Yeah, it was
13 definitely 5 metres", I'd be lying.

14 THE INSPECTOR: Do you remember it stopping and seeing the
15 water?

16 A. Yes, I'm remembering, yes. Yes, I remember it stopping
17 there.

18 THE INSPECTOR: Do you remember the back doors opening or
19 being opened?

20 A. Yes, I remember the back doors opening, but I don't know
21 whether it was opened manually by ourselves because I --
22 I think our back door was broken, to be fair. So
23 I don't know -- I don't know. I don't know whether
24 someone opened it. I can't recall.

25 THE INSPECTOR: Do you remember the doors, once opened, you

1 got out, along with SO17 and the four looters?

2 A. Yes.

3 THE INSPECTOR: Did you have control of two of the looters?

4 A. Yes. I think so, yes.

5 THE INSPECTOR: What did you do with the looters?

6 A. I think I just untied them and they just went to the

7 river.

8 THE INSPECTOR: Just untied them and ...?

9 A. They made their way to the river, I think, towards the

10 edge.

11 THE INSPECTOR: Who made their way to the river, towards the

12 edge?

13 A. The two looters.

14 THE INSPECTOR: On their own?

15 A. Possibly, yes. Well, let's be fair: I've got a gun, the

16 other four lads have got a gun. The doors open up. If

17 I was in their position, then I'd probably do me best --

18 I'd think I was probably going to be getting shot.

19 I don't know what they were thinking. I didn't even

20 know where I was.

21 So they've come out: they're not just going to

22 willy-nilly walk down the side of the bank, like you

23 expressed before. They're scared, of course they are;

24 I'm not denying they wouldn't be. But if it was me and

25 I thought -- they probably thought they were going to be

1 getting shot and left on the side. So they went to the
2 river, that's what I'm assuming.

3 THE INSPECTOR: You're assuming that they did walk to the
4 water because they were scared and they thought that
5 going into the water was what was expected of them?

6 A. I'm assuming so, yes.

7 THE INSPECTOR: Had anything been said?

8 A. No.

9 THE INSPECTOR: Did it come as a surprise to you that they
10 should have expected that they had to go into the water
11 when nothing had been said?

12 A. I -- I'd never heard about it.

13 THE INSPECTOR: Sorry?

14 A. I've not -- I -- it was the first time I'd seen it,
15 so ...

16 THE INSPECTOR: The first time you had seen looters in the
17 vicinity of water?

18 A. Yes.

19 THE INSPECTOR: Apart from, of course, the dirty pool.

20 A. Yes, well that technically is not like a river, is it?

21 THE INSPECTOR: So they go towards the water and you see
22 them, do you, go into the water, go into the shallows?

23 A. Yes, as I recall it. I mean, it could be just my mind
24 telling me, you know, I don't know. But this pillar
25 here (indicated), I remember there being -- they had

1 swam to this pillar, they had swam up to the first
2 pillar.

3 THE INSPECTOR: Who was this?

4 A. Well, I don't know the names.

5 THE INSPECTOR: No, but who swam to the first pillar?

6 A. I imagine it was the three of them, I don't know.

7 THE INSPECTOR: You imagine it was the --

8 A. I think it was the three looters, three of them swam
9 over to that. I don't know why my mind is telling me
10 this. But it was that first pillar that I remember that
11 they swam over to.

12 THE INSPECTOR: Some looters swam to the first pillar of the
13 bridge?

14 A. Yes.

15 THE INSPECTOR: That's what you remember?

16 A. Yes, and they were going like round the back of it.

17 THE INSPECTOR: Were all four of you then at the canalside,
18 at the water's edge?

19 A. I don't remember ... I don't remember S015 being at the
20 side, to be honest, but nor do I remember much of it
21 meself. So possibly could have been four of us at the
22 side. I remember seeing S015 in the turret, but ... do
23 you know ... I don't know. That's all I -- that's my
24 account of it and I'm only just telling you.

25 THE INSPECTOR: Let's go back to what you did see then, and

1 the looters in the water.

2 A. Mm.

3 THE INSPECTOR: One, you have helpfully told me, you believe

4 swam towards the first support of the pillar of the

5 bridge.

6 A. Yes.

7 THE INSPECTOR: What about the others?

8 A. I think, to be honest, I thought all the three of them

9 went towards it, and then the other --

10 THE INSPECTOR: Sorry?

11 A. I thought three.

12 THE INSPECTOR: You thought three of them --

13 A. Had gone towards it.

14 THE INSPECTOR: -- went towards the pillar?

15 A. And obviously the lad who was there was sort of just at

16 the edge, I think.

17 THE INSPECTOR: What happened to him?

18 A. Well, you're asking me ...

19 THE INSPECTOR: What happened to the lad at the edge, other

20 than the other three?

21 A. To be honest, I'm struggling to recall it. I mean ...

22 I don't know whether ... I don't know. I mean ...

23 I mean ... he was just at the side of the river, to be

24 honest. He was just there at the side. The others were

25 shouting him over, to swim over. That's what I think in

1 my head.

2 THE INSPECTOR: Just focus.

3 A. I am.

4 THE INSPECTOR: He's in the water?

5 A. Yes. Yes, he's probably -- I -- up to his waist.

6 THE INSPECTOR: What is he doing in the water? The other
7 three we can leave for the moment.

8 A. Yes.

9 THE INSPECTOR: The one who remains, what's he doing in the
10 water?

11 A. He was just there, do you know, he was waist high, and
12 then the others might have called him, maybe he's moving
13 backwards, like going backwards, because obviously we're
14 there at the side; he thinks something is going to
15 happen to him. So ...

16 THE INSPECTOR: So what happened? What did he do? What did
17 you see happen?

18 A. Nothing. I just turned round.

19 THE INSPECTOR: Sorry?

20 A. I turned round and then for my -- we were told to mount
21 up. So whether there had been a hand signal which was
22 waved around which means mount up, in my mind that's
23 what it was. So for all I know, something was happening
24 back at the hospital, through radio comms.

25 THE INSPECTOR: Don't worry about the complications of that.

1 Just stay at the water's edge. There's a point in time
2 when you've seen or believe that three of them made
3 their way to the first pillar, but there's a fourth, and
4 I'm asking you about him.

5 Now, you say you saw him in the water --

6 A. And I'm telling you -- but I'm telling you, sir, that
7 I'm struggling to recall it after 13 years.

8 THE INSPECTOR: I know you're struggling and I'm helping
9 you.

10 A. No, you're not, sir.

11 THE INSPECTOR: What was he doing? Was he in the water, you
12 say, waist height?

13 A. Yes. Possibly, yes.

14 THE INSPECTOR: Yes. And then what?

15 A. And then I turned round, see the sign to mount up, and
16 then we mount up.

17 THE INSPECTOR: So when you last saw him, he was standing in
18 the water at waist height; is that it?

19 A. Yes. I mean, I remember vaguely -- I mean really
20 vaguely -- I remember ... Did S016 take his top off?
21 Yeah, possibly. You know --

22 THE INSPECTOR: You remember what? S016?

23 A. S016, did he take his top off? Yes, possibly, yes.

24 THE INSPECTOR: You vaguely remember that S016 might have
25 done something about his clothing?

1 A. Mm.

2 THE INSPECTOR: Where was the fourth looter then, the one
3 standing in the water at waist height?

4 A. I mean ... did he bob up and down? I don't know.

5 THE INSPECTOR: Sorry?

6 A. I wouldn't say that he was bobbing up and down because
7 I don't know. I wouldn't say he was just bobbing up and
8 down and there was commotion. But did he look a bit
9 panicked? Yes.

10 THE INSPECTOR: He looked panicked, fine.

11 A. Yeah. Yeah, that's it.

12 THE INSPECTOR: Did he look as though he was in difficulty
13 in the water?

14 A. Possibly he could have been looking -- possibly he could
15 have just been swimming under it, do you know what
16 I mean, to get away, because -- you know.

17 THE INSPECTOR: So he had gone under at some stage; you
18 think he might have been swimming under?

19 A. Possibly, yes. It's my recollection. I don't know.

20 THE INSPECTOR: And S016 begins to take some clothing off,
21 or moves to do that. Then what happens?

22 A. Then I probably look over me shoulder, see the sign to
23 mount up, and mounted up.

24 THE INSPECTOR: When you left the scene in the Warrior,
25 after this, did you think that what had happened there

1 was in any way wrong?

2 A. Do I think it was wrong that I left, is that what you're
3 asking me?

4 THE INSPECTOR: Yes, if that's how you would like to
5 approach the question.

6 A. Well, I'm just asking you --

7 THE INSPECTOR: Did you think it was wrong that you had
8 left?

9 A. I think it was wrong what happened to the lad, yes. But
10 no, I don't think that I was wrong that I left, no.
11 I was just obeying -- I was just doing an order, like
12 I'm taught and trained to do.

13 THE INSPECTOR: Doing with an order?

14 A. No, doing an order. You keep putting words in my mouth.
15 I get told to mount up, I'll mount up. I'm not going to
16 then turn round and say, "No, I'll tell you what, I'm
17 not mounting up". I don't know whether there's a radio
18 conversation that's going on over the other side.

19 THE INSPECTOR: No, okay.

20 A. And then I have to go and -- you know, to a firefight
21 and all the lads are left behind. So, yes, if I get an
22 order, I'll do it. So if I was told to mount up,
23 I mounted up.

24 THE INSPECTOR: Yes, I realise that. But before the order
25 is given, there's a boy or young lad or somebody in the

1 water --

2 A. And I was -- sorry, I never asked him his age. I never

3 said to him --

4 THE INSPECTOR: Okay, let's talk about "a looter". There

5 was a looter in the water who it looked as though was in

6 difficulty. He was panicking and he was not steady in

7 the water.

8 A. Mm.

9 THE INSPECTOR: Is that right?

10 A. That's right, yes.

11 THE INSPECTOR: And before the order to mount up came, the

12 thought crossed your mind: well, maybe he needs some

13 help?

14 A. Possibly, sir, yeah.

15 THE INSPECTOR: But you didn't go in yourself?

16 A. No.

17 THE INSPECTOR: Why was that?

18 A. Because I was told to mount up. So I was just doing --

19 I was just obeying an order.

20 THE INSPECTOR: Thank you.

21 A. Thanks very much.

22 (S018 withdrew)

23 THE INSPECTOR: S015, please.

24 S015 (called)

25 Questions by THE INSPECTOR

1 THE INSPECTOR: Right, thank you. S015, you know the drill.

2 A. Do you mind if I look at the cipher list, sir, so I can

3 see who ...

4 THE INSPECTOR: Yes, have a look at the cipher list, by all

5 means. (Pause)

6 What we've put into the bundle, as I think you know,

7 is your statement which you made, with the assistance of

8 your solicitor, which was sent to me, which you signed

9 and is now on the website. That statement is in the

10 bundle here.

11 A. Yes. What tab is that under, please?

12 THE INSPECTOR: Sorry?

13 A. What tab is it on?

14 THE INSPECTOR: It's in tab 6. Do you have up to page 20 in

15 that bundle?

16 A. 15.

17 THE INSPECTOR: Then what has happened is -- what I'm going

18 to do -- Ben, don't go very far. Would you like to

19 show, please, S015 the full version of that statement,

20 which doesn't appear in the bundle he has, but is in

21 that bundle. (Handed) (Pause)

22 A. So the incident is missing from my bundle. (Pause)

23 MS MOSS: I have a spare.

24 THE INSPECTOR: Does anybody else have pages 16 to 20 here?

25 MS WATTS: It's not anonymised.

1 THE INSPECTOR: No, it will come to me. (Handed)
2 So you work from mine, would you, there.
3 A. Yes, sure.
4 THE INSPECTOR: Okay.
5 Now, what I need to just ask you: you made that
6 statement, and when you made it, with the assistance of
7 your solicitor, was it made as reflecting a true and
8 accurate account according to your recollection at that
9 time?
10 A. That is correct.
11 THE INSPECTOR: Thank you.
12 You realise that I am concentrating on the journey
13 of the Warrior to Bridge Four?
14 A. Yes.
15 THE INSPECTOR: If you look at the bundle which you've got
16 there, you will see photographs of Bridge Four. You see
17 the first one is Bridge Four? You recognise that?
18 A. Yes, I've been there a number of times.
19 THE INSPECTOR: Yes. Is it right that the Warrior turned
20 round, as I have put it earlier and seemed to be
21 acceptable, somewhat to the left of the cameraman in the
22 first photograph and was under the bridge, where it
23 stopped? Do you agree?
24 A. Yes.
25 THE INSPECTOR: And that it stopped at a distance of --

1 obviously at this time one can only do the best one can,
2 but some feet, maybe 5 or 6 yards, I don't know? Can
3 you help me?

4 A. Yes. Yes, I would go with that.

5 THE INSPECTOR: You say that that's a bridge you knew, you
6 had been there before. You had probably been there at
7 the time of the fighting into Basra, had you?

8 A. Yes, and I think I was there in 2008.

9 THE INSPECTOR: Oh, you've been back since then?

10 A. Yes. Whilst I was under investigation, I was still sent
11 out to Iraq.

12 THE INSPECTOR: And --

13 A. Sorry, in 2006.

14 THE INSPECTOR: 2006, right.

15 So just tell me: when you left the hospital in
16 command of the Warrior, you knew where you were going to
17 go, I take it?

18 A. Yes, that's correct.

19 THE INSPECTOR: You were going to do the journey down the
20 relatively straight road down to Bridge Four?

21 A. Yes.

22 THE INSPECTOR: What was your purpose in taking the four
23 looters down to Bridge Four?

24 A. As I spoke with control, it was to take them to
25 Bridge Four and leave them outside the outskirts of the

1 city, as I stated in my statement.

2 THE INSPECTOR: Well, hold on a minute. You don't have to

3 go to Bridge Four in order to get to the outskirts of

4 the city.

5 A. No, but it's a good distance to make them walk back.

6 THE INSPECTOR: Yes. So let's divide up your answer.

7 You took them to Bridge Four?

8 A. Yes. It's an area that I knew very well.

9 THE INSPECTOR: You knew the area down to Bridge Four pretty

10 well too?

11 A. Yes.

12 THE INSPECTOR: Well, if what you wanted to do was to take

13 the looters away from the centre of the city, you didn't

14 have to go all the way to Bridge Four, did you?

15 A. I cannot think back that far now and give you an answer

16 to why I only took them 500 metres, 1,000 metres,

17 2,000 metres or 3,000 metres. I took them to

18 Bridge Four.

19 THE INSPECTOR: Let's try and take this investigation

20 a little bit more realistically and a bit more

21 seriously.

22 Do you honestly believe that I'm asking you or

23 suggesting to you that if what you were doing was taking

24 the looters away, you would only take them 1,000 metres?

25 You don't believe that's what I'm asking you, do you, or

1 even putting to you? You know that's not what I'm
2 asking you about, don't you?

3 A. It sounds like to me like you're asking me that I took
4 them to Bridge Four to deliberately throw them in the
5 river. That's what it sounds like to me.

6 THE INSPECTOR: Well, let's take it stage by stage. Don't
7 assume what I will be asking you other than the question
8 I'm asking you, because I require questions which make
9 sense at every level and the answer to the ultimate
10 questions will depend upon what the other answers have
11 been.

12 So let's start again, shall we?

13 A. Yes.

14 THE INSPECTOR: Thank you.

15 We have a situation in which you knew the way to
16 Bridge Four and you go to Bridge Four. Can I take it
17 that you made a decision to take them to Bridge Four as
18 you left the hospital?

19 A. Correct.

20 THE INSPECTOR: The reason you were taking them to
21 Bridge Four was what? Why were you taking them to that
22 point to do whatever you were going to do with them?

23 A. Like I said, it was to take them outside the city.

24 THE INSPECTOR: I see. So the decision that you reached was
25 to take them to Bridge Four in order to take them

1 outside the city?

2 A. Correct.

3 THE INSPECTOR: What did you intend to do with them when you
4 got to Bridge Four?

5 A. Dump them there and leave them there.

6 THE INSPECTOR: Dump them where?

7 A. At Bridge Four.

8 THE INSPECTOR: Where at Bridge Four?

9 A. At Bridge Four. I didn't -- I --

10 THE INSPECTOR: Well, it's a big area, Bridge Four. You
11 could dump them on the bridge, couldn't you?

12 A. Yes.

13 THE INSPECTOR: Well, why didn't you dump them on the
14 bridge?

15 A. Well, I don't know.

16 THE INSPECTOR: Well, think again hard, because we have some
17 questions that need sensible answers.

18 A. Mm-hmm.

19 THE INSPECTOR: Why did you take them to Bridge Four? You
20 said: to dump them. Now I'm asking you this question:
21 why did you decide to dump them under the bridge and
22 within a few metres of the water?

23 A. Because there was a slip road there that took us off the
24 road.

25 THE INSPECTOR: You didn't need a slip road in order to dump

1 them, did you?

2 A. I suppose not. But, you know, I can't recall that now.

3 THE INSPECTOR: Let's just pursue the questions a little

4 further before I give you a chance to recap, SO15.

5 I have said enough today, I would have thought, to

6 indicate to you that now is the point in time at which

7 candour and common sense is required. So let's go on,

8 just one or two more questions.

9 When you get to Bridge Four, having told SO16 to

10 stop -- because that's what you did, isn't it?

11 A. Yes.

12 THE INSPECTOR: -- you were under the bridge and a short

13 distance away from the water?

14 A. That's correct.

15 THE INSPECTOR: What instructions did you give for what was

16 to happen to the looters?

17 A. At the time I didn't give any instructions, and the

18 reason being is because once we got to Bridge Four and

19 under the bridge, I stated in my statement that the door

20 was opened, the looters got out with the dismounts,

21 I then moved forward with the vehicle, turned it

22 around --

23 THE INSPECTOR: That's not an answer to my question. Don't

24 quote your statement at me. That's why you're here.

25 I want to know what you did by way of instruction

1 when your tank, which you commanded, and the men within
2 your tank under your command, what happened by way of
3 instruction from you to the men as to what to do?
4 A. I gave them no instructions.
5 THE INSPECTOR: You mean you just stopped it and expected
6 them to sit in the tank with the doors closed, with the
7 four looters, until when?
8 A. The vehicle stopped, the door opened --
9 THE INSPECTOR: Who opened the door?
10 A. I presume the guys in the back did or the driver opened
11 it, under my word of command.
12 THE INSPECTOR: Aha. So did you give an instruction to
13 somebody to open the door? That's what I was asking
14 you.
15 A. I think I did, yes.
16 THE INSPECTOR: Ah. It's amazing. Just think, you see,
17 before you answer. I know what your pattern is. Just
18 think slowly before you answer.
19 So you give an instruction, and you give
20 an instruction to perhaps the driver to open the door:
21 that means open the door at the back?
22 A. Correct.
23 THE INSPECTOR: That's because, is it, there was difficulty
24 with the door opening?
25 A. I don't recall.

1 THE INSPECTOR: Why did you give an instruction to the
2 driver to open the door at the back?

3 A. Because he's got some buttons that can open the door.

4 THE INSPECTOR: What was the purpose in giving
5 an instruction to anybody to open the door?

6 A. So the dismounts can get out with the looters.

7 THE INSPECTOR: What was the purpose in permitting the
8 dismounts to get out with the looters?

9 A. So -- I presume so we could have left them there.

10 THE INSPECTOR: You don't presume; you're in control, you're
11 in charge. Why did you order that the door be opened
12 for the dismounts to get out with the looters? What was
13 the purpose of that?

14 A. So they could be left there.

15 THE INSPECTOR: Along with your dismounts?

16 A. No, because after they got out, with the dismounts and
17 the looters, I then commanded SO16 to move the vehicle
18 forward and turn it around, which we did.

19 THE INSPECTOR: The two dismounts who had the four looters
20 under their charge, what were they told to do?

21 A. I don't think they were told to do anything.

22 THE INSPECTOR: Well, what were they meant to do?

23 A. Well, by the time I had turned the vehicle around, the
24 dismounts -- sorry, the looters, some of the looters
25 were in the water.

1 THE INSPECTOR: I see. So two dismounts, without any
2 instruction or order from you, released the looters from
3 their cuffs and freed them, did they?

4 A. That's the only thing I -- yes, as far as I know, yes.

5 THE INSPECTOR: Just think. I've heard enough evidence
6 today, not just today, but you've heard it yourself.

7 Are you really saying that the two men in the back,
8 including SO15 making the third, would have dealt with
9 those looters at that scene, they having been got out of
10 the vehicle, in any way contrary to a way in which you
11 commanded them? Are you suggesting they could do that
12 without a command from you?

13 Now, think hard, because, as I have said, this is
14 the time to face up to reality.

15 A. Yes, it is.

16 THE INSPECTOR: So what happened was completely beyond your
17 control and command, was it?

18 A. Yes. I was in the vehicle at the time, turning that
19 vehicle around. And I turned it around: like I said, by
20 that stage they were in the water.

21 THE INSPECTOR: How come that SO16 was able to be involved
22 with the looters and getting the looters out of the
23 back?

24 A. The only thing I can recall on it is that when the
25 vehicle stopped, he must have got out.

1 THE INSPECTOR: Then you assumed the role of driver, did
2 you?

3 A. No, I stayed in the turret.

4 THE INSPECTOR: How did the vehicle turn round if S016 was
5 not in it?

6 A. It stopped twice.

7 THE INSPECTOR: Come, come. Just take it stage by stage.

8 A. I am taking it stage by stage.

9 THE INSPECTOR: Yes, well, you're getting yourself into
10 a bit of a muddle. We come down, it stops, under orders
11 from you.

12 A. Correct.

13 THE INSPECTOR: And you say S015 gets out because you tell
14 him to do so. You have just told me that. Then
15 apparently while S015 is out of the vehicle, you're now
16 suggesting the vehicle was moved. And I asked you
17 therefore: did you drive the vehicle? You say no. So
18 how come that the vehicle was driven in order to turn it
19 around?

20 A. It was S016. S015 is me. I didn't get out.

21 THE INSPECTOR: You asked S016 to open the back door?

22 A. Correct, from his driver's seat.

23 THE INSPECTOR: He was the driver.

24 A. Yes, from his driver's seat.

25 THE INSPECTOR: He couldn't do that, as you know; he had to

1 get out to do it.

2 A. No, because there's a button in the driver's
3 compartment.

4 THE INSPECTOR: No, it was not working.

5 A. Well, I believe it was.

6 THE INSPECTOR: Well, all the evidence we've heard was that
7 SO16 got out and went round and opened the back door.
8 You want to be on your own on this, do you?

9 A. That's what I -- how I recall it.

10 THE INSPECTOR: Well, then think again. Did you therefore
11 drive the Warrior to turn it round?

12 A. No.

13 THE INSPECTOR: Who did?

14 A. 16 did.

15 THE INSPECTOR: So SO16 got out, went to the back, handled
16 the looters, and then got back in again in order to turn
17 the vehicle around?

18 A. No. Sir, you're not listening to what I'm saying.

19 THE INSPECTOR: I'm listening very intently. I'm asking you
20 to just think rather intently.

21 A. As it says in my statement --

22 THE INSPECTOR: I have read your statement. I'm asking you
23 questions.

24 A. And I'm not changing my statement.

25 THE INSPECTOR: Aren't you? Well, it's up to you at the end

1 of the day as to where all this goes. I've told you
2 enough for you to understand.

3 Now, just think hard. There comes a time when those
4 looters are in the water. Why are they in the water?

5 A. I can't give an answer to that, because I didn't give
6 an order for them to be put in the water.

7 THE INSPECTOR: So not only did the dismounts, including the
8 driver, SO16, uncuff and release the looters but
9 apparently also, without any order or command from you,
10 put them into the water, or saw them into the water. Is
11 that right? Is that your account?

12 A. My account is: when that vehicle was turned around, they
13 were in the water.

14 THE INSPECTOR: And then --

15 A. And then when it stopped, that was when 16 got out of
16 the vehicle to join the others.

17 THE INSPECTOR: Why did 16 get out of the vehicle? You
18 didn't order him to do so, did you?

19 A. No I didn't.

20 THE INSPECTOR: What is he doing getting out, contrary to
21 any instruction from you?

22 A. I don't know.

23 THE INSPECTOR: Well, what did you say to him when he got
24 out?

25 A. Nothing.

1 THE INSPECTOR: Why not?

2 A. The only thing I can think is I was preoccupied talking
3 to zero.

4 THE INSPECTOR: So preoccupied talking to zero that you
5 didn't even oversee what was going on down there?

6 A. Obviously not.

7 THE INSPECTOR: I see. So SO16 goes down to the edge of the
8 water and the other two are on the edge of the water,
9 are they?

10 A. As far as I can recall, yes.

11 THE INSPECTOR: And there were four looters in the water?

12 A. As far as I'm aware, yes.

13 THE INSPECTOR: Up to their waists or thereabouts?

14 A. Yes.

15 THE INSPECTOR: What did you think they were doing in the
16 water?

17 A. When I saw it, I thought, you know, it shouldn't be
18 happening, and this was the time when I then took off my
19 helmet -- or first of all I shouted to them to stop what
20 they were doing and get back in the vehicle. They
21 didn't hear me. That was when I then got down on to the
22 ground and walked over to them.

23 THE INSPECTOR: You shouted to your men --

24 A. Yes.

25 THE INSPECTOR: -- to stop what they were doing?

1 A. Yes, so that we could then get back in the vehicle and
2 go.

3 THE INSPECTOR: And what is it you want to stop them doing?

4 A. Well, obviously the looters were in the water.

5 THE INSPECTOR: Hmm?

6 A. The looters were in the water.

7 THE INSPECTOR: Yes. Well, what did you want your men to
8 stop doing?

9 A. Well, to stop what they were doing at the riverbank and
10 to get back in the vehicle.

11 THE INSPECTOR: What do you mean, "to stop" -- they weren't
12 doing anything, apparently, apart from standing looking
13 at looters who were in the river because they were on
14 the bank. Did you disapprove of the fact then that the
15 looters were in the water?

16 A. Correct.

17 THE INSPECTOR: So they shouldn't have been put in the
18 water --

19 A. No.

20 THE INSPECTOR: -- or directed to the water; is that right?

21 A. Yes.

22 THE INSPECTOR: So you're saying that the other three men
23 who have given evidence this morning were themselves
24 responsible for putting these looters into the water,
25 without any instruction from you?

1 A. I take it that I have to accept some responsibility
2 because I was the overall commander.

3 THE INSPECTOR: So it's your account, is it, that these
4 three soldiers who have given evidence this morning were
5 the ones in effect responsible for the looters going
6 into the water?

7 A. Well, I don't know, because I didn't see it because
8 I was turning the vehicle around.

9 THE INSPECTOR: Well, the looters were in the water and they
10 were standing on the edge, right? If the looters had
11 wanted to wander off, they could have gone off; they
12 didn't have to go into the water, did they?

13 A. I don't know.

14 THE INSPECTOR: Well, don't say you don't know. It's
15 perfectly obvious to anybody exercising common sense
16 that they didn't have to go into the water unless they
17 felt they had to go into the water because of the
18 presence of soldiers. It's common sense, isn't it?

19 A. I wouldn't like to say. I'm not ...

20 THE INSPECTOR: The fact of the matter is that you're now
21 saying that this whole incident involving the four
22 looters going into the water had nothing to do with you
23 and was not something done by your command or
24 instruction. Is that right?

25 A. No. I feel in a way that I should -- I accept that

1 responsibility is down to me, that I should have got
2 them out of the water, which I didn't.

3 THE INSPECTOR: But it wasn't your order or instruction or
4 anything that you said which got them into the water?

5 A. That's correct. I didn't order anyone to go in the
6 water.

7 THE INSPECTOR: So you don't order them into the water in
8 any way at all through your soldiers, they end up in the
9 water, and then you fail to take any steps to get them
10 out of the water, even though you felt they shouldn't be
11 there?

12 A. Yes.

13 THE INSPECTOR: Why didn't you take any steps to get them
14 out?

15 A. Because I wanted to get back to the hospital.

16 THE INSPECTOR: But something was happening there which
17 shouldn't have happened, according to you, wasn't it?

18 A. Yes, they were in the water.

19 THE INSPECTOR: It would have taken a matter of seconds to
20 get those looters out of the water, wouldn't it?

21 A. Yes.

22 THE INSPECTOR: There wasn't anything so pressing that you
23 had to not spend some seconds getting the looters out of
24 the water, was there?

25 A. I just wanted to get back to Bridge Four -- sorry, to

1 the hospital.

2 THE INSPECTOR: There wasn't anything so pressing that you

3 had to get back before getting the looters out, was

4 there?

5 A. No.

6 THE INSPECTOR: But you didn't do it?

7 A. No, I didn't.

8 THE INSPECTOR: One of them was in difficulty, wasn't he?

9 A. I wasn't aware of that.

10 THE INSPECTOR: Why weren't you aware of that, if you could

11 see them in the water?

12 A. I saw nobody in difficulty in that water.

13 THE INSPECTOR: When you left that scene, did you think

14 anything had happened which was wrong?

15 A. At the time, possibly no.

16 THE INSPECTOR: Why should it appear differently later?

17 A. Well, back in Germany I was informed that somebody had

18 drowned.

19 THE INSPECTOR: And you realised that one of the looters had

20 drowned when you were told that?

21 A. Yes.

22 THE INSPECTOR: Are you saying that didn't come as

23 a surprise to you?

24 A. Yes, I think it did come as a surprise to me because

25 I wasn't aware that nobody -- or anybody was in

1 difficulty in the water.

2 THE INSPECTOR: Had you seen looters immersed in water -- no
3 matter where, I'm asking -- just generally immersed in
4 water as part of a treatment of them --

5 A. No.

6 THE INSPECTOR: -- by British soldiers at any stage?

7 A. No, I wasn't aware of it.

8 THE INSPECTOR: Had you heard about it?

9 A. The only time I heard about it was at the court-martial.

10 THE INSPECTOR: I think you had better go back to where
11 you -- retire.

12 (S015 withdrew)

13 Discussion

14 I am going to ask a general question first of all of
15 the three soldiers other than S015 who have done their
16 best to assist me today. I am very conscious that
17 fairness must prevail among the soldiers. Each of the
18 three who have already given an account to me should now
19 reflect on the way in which S015's evidence has pointed,
20 which is, to a large extent, to suggest that the
21 explanation for these looters to being in the water
22 rests with one or more of the three of you, and had
23 nothing to do with any instruction or command or
24 influence from him.

25 In fairness to you, since I've not asked questions

1 on the basis that you were acting under any other orders
2 or influence than of your Warrior commander, that is not
3 how I have approached the questions, it means that
4 I shall have to make a decision in connection with all
5 the evidence, taking account of that evidence from S015,
6 which is a version coming to me with a clarity today
7 that has not come in the past.

8 Each of you, S016, S017 and S018, have the benefit
9 of having solicitors with you today. I am going to ask
10 you, please, to retire with your solicitors for no
11 longer than ten minutes, and I want, please, the
12 solicitors to take instructions as to whether their
13 client wishes to respond to the evidence that has been
14 given to me this morning by S015. They are free to do
15 so if they wish. If they choose not to do so, obviously
16 then I shall have to deal with the evidence as it has
17 fallen out.

18 I think it should be plain that fairness requires
19 that so far as the suggestion is that this is to be
20 explained -- I am not concerned with culpability -- but
21 if this is to be explained as having occurred in effect
22 by the three of you behaving in the way that has been
23 suggested, then I think in all fairness you ought to
24 have a chance to tell me whether or not that is the
25 case.

1 advice to be tendered to an individual in which he's
2 given the option of responding to evidence of which he
3 has not currently been aware until he heard it this
4 morning, unless somebody else has told him, because it's
5 not something which is clear and has emerged.

6 That evidence has had the effect, as I said, of
7 putting him in a position where it is said he acted
8 without orders and did things which were not what he was
9 told to do, whereas he has just given me evidence this
10 morning repeatedly in which he says he never did
11 anything unless he was ordered to do it.

12 So we are not sticking to anything. Let's just face
13 up to reality.

14 S018?

15 MR NATAS: Sir, the view is he does not want to give any
16 additional evidence, simply leave the evidence that he
17 gave earlier to stand on the record.

18 THE INSPECTOR: Coming back therefore to S016, does he
19 desire to respond or does he merely make himself
20 available to me?

21 MS MOSS: Yes, he makes himself available. S016 is happy to
22 make himself available.

23 THE INSPECTOR: Sorry?

24 MS MOSS: He's happy to make himself available to answer
25 further questions.

1 the doors.

2 A. (Nods)

3 THE INSPECTOR: That you got out in order to go round to
4 open the doors, as you say, although SO15 doesn't
5 remember this, and then the evidence is that you were
6 asked to get back in again and to turn the vehicle.

7 A. Mm-hmm.

8 THE INSPECTOR: Is that something you remember?

9 A. Sir, I have no recollection of turning the vehicle
10 around. When I try to think to the latter stages of the
11 event, where people mounted back in the vehicle and then
12 we were back into movement again, one part of me wants
13 to say that we drove forward, reversed, left hand down,
14 and then went back the way we came in, or I just
15 reversed the way that we came in and then headed off to
16 the right, back up the bank.

17 The state of the door I've always been quite unsure
18 about, as to whether it was -- whether the hydraulics on
19 the door were broke or not, because you can operate the
20 door from the driver's cab and you can operate the door
21 from the rear of the vehicle as well, both inside and
22 outside. But then I'm conflicted as to whether the door
23 was broken at that time.

24 So if the door is broken, I can jump out and open
25 the door, or it can be opened from the inside manually.

1 In either case, I was out of the vehicle to where I met
2 SO17 -- I don't have the numbers in front of me, but ...

3 THE INSPECTOR: Where you met SO17.

4 A. Mm-hmm.

5 THE INSPECTOR: So far as manoeuvring the vehicle is
6 concerned, was there a need to turn the vehicle around
7 in order to drive away? I mean, taking this photograph,
8 I had understood you had driven down, turned under the
9 bridge --

10 A. Mm-hmm.

11 THE INSPECTOR: Why could you not just simply drive off and
12 go up the other way you were pointing?

13 A. One part of me thinks it was overly steep on the other
14 side. So if you -- yes, so rather than the side that we
15 entered from, the other side was much steeper. But
16 I suppose the more I press it in my mind, I think we
17 just reversed back and then turned --

18 THE INSPECTOR: Then turned back up the way you came?

19 A. -- and then just went back up the way that we came.

20 THE INSPECTOR: Do you remember doing that yourself, so far
21 as you remember detail?

22 A. Not with anything that I could throw conviction behind,
23 no.

24 THE INSPECTOR: Can you help at all on the reason why, now
25 in the light of what has been said, the looters were in

1 the water?

2 A. Mm-hmm.

3 THE INSPECTOR: What do you understand was the momentum?

4 What was the reason why they ended up in the water?

5 A. The reason I'm not quite able to generate an answer for.

6 It's been asked many times, like, "But surely you

7 questioned this stuff?" Particularly when we was going

8 through the trial, my family found it very difficult to

9 be able to understand that, as a soldier, you're quite

10 attuned to one another and stuff happens, you just ...

11 the motions take over.

12 So, no, I'm not sure as to exactly what the overall

13 thought process was for putting them in the water and

14 what the desired outcome was, you know. I can certainly

15 offer opinion on it now that I'm more educated as

16 a commander and a leader throughout my military career.

17 But certainly not at that point, being 18 years old,

18 I ... my thought processes wouldn't have operated like

19 that.

20 THE INSPECTOR: But you tell me your recollection is that

21 SO15 didn't remain in the turret, in the vehicle, was

22 out of the vehicle?

23 A. Sir.

24 THE INSPECTOR: On that your recollection is clear, is it?

25 A. As far as I'm concerned, yes.

1 THE INSPECTOR: Thank you. Thank you very much.

2 (S016 withdrew)

3 Discussion

4 THE INSPECTOR: So, S017? (Pause).

5 MR DAOUD: Sir I'm grateful for the time. S017 does not
6 wish to give any further evidence.

7 THE INSPECTOR: He doesn't want to respond to what has been
8 said?

9 MR DAOUD: No. If you are content, what he does say is that
10 he adopts what has been said by S016 now.

11 THE INSPECTOR: What has literally been said by S016 just
12 now?

13 MR DAOUD: Correct, yes.

14 THE INSPECTOR: But he doesn't want to add anything in his
15 own words?

16 MR DAOUD: No. As I said, with a very limited time -- it
17 may be that if you do wish to adjourn over a short
18 luncheon period, then ...

19 THE INSPECTOR: I wish I could say that, but I can't. I'm
20 under other constraints which make it impossible for me
21 to go on this afternoon.

22 There will be a transcript of what we have today and
23 it will include S016's most recent pieces of evidence.
24 What I might suggest is that -- I realise that giving
25 evidence, in the sense of answering questions, can

1 itself be something which is difficult. What I think
2 may be an acceptable way forward is: now that I know on
3 the record that he goes along with what SO16 has
4 recently said, then it could be that what you could do
5 is please incorporate into a written statement that that
6 is what he says, by reference to the record, and perhaps
7 he could then make any additional observations that he
8 can which might have been prompted by questioning from
9 me.

10 MR DAOUD: I think that would be a sensible way forward, if
11 I may say, sir.

12 THE INSPECTOR: I think it would be less painful and more
13 economical and sensible, if you could do that.

14 MR DAOUD: I am obliged.

15 THE INSPECTOR: All right. Thank you very much indeed.
16 I will give a last opportunity to SO18. Does he
17 want to adopt a written response approach or ...

18 MR NATAS: I will discuss that with him. It may well be
19 that he will, but I don't have --

20 THE INSPECTOR: It's open to him to do so.

21 MR NATAS: That's understood.

22 THE INSPECTOR: Can I make it plain, I don't want
23 repetition, I want advancement.

24 MR NATAS: I understand.

25 THE INSPECTOR: You know what I mean by that.

1 MR NATAS: I'm fully aware.

2 THE INSPECTOR: We've been over the terrain enough. I just
3 want to know where we stand.

4 MR NATAS: Yes, I understand.

5 THE INSPECTOR: And for him to reflect where he may be on
6 all this, with your clear advice.

7 MR NATAS: Yes.

8 THE INSPECTOR: Thank you very much.

9 MR NATAS: Thank you.

10 THE INSPECTOR: Thank you.

11 Mr Henderson, can I take it your client doesn't want
12 to say any more?

13 MR HENDERSON: Not for the moment, sir. But I just wonder
14 if I could refer you to one passage in his record of
15 interview which you may find helpful on the issue of
16 where people were when the vehicle was being turned
17 round.

18 THE INSPECTOR: Yes. Give me the note of it now,
19 Mr Henderson.

20 MR HENDERSON: Yes, it's on page 97 of his first interview.

21 THE INSPECTOR: Thank you.

22 MR HENDERSON: He was asked:
23 "When they all get out of the back of the vehicle,
24 that's the four looters and two dismounts, then what do
25 you observe happen?"

1 And S015 responds:

2 "They got out of the vehicle. As soon as they got
3 out, I got [S016] to close the door. We then drove
4 forward and turned around and I wasn't paying particular
5 attention to them because I'm in command of the vehicle
6 and we drove forth."

7 THE INSPECTOR: Thank you.

8 MR HENDERSON: That is the version of events which in his
9 statement, sir, he asked you to incorporate -- he
10 adopts.

11 THE INSPECTOR: I will look at that again of course in the
12 light of his evidence and I shall have to consider that
13 of course in the light of the evidence I've heard from
14 the other soldiers, who basically say they acted in
15 accordance with orders.

16 MR HENDERSON: Indeed.

17 THE INSPECTOR: All right. Well, thank you everybody. I'm
18 sorry that it's been a very, very extended morning.

19 Would you like to just stay a moment, perhaps?

20 I would like to have a word with you. All right?

21 That's Major McMullen. I would like to have a word with
22 you. Thank you.

23 You will hear from me in due course. Thank you.

24 (1.28 pm)

25 (The hearing concluded)

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