



MOD-83-0000139-A

Witness Name: Jonathan Halloran

Statement No.: 1

Exhibits: None

Dated:

**In the matter of an investigation into the death of
Mr Hassan Said**

**WITNESS STATEMENT OF
JONATHAN HALLORAN**

I, Jonathan Halloran, can confirm that the detail contained in this statement has been taken directly from statements that I made on 05th August 2003, 21st August 2003 and 15th July 2004. As the events in question occurred over 11 years ago I am basing this statement wholly on the evidence I gave on the above dates.

I, Jonathan Halloran will say as follows:-

1. I am making this statement for the purposes of the investigation into the death of Mr Hassan Said.
2. I started at Sandhurst in April 2001, was commissioned in April 2002 and then went on a Troop Leaders course in Bovington, Dorset. I finished that in November 2002, came out to my Regiment and then in late January 2003, we deployed to Iraq on Op TELIC 1. I came back from there early May 2003 and then deployed again to Iraq in late June 2003 on Op TELIC 2.
3. I attended a training package in January 2003, the exact dates I am unable to recall, prior to deploying on Op TELIC 1 to Iraq. As far as I am aware all soldiers of my unit who were deploying on Op TELIC 1 received this training package which included

lectures on the Law of Armed Conflict, Rules of Engagement, Armoured Fighting Vehicle Recognition, Iraq Culture/Country brief, NBC Training and various other lectures that I am now unable to recall. I did not instruct in any of these packages and the lectures were designed to prepare us for operations in Iraq.

4. About the 26th or 27th February 2003 to 2nd or 3rd May 2003 I deployed to Iraq with my unit and was actively involved in the conflict. After the 2nd/3rd May 2003, I returned to my unit in Germany following which we had a period of leave. About the 16th June 2003, having already been prior warned, I prepared for deployment to Iraq on Op TELIC 2. I was aware that only a squadron would be deploying to Iraq for Op TELIC 2 and as a result, I was tasked to provide lectures on the Law of Armed Conflict and the Rules of Engagement to all the people who would deploy. I arranged for all the lectures to take place in the RHQ conference room of my unit at Lumsden Barracks, BFPO 38. I cannot recall the exact date I completed the lectures though I believe it was on or about the 18 June 2003. I delivered the Law of Armed Conflict lecture first which lasted for about one hour to an hour and a quarter, then I gave the lecture on the Rules of Engagement which lasted about ten minutes.
5. In relation to the Law of Armed Conflict lecture, I can state the following about the content of this lesson:
6. The package I used for the lecture was signed out by me from the Training Wing of my unit. The package contained a floppy disc on which was a power point presentation, a video which depicted a mock battle scene highlighting various points relating to armed conflict, laminated sheets containing a print version of the contents of the power point presentation and two questionnaires one being for officers and SNCOs and the other for JNCOs and Tprs which listed a series of questions testing the soldiers' knowledge of the Law of Armed Conflict once shown the power point presentation and video.
7. Whilst I am unable to recall all the points that were covered during this lecture, I can recall that the following points were covered:
 - 1) White flag of surrender. This basically covered the fact that when a white flag is raised it does not automatically mean the enemy are surrendering, it just means that hostilities should end and arrangement for surrender discussed.

- 2) Treatment of wounded. This covered the fact that no favouritism should be shown to one's own wounded soldiers and that treatment should be given to the most seriously injured be they enemy or friendly forces.
 - 3) Treatment of women and children. This covered the fact that soldiers should not abuse their position in conflict and that all women and children should be treated fairly and humanely and should not be singled out for any form of mistreatment.
 - 4) Stealing. This covered the fact that soldiers are not allowed to steal property from the enemy be they alive or dead and are not allowed to steal property from buildings or any other place.
 - 5) Emblems. This covered the fact that Red Cross and Red Crescent are signs for medical services and as such are non-combatants and should not be targeted and not be used to move soldiers or arms into battle.
 - 6) Civilians. This covered the fact that all civilians are to be treated as non-combatants and as such are not to be targeted in any way by soldiers. They are to be provided with medical assistance as and when required.
 - 7) Guerilla Groups. This covered the fact that enemy guerrilla groups usually have some sort of uniform and are to be treated as combatants in time of war and as such the Law of Armed Conflict would also apply to them.
8. I am aware that the Law of Armed Conflict is obtained from the Geneva Convention which contains laws and rules governing how soldiers should behave in a time of war. I am also aware that a majority of countries have signed the Geneva Convention including the United Kingdom. I can recall that this is discussed at the beginning of the lecture in the power point presentation.
 9. Throughout the lecture I provided I followed the contents of the power point presentation as printed on the laminated sheets. I did not add or remove any of the information and showed the video in full to all those who attended the lecture.
 10. At the conclusion of the lesson, I handed out the appropriate questionnaires for all soldiers, JNCOs, SNCOs and officers to complete. At the conclusion of the Law of Armed Conflict test/questionnaire, I collected the papers and marked them later that day. To the best of my knowledge all soldiers passed the questionnaire. I cannot say

exactly where I placed the questionnaire once I had marked them though I may still have possession of them in Germany.

11. In relation to the Rules of Engagement lecture I provided, I can state the following: Prior to commencing the lecture, I had obtained information from my chain of command that due to the operation in Iraq moving from Phase 3 to Phase 4, the exact Rules of Engagement had yet to be finalised. In light of this it was decided that 'card Alpha', which provides the Rules of Engagement for 'guidance for opening fire for service personnel authorised to carry arms and ammunition on duty' would be used as a guide for my lecture. I must stress that I did not refer to a card Alpha to refresh my memory before I gave the lecture. The only action I took was to discuss what I should mention during the lecture with my OC, namely Maj Williams, of my unit.
12. The points I covered are as follows:
 - 1) Lethal force may be used if a soldier's life or another life is in danger.
 - 2) Before firing their weapon a verbal warning must be given.
13. These were the only points I covered and due to the time that has elapsed since I gave this lecture, I am unable to recall the exact words I spoke. However, I can recall that at the conclusion of my lecture my second in command, namely Capt Nick Ridgeway, of my unit, and Maj Williams spoke of a few words about this subject though I am unable to recall what was said.
14. Since my unit has arrived in theatre and prior to the incident occurring in Ad Dayr with S009 I can state that to the best of my knowledge all members of my unit have received a brief on the Rules of Engagement and provided with a card Alpha.
15. I exhibit JMH/1 – Card Alpha, which is a copy of the Rules of Engagement card issued to all members of my unit since their arrival in Iraq. However, I would like to state that I personally did not hand a copy of exhibit 1. (Card A) to S009 of my unit. I would like to add that in August 2003 I had not completed a course of instruction in delivering lectures, however, the subject was discussed and practised during my officer training at Sandhurst.
16. In August 2003 I was attached to 1 KINGS Battlegroup in Iraq, and had been there since 1 July 2003. I was a troop leader within Badger Squadron at Hacienda, with

responsibility for 24 soldiers. Amongst those soldiers was S009 [REDACTED] who I would describe as about 5'10" tall, short dark hair, slim build, aged about 20 years. I had known him since being out in Iraq and would say he is hard working, organised, pro active and confident without being over-confident.

17. We were stationed at the 'Hacienda' approximately 5 km south of Ad Dayr. As stated above, I was based at the 'Hacienda'. This was a large house taken over by the British Army as a base with 6 tanks and 2 Troops working from there. During Op TELIC 1 the local population was fairly delighted to see us coming into Basra but during Op TELIC 2 the sentiment had started to change towards us. Attacks on British Forces were increasing on a daily or weekly basis. During the 5 weeks I was there prior to this incident I was involved in other incidents involving the locals, such as 'house searches' for munitions when an Iraqi had been arrested. Shots were fired at us. We had grenades thrown at us and the Police Station had been subject to machine gun attacks. During Op TELIC 1, which was a 'state of war' I was Troop Leader, that is being in charge of three tanks. I saw action on a number of occasions. Op TELIC 2 was not a 'state of war' but the threat to us was getting higher.
18. On Sat 2 August 2003 at about 17.30 I set out from base on a routine patrol which I was leading. We had one vehicle, a Landrover, and in this vehicle were myself in the front passenger seat with Cpl Gardener of my unit driving. S009 [REDACTED] was in the rear of the vehicle acting as top cover. We travelled to Ad Dayr Police Station to uplift S008 [REDACTED] RMP, and then proceeded north up route six to Shaafi Police Station. Also in the vehicle were S009 [REDACTED] and an Interpreter. We collected S008 [REDACTED] from Ad Dayr Police Station and were travelling towards Ash Shafi Police Station where S008 [REDACTED] was due to carry out routine checks. I met S009 [REDACTED] on Op TELIC 2 when he came to the 'Hacienda'. He had been there for the 5 weeks prior to the incident so I knew him fairly well. I did not socialise with him but he was a personable young man. He was a hard worker, diligent and pro-active. He was a good soldier. There had been no incident that caused me to question his judgment. I did not know S008 [REDACTED] very well prior to the incident. He was a Cpl in the Royal Military Police (RMP). His tasks included coordinating training and overseeing the local police. We simply provided escorts for him and checked weapons and prisoners at the Police Stations. I did not know him socially at all.

19. I did not receive any specific briefing just prior to the patrol on the 2nd August 2003, as this was a routine patrol. I would have given details of the patrol to all the patrol members. They are quite used to doing them. As a Troop Leader I did attend 'O' Group meetings. There was another Officer, Captain Rimmer, at the Hacienda and either of us would attend these 'O' Group meetings. These were 'Orders' Group meetings where any upcoming operations or new information about the area was given by the Squadron Leader. These were daily meetings. I cannot remember which of us attended the meeting on the 2nd August 2003. Prior to the patrol we were all aware of an incident involving Callsign 33 Foxtrot and grenades and machine gun fire being levelled at the Police Station. Risk assessments as to minimum vehicles etc. for patrols were normally conducted at a higher level than myself. However, Major Williams or I could re-assess if we thought the levels were set incorrectly.
20. Going back to the patrol that day, we were driving along the road, about 2 ½ km north of Ad Dayr, when I saw on the left side of the road seven men of Iraqi appearance wearing I believe trousers as opposed to a dish dash. They were pushing a two wheeled wooden cart on to the road. As we drew level I saw the car was full of black boxes about 12 x 6 x 4 in size on the cart. I immediately believed them to be munitions (mines). I ordered our vehicle to be stopped and reversed back to the men and the cart/I ordered Cpl Gardener to stop and reverse which he did. We were about 30m past them at this point. As we were reversing 4 of the men ran off in the direction of a village to our left. Once we had stopped, I got everyone to get out which they did. Four of the men ran off but I did not give any orders in relation to them. There were only four of us in the patrol and we did not have personal communications so I concentrated on the other three. I might have said, "Right, we'll leave them" but I can't remember. I wanted to know what was in the cart and make sure the other three didn't head off. I told the others generally what to do but they didn't need to be told specifically what to do. They knew what to do. I told S008 to check the cart. The two others watched the three guys. The three remaining men had left the cart in the central reservation and were walking towards the village. I told Cpl Gardener and S009 to cover the three men who were stood at the rear of the Landrover. The Interpreter was 'on the ground', probably speaking to the Iraqis. Some people were coming out of nearby houses but there definitely wasn't a build-up of people around the Land Rover. I am sure I would have asked some general questions of the three men through the

interpreter but I can't remember the specifics. I then sent S008 over to the cart and he went across to check the cart and told us it was full of boxed ammunition. A short time later, S008 called me across to the cart. On arrival at the cart, S008 was holding what I would describe as a 14.7 mm round about 6 ins in length. I went across to inspect it and I shouted back for the men to be placed in 'plasticuffs'. I have been asked about personal safety equipment. Every patrol should have an 'arrest kit' containing 'plasticuffs'. Individuals should also have them. 2 RTR personal kit would consist of helmet, body armour and rifle. We do not carry 'side-arms'. S008 was RMP and he had a 'side-arm'.

21. I walked over to the cart and then told Cpl Gardener to plasticuff them while S009 was guarding them. I then sent S008 back to the Landrover and shouted to Cpl Gardener to plasti-cuff the three males. S008 was obviously heading back across. I turned back to the cart and at that moment I heard shouts of 'Stop' which I believe were S008 and S009. I turned round to see two males at the Landrover and S008 and S009 running down towards the village. They were about to turn a right corner behind a building. I saw S009 cock his rifle and fire one round into the air. He was about 30-35 metres from me and I had a clear unobstructed view. The rifle was pointing at an angle of about 70 degrees. I heard several shouts of 'Stop' before and after this warning shot. The two of them then disappeared behind a building. As they began to plasticuff them the man made a dash for it. I wasn't actually watching at this stage. All I know was that there was a couple of shouts of 'stop'. I turned round and saw the Iraqi running off the road followed by S009 and S008. As they were running towards the building initially and still in my sight I saw S009 fire a 'warning shot'. I have referred to this in my original statement and I have now been asked more specifically about 'warning shots'. We are allowed to fire 'warning shots'. He had shouted "Stop" on a number of occasions in English. Before that they had tried to detain him and the guy had run off and wouldn't stop so S009 fired the 'warning shot'. This was acceptable. The man had been caught 'red-handed' with munitions and I felt at that time, that it was fine and I would support that action. The only time we wouldn't fire 'warning shots' is if we thought it would inflame a situation. Card 'Alpha', the 'White Card' mentions 'warning shots' and these cards are different per operation.

22. Cpl Gardener ended up dealing with the two men that were left after the third man ran off. I was looking in the cart so I didn't see if the first two put up any resistance when being plasticcuffed. This was not a protracted situation. This all happened in a matter of seconds.
23. They turned right around a building. I would not have wanted this to happen as there were only four of us and we had no personal communications. I wasn't happy about it because I now had two men out of my sight. I did not know where they were and I was concerned at that point. I then sent Cpl Gardener after them to see where they had gone. I had not been involved in any specific incident in that area but the thing to realise is that every household or 99 percent of households out there had a weapon to protect themselves so everywhere was a potential 'hot spot'. I wanted to get them back. The two prisoners would have been processed and we had the ammunition. I sent Cpl Gardener to the corner where I could see him and hopefully he could see where they had gone. I think the time scale between them disappearing from my view and despatching Cpl Gardner was about ten, twenty or maybe thirty seconds. I needed to find out where they had gone fairly quickly. It may have been longer but that is my assessment from what I remember. I think the two remaining prisoners were cuffed but not in the vehicle. The Interpreter was around the vehicle. I don't know if he was talking to the prisoners or not. Cpl Gardener had gone as far as the corner where S008 and S009 had disappeared when literally seconds/ very short while later S008 came running back round the corner. As I stated in my first statement he said something like, "He shot him" or "Someone has been shot". He said to me "Someone has been shot" or "He's shot him". I cannot recall the exact words. I'm sure I would have asked more but can't remember what. I immediately thought that it wasn't ours but I needed to get down there. I had heard no gunshots. I would have found out that it wasn't S009 that had been shot. S008 was panicky, harassed and short of breath.

24. I told S008 to stay with the vehicle and the two males who were by this stage plasti-cuffed and sat down, I then ran in the direction of where Cpl Gardener and S009 had gone. When I arrived outside a house there was a large crowd gathering around a courtyard. Cpl Gardener was covering one entrance whilst S009 was covering the other. I was very worried about getting S009 back. I told S008 to remain with the Land Rover. I ran down to the 'house' and told Cpl Gardener to go and get the Land Rover around to the house as quickly as possible. When I got to the house there were two entrances to the courtyard. These entrances were at ninety degrees to each other. S009 and the guy were inside. I told S009 to man one entrance and I manned the other. The crowd was building up in front of us. The crowd consisted of men and women who were trying to get inside the courtyard. The women were wailing and there was a lot of shouting. I don't suppose this is unusual in circumstances such as these. They were distressed and angry and pushing towards us. The combination of wailing and shouting, the crowd and having no communications was intimidating. I was not happy with the situation although our specific location in the courtyard was controlled. I did not see any of the crowd with a rifle. I don't know how long it lasted for. I was on the north facing entrance and S009 was guarding the west facing entrance as per the house plan shown to me exhibit 2 (sketch plan of the house). We could see each other across the courtyard. S009 was shaken up by the incident but to be honest with you I didn't have enough time to go and speak to him or sort him out because my main concern was stopping anyone getting into the courtyard. There were no civilians in the courtyard when I entered it. I do not believe that anyone outside the courtyard could have seen what had occurred inside. Nobody attempted first aid inside the courtyard. This was not an 'active' decision as in 'no, we won't'. I did not have the manpower because of the situation. I did not order a search of the house due to lack of manpower.
25. I then sent Cpl Gardener back to bring the Landrover. I looked into the courtyard and then went in. I would describe it as about 15 ft square and covered. I saw a male lying on the ground slightly on his side face up. I could see his eyes which were open but not registering. He was wearing a blue top and dark trousers. I would guess his height as being 6'2" tall and of large stocky build. I recognised him as one of the three men who we had stopped at the cart. I could not see any visible injury but I could see blood pooling on the ground in the area of his lower back. He wasn't moving or making any

noises. I do recall his eyes moved because this is what made me think he was still alive. I would just like to add that there was no one else in the courtyard at the time. About 3 mins later the Landrover arrived with Cpl Gardener, S008 and the two detainees. I got the Landrover reversed to the door. I then got the guys to load the injured male in to the rear of the vehicle while I tried to keep the crowd back. The crowd were getting hostile and trying to push forward.

26. The Land Rover arrived and reversed up to the entrance. The crowd were getting hostile, trying to push through, shouting and screaming in our faces. However, I wasn't too concerned with people right in front of me. I could keep them back. It was those on the periphery, whether anyone was going into a house to come out with a weapon. It was quite intimidating.
27. I then got everyone into the vehicle and left the area as quickly as possible. However, the Land Rover couldn't come down the way we had run and we had to find an alternative route. I think the other two prisoners were trying to get out of the Land Rover. The Interpreter was not there then. I saw him later on that day. When he came back later he was quite shaken up. They had tried to get hold of him and he ran off, and at the time he was not my priority. I would just like to add that we had taken an interpreter with us and up until the scene at the house I had not seen him much. At the house I still did not see him and he wasn't in the vehicle when we left or in the vicinity. I would just like to clarify that the interpreter was with us at the start of the patrol and when we stopped and spoke to the three males he was there, however, I did not see him again until we were at Ad Dayr Police Station. Neither Cpl Gardner or I carried out any first aid on the injured male.
28. When we got into the Land Rover we drove to the local hospital. After leaving the area we drove straight to Ad Dayr hospital where we dropped the injured male off with the medical personnel. I was not aware of anybody following us in any other vehicles or any relatives or people from the scene being at the hospital. We reversed up to the hospital and I jumped out to get a porter or a doctor to load him onto a trolley. This eventually happened. A number of medical staff came out and took him back into the hospital. I don't specifically know whom I handed the casualty over to. I got our guys back in the vehicle to go to Ad Dayr Police Station. I told somebody at the hospital that

the man had been shot but little else as there was no interpreter with us and nobody there seemed to speak English. The hospital is half a mile or so from Ad Dayr Police Station and they would have all known where we were from. We then drove to Ad Dayr Police Station. During the journeys to the hospital, which is about 2-3 miles from the 'scene', and then to Ad Dayr Police Station, which is no more than a mile, I was in front of the Landrover with Cpl Gardner driving. S008 and S009 were in the rear. If there was any conversation in the back between S008 and S009 at any time, I didn't hear anything. I could shout to the people in the back but I couldn't hear 'normal' conversation from the back. When we arrived at Ad Dayr Police Station, the first thing I tried to do was radio down to Maj Williams at Squadron HQ to say that an incident had occurred. I couldn't speak directly from the Police Station to HQ as any transmission had to be relayed. At the time I sent the radio message my knowledge of the actual shooting was not detailed. I knew that an Iraqi civilian had been shot by S009 but no other specific details. I then tasked a patrol to cordon off the munitions. This patrol was call sign 33 Foxtrot based at Ad Dayr Police Station. This was sometime later, not, immediately after arriving back. I can't remember exactly whom I sent.

29. At the Police Station, I sat S009 down whilst I tasked a patrol to cordon off the munitions and send a sitrep. I then asked S009 what had happened. He explained that when they found the male in the house and were trying to bring him out, the male was struggling and had hold of S008 he related that the male then tried to take his (S009 rifle off him. He was concerned that if the male got either his or S008 weapon he would use them and as he still had S008 held down he (S009 shot him (the male).
30. S009 then gave me his account as recorded in my initial statement. I do know more details but I'm not sure whether it was what S009 told me at the time or what I found out subsequently. They had found the unknown male in some sort of toilet or outhouse within the courtyard. They shouted at him to get out and when he wouldn't they tried to drag him out. The Iraqi was an unusually large man for an Iraqi. He was approximately six foot and about 15-16 stone. I think they tried to cuff him to restrain him but he wouldn't have it. I think S008 had started using his baton. He still wouldn't comply and then he had S008 pinned down and had hold S009 rifle. There was a struggle with both of them and he (S009 shot

him. I did not make any notes at that time of the account given to me by S009. I did not speak to S008 much about this. I cannot remember what he did say if indeed I did speak to him. In my initial statement I said, "I reassured S009 before we all returned to our base location". By this I meant I was trying to calm him down and make sure he was alright. I sat him down and got him a drink. It was obviously quite a serious incident and it was on his mind.

31. S009 was visibly shaken by the incident. He was very withdrawn and looked shocked. I reassured S009 before we all returned to our base location. During our return journey I did not discuss the incident any further. S008 had remained at Ad Dayr Police Station. The two detainees were also left at Ad Dayr Police Station. I would describe one of them as 5'10", podgy build, a black beard with thinning hair wearing a light coloured shirt. The other male I could not describe, I would be able to recognise the male with the beard.
32. At no time do I remember being present when or if S008 'cautioned' S009. I do not know what happened to the two Iraqi prisoners once we were back at Ad Dayr Police Station. I can't really remember but I don't think I filled in any reports for the arrests. I cannot remember any specific instructions from HQ except to go down to 'Riverside' to speak to Maj Williams face-to-face and to take both S008 and S009 down there. On route to HQ I again sat in the front of the Land Rover and therefore if there was conversation in the back I did not hear it. Once at the 'Riverside' I went straight to Maj Williams and explained to him exactly what had happened from my point of view. I am sure S008 would have given me some sort of account by this time but I don't remember specifically what. I did not make any formal report at that stage but I knew it would have to happen later on. Once Maj Williams knew what the situation was he then left to report the facts to Lt Col Griffin at Battle Group HQ. I then headed down to Battle Group HQ myself in order to write statements or to take S009 to speak to the Colonel. S009 was still pretty shaken up but I honestly can't remember if he spoke to me about the incident at this time or if he asked for my advice. We may have spoken about it. I don't think S008 was with me. I can't really remember whom I went down to Battle Group HQ with. I spoke to Lt Col Griffin to give him a first hand account. It was dark when we got there and I think it was about eight to half eight. I do not recall anybody, on that day, saying that a 'higher authority' had stated that this was 'not a police matter'. Neither S008 nor

S009 reported any injuries to me. I am not aware whether they were examined by medics. I did not report the matter to the Iraqi Civil Police nor did I know that a report had been made to them. I can only presume they may have become involved through the RMP as they worked quite closely with them. The information about this incident, as with any such incident, is 'briefed-up' and then disseminated back down. I did not take any part in the identification of the body. I do not know of anybody who may have done this. Although I did see the interpreter again after the incident I do not know whether he had to make any formal report. The situation in Iraq can seem 'black and white' unless you are actually out there. The situation was deteriorating and the threat level against us was increasing all the time. There was a crowd of forty to fifty people shouting, pushing and getting physical whilst trying to get in. It was not known whether any of those people were armed. I don't think it can be understated how intimidating that can be to someone in that situation. S009 was part of a patrol that would have been out on a daily basis. I am sure that he was involved in other incidents within the previous five weeks. S009 was taken out of the 'Hacienda' and taken down to the 'Riverside' the next day. The reason for this was so that he could be closer to Squadron HQ and readily available for any statements.

Statement of Truth

I believe the facts stated in this witness statement are true.

Signed

Dated

16th february 2015