



MOD-83-0000109-A

Witness Name: S008

Statement No.: 1

Exhibits:

Dated:

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

**WITNESS STATEMENT OF
S008**

I, S008 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 have been asked to provide a statement setting out what I can remember in relation to an incident that occurred on 2 August 2003 in Shafya in Iraq, which resulted in the death of Mr Hassan Said.
3. I am currently **[please give a brief description of your current job and responsibilities]**. Project Engineer
4. I joined the British Army in October 1995 and completed 10 weeks of basic Phase One military training at Worthy Down. I underwent Phase Two specialist Military Police training at Chichester from January to June 1996 where I received instruction on arrest and restraint and the use of force. I was then posted to Armagh, Northern Ireland where I worked together with Infantry

Battalions. I then served in various different places, including Cyprus and Bosnia.

5. Prior to deployment to Iraq I, together with the rest of my Company, in late May/early June 2003 attended a three-week training course known as Pre-Deployment Training (“PDT”). The training was conducted either within our unit lines or at ranges in the near vicinity of our unit. The training incorporated several aspects of military skills. Among the military training that was conducted I recall observing a video on the Law of Armed Conflict. My understanding of this video is that it identifies Lawful Combatants i.e. those who we can and cannot fight. I understood that I may fire upon anyone in uniform or otherwise who is pointing a firearm at me with an aim to using it. Persons who I understood are not Lawful Combatants are persons who are civilians (unless they are armed as mentioned above) who do not bear arms or pose any threat to my life.
6. I received a further lesson during PDT regarding the Rules of Engagement (“ROE”) in Iraq. I cannot now recall who gave this lesson but I am fairly sure it was an Officer / SNCO within my unit. The lesson instructor took the class through the White Card, which we were all issued with prior to deployment. My understanding of the White Card, as explained in that lesson and which I adopted in theatre, was that I may only discharge my rifle if I or someone else is being shot at, if a weapon is pointed at me or another and I believe that our life is endangered, but in both cases unless to delay would further endanger life, a warning should be shouted: “*Army, stop or I will fire*”. I did not at any stage during the ROE lesson nor during my time in theatre receive any instruction or training on ‘warning shots’. In addition, the White Card gives no mention or reference to ‘warning shots’.
7. During the PDT I underwent a range practice, which necessitated firing my A2 5.56mm rifle and a 9mm Browning pistol. On both shoots I was awarded a pass indicating that I was confident and competent with both weapons.

8. As a concurrent activity on the range day I received training in the use of a Monadnock baton and quick cuffs. I recall that the latter involved my having to practice arrest and restraint techniques on another member of my unit.
9. Prior to my deployment I was issued with, amongst other things, an A2 5.56mm rifle, the serial number of which I do not now recall but the butt number was 46. This is written in white marker on the weapon plastic in the area behind the iron sight. In theatre I was issued with 4 x 5.56mm magazines each containing 30 rounds, a 9mm Browning pistol and two magazines each containing 10 rounds. Amongst other issued items, not specific to Operation Telic but in my possession, were a black nylon belt with a black pistol nylon holster, a cuff pouch, a Monadnock baton and pair of quick cuffs. I do not now recall the serial number of the baton or cuffs I was issued.
10. On 27 June 2003, I arrived in Kuwait where I underwent one week's acclimatisation and in theatre training before moving to Iraq on 4 July 2003.
11. On 5 July 2003, I deployed to 1 Kings Battle Group. On 6 July 2003, I deployed to the Iraqi Police Station at Ad Dayr in South East Iraq.
12. I understood my role at Ad Dayr included conducting a three-week training programme for Iraqi police. In addition to Ad Dayr Police Station, I also had responsibility for Al Shafi Police Station, which is located about 10-15km north of Ad Dayr on Route 6. As well as conducting training, I was responsible on a daily basis for providing advice and assistance to both Police Stations. I was therefore required to visit Al Shafi Police Station on a daily basis.
13. In order to visit Al Shafi Police Station I made use of a patrol provided by 1 Kings, which was located about 10km south of Ad Dayr. This patrol provided me with transport and assistance on a daily basis to travel between the two Police Stations.
14. At about 5.30pm on 2 August 2003 the 1 Kings patrol arrived as requested and previously arranged to convey me from Ad Dayr Police Station to Al Shafi Police Station. The patrol arrived in a single open topped Wolf Landrover. The

patrol comprised Lieutenant Halloran, Corporal 'Tam' Gardener and S009 [REDACTED]. Also present was an interpreter [REDACTED]. The three soldiers and I were dressed in desert combats, wearing body armour and various forms of webbing, as well as our helmets. We all carried rifles.

15. At about 6.00pm we were travelling north along Route 6 heading towards the Al Shafi Police Station. About 2km south of the Police Station we observed six males of Iraqi appearance pushing a cart of what looked like munitions across the road. The men were on the opposite carriageway and had reached the central reservation to our left when we were level with them. We continued past the men but slowed our vehicle. We then stopped our vehicle and pulled over. We then reversed the vehicle. As we started to reverse three of the men ran off into a nearby village. Everyone alighted from the vehicle and Lt Halloran took control by telling the men to "stop" and "come here". I did not hear whether [REDACTED] translated these words as I was already crossing to the central reservation. My intention was to examine what was on the cart.
16. I saw approximately 20 to 30 metal boxes about 5 inches deep. I asked one of the men where the boxes came from. He was dressed in a blue shirt and was about 6ft 2 to 3 inches tall. He had broad shoulders and black hair. I recall that he had a very thin moustache connecting to a beard joining his sideburns. He did not appear to understand English and did not speak English during our time together. When I asked again, "Where did you get this from?", which was translated by [REDACTED], the man pointed across to the other side of the road, to where our vehicle was parked.
17. Along with [REDACTED], the man took me across the road to a pit that was filled with water at the bottom. There were three boxes, the same as the ones on the cart, by the edge of the pit. I could also see where the other boxes had been dug up from. One of the boxes by the side of the pit was open. I managed to pull a round of ammunition from the box. It looked like a 40.7mm round. I shouted to Lt Halloran "Come look at this". I then watched as he approached and as he neared I showed him the round of ammunition. He said "What is it?". I replied

"A big bullet". Lt Halloran said, "Right, we'll arrest them", which I told [REDACTED] to translate to the man in the blue shirt.

18. Lt Halloran then started to walk back towards the vehicle. I followed with the man and [REDACTED]. As we neared the vehicle I saw the man take a couple of quick steps forward and I anticipated that he was going to run. I did not have hold of him and he was already beyond my reach so I shouted, "Stand still" at which he started running passed our vehicle towards the village where the other three men had fled. I again shouted "Stand still" but the man gave no indication of stopping. I therefore gave chase.
19. The man had about a 5m head start on me, which began to increase as he was wearing light clothing whilst I was wearing some heavy equipment. I was also aware that S009 [REDACTED] was giving chase as I could see him to my left. We continued chasing the man for approximately 75 to 100m from the roadside to the edge of the village during which time S009 [REDACTED] had drawn level with me. As we ran S009 [REDACTED] and I were both shouting "Stand still" repeatedly. We were continuing to give chase when I heard a round being discharged to my left. I stopped and turned to see S009 [REDACTED] standing with his rifle butt against his shoulder pointing his rifle in the air. He was not looking down the sights of his rifle but had it pointed skywards. The man did not stop but kept running and was some 10m to 15m ahead of us now. Immediately I heard the gun shot I stopped and made ready my rifle. This was pure instinct. I had heard a shot being fired and whilst I believed it was S009 [REDACTED] who had fired I could not be 100% certain and I was approaching an unknown village. I therefore made my rifle ready but my safety catch was still applied.
20. I started running after the man again who had now turned left around a street corner. As he made this turn he was about 20m to 25m ahead of me and therefore went from view. S009 [REDACTED] was about 5m to 10m ahead of me and as he made the turn he too went out of view.

21. As I turned the corner I saw S009 [REDACTED] ahead of me and the man about the same distance, namely about 20m to 25m ahead. I did not notice any pedestrians on the street. I continued giving chase and about 50m to 100m ahead of our last turn the man made a right turn and again went out of view. As I approached the corner I slowed to a stop and walked around the corner as I was exhausted. Here I saw S009 [REDACTED] alone standing outside a dwelling.
22. The dwelling was a single storey structure built out of bricks and mud with a tin roof. I recall that it had a green door surround but no front door. S009 [REDACTED] told me that the man had gone inside the dwelling.
23. We entered the house. I went to the right, whilst S009 [REDACTED] went to the left. I checked the three rooms to the right but no one was present. I saw that there was a woman in the main room of the house who, once aware of our presence, began pointing towards the rear of the house. I understood from her actions that she was indicating to us where the man had gone. I therefore went to the rear door.
24. Outside was a mini courtyard about 10m x 5m with a wall of brick and mud to a height of about 5 to 6 feet around it. In the left wall was an open gateway with no gate. In the right hand corner of the yard were two small buildings each with a doorway, which I assumed were toilets.
25. S009 [REDACTED] went to the open gateway whilst I walked over to the small buildings. With the exception of the doorways, in which there were no doors, there were no windows and no lighting. In the left of the two buildings I saw only that there was a hole in the floor. I left this building and went to the second building. When I looked inside I saw the man standing with his back against the wall in which the door was located. I could identify the man despite the building being in darkness as he was breathing very heavily. I shouted to S009 [REDACTED] "He's here". I then shouted to the man in English "Get out", which I repeated four of five times. Eventually the man walked out of the building. As he emerged I kept my rifle pointed at him. However, my finger was not on the trigger and my safety catch was still on safe.

26. I placed my left arm on the man's right shoulder and said "*Get down*". The man shrugged his shoulders and flailed his arms upwards so that I lost my hold on him. I attempted to force him to the ground by putting one of my feet, though which I do not recall, into the back of his legs whilst pushing him downwards. However, I only caught his right leg above the ankle and whilst he stumbled he did not go to the ground.
27. When the man regained his balance he turned to face me, adopting an aggressive stance, in that he squared up to me, arms out to his sides with a facial expression which I thought was one of being 'pissed off'. I was aware that S009 was to my left and behind me.
28. Because of the man's stance I stepped back and motioned for him to get on the ground, all the time holding my rifle which was pointed at him. The man did not move but remained standing stationary. I moved towards him putting my left hand on his left shoulder grabbing his shirt in order to get him to lie down. As I did this the man pushed me with the palms of his hands against my chest, pushing me backwards. I stepped back as he pushed me so I was not off balance and did not fall to the ground. As I stepped back S009 stepped forward between the man and me and struck the man with the butt of his rifle. This caused a cut about 1cm in length to the man's left cheek. The man staggered back as a result but did not fall to the ground.
29. The man was now standing with his back to the wall of the house. As I moved towards him shouting, "*Get on the floor, lie down*", he began flailing his arms and legs outwards so that I could not take a hold of him. As he was striking out his arms and legs did make contact with me, however, these were obstructive blows rather than meant to injure. I then took out my Monadnock baton, placed my rifle in my left hand and extended my baton. My reason for arming myself with the baton was that I thought it necessary to get the man under control. I placed the baton to my shoulder and told the man to "*Get on the floor*" twice. He kicked out on one occasion when I struck him to the left thigh with the baton. I can only describe his look then as being stunned, but he did not go to

the ground. As I made to strike him again his arms flailed out as he tried to strike me, but did not make any significant contact.

30. I then struck him a second time to the thigh, saying "Get down", as I did so. I struck the man a third and fourth time, each time repeating, "Get down", but he did not go to the ground. After the fourth strike he visually calmed down and stopped attempting to strike me, placing his arms up in a 'stop' motion, palms facing me. As he had calmed, I collapsed my baton and put it away, and then asked S009 [REDACTED] if he had any plasticuffs. He replied, "No". Only then did I remember that I had my quick cuffs on me. I took out my quick cuffs and placed my rifle on the ground. At this time the weapon was behind me and to my left as I moved forward to handcuff the man. S009 [REDACTED] was also to my left but about level with the man and therefore in a position to cover me. I took hold of the fingers of the man's left hand and as I went to apply the cuff to his left wrist he swung his left arm out in a manner I thought by which he was attempting to strike my face. He missed as I stepped back. I was aware that S009 [REDACTED] moved in but I did not see what, if anything, he did. I stepped away and replaced my cuffs into my vest. I picked up my rifle in my left hand and got my baton out again, which I extended. The man was standing about 2 to 3 feet from the house wall to his left and about 5 to 8 feet from the right courtyard wall to his rear. I intended to strike the man with my baton to the stomach and whilst I know this is an amber area of the body having regard to striking an individual, in that it can cause harm and physical injury, I thought it the only means of bringing him under control and getting him to comply with our wishes. I recall only that S009 [REDACTED] was near, as I was aware of his presence but not his exact location. I stepped forward and swung my baton, striking the man to the stomach. However, I did not strike him cleanly, hitting him with the end tip of my baton. Simultaneously, I heard a loud bang to my left, at which the man let out a loud, high pitched scream.
31. The man then turned to face the house and placing both hands palm against the wall, he slid down the wall to a position where, face down his arms and head were against the wall with his legs flat on the ground. At this time I saw no injury to the man.

32. I turned to S009 [REDACTED] and said, *"Did you just fire a warning shot?"* He replied, *"No I shot him"*, I said, *"You fucking idiot, you fucking idiot"*. My reason for saying this was that I considered his actions the wrong thing to do. At the time of firing the situation was, as I have described, and I did not feel in any danger from the man. Whilst he was not complying with my requests, he did not pose any danger to me or another in my opinion and the situation had not gotten out of control. I was not aware of anyone else being present in the courtyard and at no time was I aware of the female or anyone else exiting the house or entering through the open gateway.
33. I looked back at the man who was now lying on his back and moaning slightly in obvious pain. He was looking directly at me, mouth open, with a shocked, stunned facial expression.
34. I did not check the man to see if he had an injury as a result of the gunshot and at that time I saw no blood about his body. I said to S009 [REDACTED] *"You stay here"*. I then ran back through the house, the way I had entered, into a clearing where I continually shouted, *"Boss, boss get over here quick"*, referring to Lt Halloran.
35. Cpl Gardener replied, *"What happened, what happened, where are you?"* I said, *"We're in that house there, he's shot him"*. He said, *"stay here, you get the boss"*. At this I rushed to brief Lt Halloran and sent a radio situation report. We then took the Landrover to the address and conveyed the man who had been shot to the hospital in Ad Dayr. During the journey I was aware that the man had a gunshot entry wound to the rear, right lower back and a lump to the front right lower stomach suggesting the bullet was just inside the skin. I was able to see this injury as the man's shirt was raised during the journey to the hospital. No one was able to provide medical treatment to the man on the journey to the hospital as we were all holding on whilst Cpl Gardener drove.
36. After conveying the man to hospital, Lt Halloran asked me, *"Did you order him to shoot?"* I replied, *"No"*.

37. At 6.38pm that evening, at Ad Dayr Police Station, in the presence of Lt Halloran I cautioned S009 [REDACTED] as a matter of procedure.
38. We had unloaded our weapons on arrival at the police station and I told S009 [REDACTED] I was retaining his for an inspection. Whilst I was waiting on direction from my company HQ on how to continue it was necessary for all to return to base. As a result I had to return S009 [REDACTED] rifle to him for the journey back. Once back I again recovered it and kept it under my control until about 11.00pm that evening, when I was approached by Captain Ridgeway who informed me that a higher authority had determined this was not a police matter and that the weapon should be returned to S009 [REDACTED] which I did.
39. My only further contact with S009 [REDACTED] was when having been informed that 1 KINGS was to deal, I said to S009 [REDACTED] *"Just tell him what happened, you'll be alright, don't worry about it,"* or words to this effect.
40. In conclusion, I wish to add that the whole series of events in the courtyard were never fully under my control in that the man did not comply with my wishes, probably because of the language barrier, but also maybe because he was in his own home and felt a degree of safety and security from this. I did not, however, at any time feel the situation was beyond or not capable of coming under my control.
41. At no time did I consider it necessary in the courtyard to use either of my firearms and only had the man been able to arm himself would I have considered using my own firearm. At one point though I cannot recall when, except that it may have been early in the events, when I was trying to force the man to the ground, he pushed the barrel of my rifle away. This was the only time he laid hands on my rifle and at no time did I feel he was attempting to gain control of it or remove it from me.
42. At no time did the male lay hands on my pistol holster or make any attempt to gain control of it, or my pistol contained within.

43. My only recollection of the man attempting to grab or push away S009 [REDACTED] rifle, if in fact he did make contact, may have been when I initially stepped back from the man to remove my baton and S009 [REDACTED] stepped in and struck the man with his rifle butt.
44. The incident lasted about 10 to 15 minutes. Only S009 [REDACTED] and myself were in the courtyard during the incident. I know that immediately the shot was fired and thereafter there was nobody in the doorway of the house as I would have been concerned by their presence and close proximity to me. Furthermore, when I went for assistance for the man I re-traced our route through the house towards our call sign and saw no one in the house or immediately outside the front of the house.

Statement of Truth

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

Signed S008 [REDACTED]

Dated 12 Nov 14

