



MOD-83-0000330-A

Witness name: SO20

Statement No.: 1

Exhibits: PCAM/2

Dated:

In the matter of an investigation into the death of Mr Ahmed Jabbar Kareem Ali

Witness Statement of SO20

I, SO20, will say as follows:-

I am making this statement for the purposes of the investigation into the death of Mr Ahmed Ali.

Background

1. I joined the military in July 1985. Between 11th March 2003 and 9th May 2003 I was deployed on OP TELIC and served in Kuwait and later Basrah, Iraq. I served as the Company Sergeant Major ('CSM') of No 1 Company ('Coy'), of the 1st Battalion Irish Guards. I assumed the appointment of Company Sergeant Major No. 1 Coy in January 2003. I am now retired from the regular army.
2. We captured the College of Literature (known as Objective (Obj) Elysium) in Basrah city on the 6th or 7th of April 2003 and made it our temporary location. It was a big university complex comprised of four buildings in the shape of an 'H', and we occupied two of the buildings and secured the perimeter, but looting was happening in the other two buildings. On the morning following the capture of the Obj, BG HQ Royal Scots Dragoon Guards along with an Engineer Unit joined us at the loc. The following day elements of the 1st Battalion Parachute Regiment BG also moved into the loc.
3. Along with No.2 Coy, we eventually joined the Black Watch BG from the Royal Scots Dragoon Guards, this may have been on the 09th of April 2003, but I cannot be definite. 1 Coy were 170 strong approx and we were based in the Gymnasium which was situated approximately 2 km as best as I can recall from the city centre of Basrah. We were based there for about 4-5 weeks in total. The Gymnasium was an old sports centre complex used as a coalition base in view of its perimeter wall, which afforded physical security. 2 Coy were based in the palace but then moved to a hotel. My responsibilities as CSM included being responsible for the security of the base, the administration of the base and its personnel, and I was also responsible for the receipt and control of prisoners brought to our location by unit personnel on the ground.
4. From about 36 hours after we captured Obj Elysium the Fedydeen HQ in Basrah I started seeing looting. The city had imploded, and they were taking everything they could get

their hands on, ripping out the gutter pipes, computers from clinics and colleges, stealing cars, taking furniture from cafes, basically taking everything that wasn't nailed down. Looting was happening on a vast scale.

5. I went out on patrol a number of times, during my time in Basra and also transited to Battle Group (BG) HQ, Brigade (Bde) HQ and also back to the Divisional (Div) HQ in Shaibah, during these times I would see looting. I recall taking part in 2 fighting patrols prior to the entry into Basra, 4-5 foot patrols and an arrest and detain raid whilst in Basra along with a number of vehicle patrols to various HQs. I cannot be more precise as it is difficult to remember individual patrols.

6. No one was doing anything about the looting initially, and I remember listening to the BBC World Service on the radio and a report saying that museums in Baghdad had been looted. Shortly afterwards, I cannot exactly remember when, it came down to us that we had to stop the looting. This was soon after we occupied Basra.

7. Orders

8. At some point, I don't recall when, but shortly after I heard about the museum being looted in Baghdad, the order came down from the Chain of Command (CoC) at a briefing from Maj Peter MacMullen that the looting had to stop. I remember thinking "How is it going to stop?", but there was no direction given from him as to how this was going to be achieved. At this briefing the following personnel (however I cannot be definite) would have/should have been present; Coy Second in Command ('2iC') Captain (Capt) Niall Brennan, the 3 Platoon Commanders (Pl Comds); Capt Daniel O'Connell, Capt SO21 [REDACTED], Capt SO23 [REDACTED] and the 3 Platoon Sergeants (Pl Sgts); Sgt SO25 [REDACTED], Sgt Scott Brettle and Sgt Ian Pickford. Also, the Warrior (Wr) Sgts; Sgt SO15 [REDACTED], LSgt Hobbs and LSgt Hood may have been present. This may have been at one of Major MacMullen's daily briefings in the gym after he had been to the BG meeting which he did every morning. I was aware at this point that the looting was out of control and no one was doing anything about it because no one knew what to do.

9. I remember saying in a sarcastic manner "How are we going to stop the looters? Are we supposed to shoot them?", and the answer came back "No. Arrest them." I then asked "Then what do we do with them?", and was told that they were to be passed up the chain to Brigade level. We were just told to arrest them and bring them back to the gym and that they would be passed up the chain, but I had a concern about the lack of facilities for detaining individuals.

10. The looters then were arrested and got sent up to either Bde or BG HQ in Basrah. Bde HQ was based in the Basrah palace, which was Saddam Hussein's old palace, which was about half an hour away from us by vehicle next to the Shat Al-Arab river. I cannot remember the location of BG HQ.

11. I remember on one occasion seeing a two-wheeled cart with air-con units and fridges piled on top, with a donkey harnessed to it, the animal was raised in the air by the weight of the cart and people were trying to grab stuff from the cart. The place was going mad and no direction was given as to what to do with the looters, we were just told to arrest and detain them. Once an individual was passed up the chain, my involvement with them ceased.

12. In terms of briefing, individual vehicle commanders wouldn't be briefed by me. I

would brief the platoon commanders and Pl Sgts, and told them not to mess about but to get any looters they detained back to me. At that stage there were rumours going around that looters were being dropped off outside of town and being made to walk home as punishment. I can't say when the rumor started, maybe within our first couple of weeks of being in Basrah.

13. I have no reason to believe that the order to arrest looters and bring them into the Coy location was not passed onto the Troops, but there was little space for both the Coy personnel and a large number of prisoners at the gym. In any case there were too many looters to deal with. Initially some of the prisoners were held in a lavatory, whilst others were released and a limited number were sent up the chain, if armed when arrested. At one stage we had 20-30 a day, with a holding area about 3 x 3 metres, out in the open in very hot temperatures. We had to put in security. I said "If anyone isn't a threat then let them go".

14. I remember an incident when a vehicle from the Royal Regiment Fusiliers pulled into our compound with looters in the back. They opened the back door and there were three generations of one family there, the grandfather (who was in marsh-Arab dress), his son, his wife, the daughter-in-law and about 3-4 children. There was no facility to hold women or children, so I released them immediately, held the men for about an hour and then gave them bottles of fresh water and let them go. I remember another incident where I was called down by the gate sentry. A callsign had arrested two looters with a wheelbarrow of office equipment. I put both looters into the holding pen and after establishing there were no weapons I released them. I was speaking to the interpreter who was laughing because one of the looters was asking if he could take the wheelbarrow with him. I said no and that he should go away.

15. The whole city was like this but most of them (looters) weren't a threat, they were just very poor people who had been living a very poor life when along came this burst of freedom with no control and they just went for it.

16. I remember on one occasion in the first couple of days in the gym I was standing by the front gate and saw two Iraqi police officers, wearing sky blue shirts, navy blue or black trousers and with holster pistols, and I remember thinking "Great, something is happening with regards to the enforcement of traffic rules". However, at some point the Coy Comd Maj MacMullen said to me that they were Ba'ath party members. I think this was on or around the 10th of April, but I cannot be sure.

17. I can't remember from whom I heard that looters were not being taken back to Coy HQ but were being driven off somewhere and dropped off a few miles from where they had been arrested, but I felt that quite a few people knew about this practice. I personally would have had no problem with the looters being driven out of town and being dropped off to walk home. I was aware that some of the callsigns were doing this but I can't remember who told me it was going on. I was aware of the reduction in numbers of looters being brought into the Coy loc, this would have been due to there being not much left in Basrah to steal after all the looting.

18. In terms of boundaries as to what was and what wasn't permissible to do to looters, if I had heard of prisoners being abused I wouldn't have condoned that. I told people that if they took anyone prisoner to not mess about with them, just put them in the vehicle and bring them back to me, and it wasn't permissible to arrest them and hold them for hours on end, driving them around the city for long periods of time and then releasing them. I said to just keep them for the minimum amount of time.

19. In terms of how I got information, it was mostly hearsay, gossip. A lot of it was common knowledge. It could come from one of the callsign commanders, something they'd

heard from No 2 Coy. An RMP NCO came and said something to the effect that people were messing about with prisoners, driving them about. I said that this was madness and that they should just let them go.

20. Call Sign Comds were regularly sent out on missions to control looting. Mostly standing patrols or overwatch. One task was to assist with getting a school re-opened. The school was looted during the night after the first day of help after that the school received new furniture which we were trying to prevent from being stolen. We were trying to maintain a presence in the city.

21. I wouldn't have given a callsign commander a mission, that would have come instead from the Coy Comd. I was more concerned with administration, for example which platoons were on rest and which were on security at any given time. I wouldn't have briefed individual callsigns. I would brief the PI Comds and PI Sgts on administration points during the Coy Comds Orders Group (OGp). These points along with the Coy Comds points would be relayed to the individuals by their PI Comds and PI Sgts.

22. A lot of times looters were just chased away. If they were detained by a soldier on standing patrol, I would have expected them to be brought back to my location. However, if they were in the city, I would not be surprised if any looters had been dropped off outside the city.

23. The first I was aware that some soldiers were taking looters to put them into water was on our last day in Basrah. The majority of Coy had already pulled out and withdrawn back to Shaibah I was part of the last packet of vehicles to leave. I remember that the RMP vehicle pulled into our compound and an NCO asked if we had a callsign down at Bridge 4. I told him that that wasn't our Area of Responsibility (AOR) and that there was therefore no requirement for a callsign to stop there. He asked to see our logbook which would normally be in the Ops room, and I said it had probably already gone. When I got back down to Shaibah I asked the Coy Comd what that was all about and he said he wasn't sure.

24. I did not hear any gossip about soldiers wetting looters. If I had I would have been totally against the practice. I don't remember Maj MacMullen coming back from BG orders meetings and saying what other Coys were doing.

25. 8th May 2003

26. I don't know why one of the vehicles was taken 8km away from the hospital, as Bridge 4 was not in the Coy AOR. The Coy was at that location during the initial stages of the campaign, so it would have been a location known to the soldiers, including callsign 12, and all callsigns would have known that area. The bridge crossed over the Shatt Al Basra Canal on the road heading south towards the Kuwaiti border. Just to the south of the bridge on the west side was a bus depot which we had occupied for a number of days, using it as a base from which to launch attacks into Basrah, during the early stages of the campaign.

27. At some stage I knew that looters were being picked up to be dropped off at another location, but did not know how far away they were being taken. I wouldn't have been surprised if someone had said they were being dropped off at the other side of the bridge. However, the patrol outside the hospital was a standing patrol I believe, and so depending on it's mission the callsign shouldn't have left the location at all. As to the distance itself that the callsign travelled, I can remember first being told this when I gave my statement to the RMP,

and was surprised that they had left the hospital in the first place. If a standing patrol had asked to leave the hospital, the request wouldn't have come to me, but to the Ops officer in the Ops room. The only situations I can think of in which the Ops officer would have given permission for that would have been if the callsign had come under attack, or if there was a change of mission, or someone was taken ill. I would not have expected permission to have been given to leave the hospital and drive that distance to deal with looters, however I was not the Ops officer so can't say for certain. I can only speculate that if looters were encountered by a standing patrol they would have been chased off.

28. I have been asked what our orders were on the 8th of May with regards to looters. I cannot recall what the briefing was on that day, I only remember trying to move the Coy out and keep a low profile, to move back to Shaibah airbase with a view to returning home. I don't recall seeing any legal instructions produced and filtering down to commanders. If there were such instructions I would have thought I would have seen them.

29. I have been shown FRAGO 91 [PCAM/2] which refers to the use of 'minimum force', which means the need to use the minimum level of force required to control a given situation, however I do not recall using that term in particular when giving orders to any callsigns. I have also been asked about the references in that document to 'temporary detention' but this is not familiar to me. I do believe that temporary detention was permissible, although I don't recall being briefed about this, so that was just my interpretation of the situation at the time.

30. One of my concerns at the time was that the Coy had had 9-10 days of hard fighting in which 2 soldiers had been killed, and 5-6 others injured, and I had worries about them dealing with civilian looters. I thought it was just silly and asking for trouble as we weren't police officers, but were soldiers involved in firefights. The majority of the population in Basrah were Shia Muslims, with a significant proportion of Sunni. There were also a number of Christians, and there was infighting between those groups, as well as tribal infighting. At night there was lots of tracer fire cutting across the sky. You couldn't say there was one coordinated insurrection, it was a turf war with different gangs.

31. We didn't receive any training for internal security operations for Basra. We were applying our experience and common sense from Northern Ireland and the Balkans. The Iraqi army had mostly melted away and we were fighting Fedayeen fighters in the city. We weren't prepared and had no training for that. We used our common sense and previous experience in how to deal with civilians. In Northern Ireland the civilian population were controlled by the police but in Basrah there was no police.

32. I was informed on the 31st March 2016 that the Iraqi police were involved in an incident on the 8th of May 2003 in which they put looters into muddy puddles. However, to the best of my recollection the Basrah police were not in operation at that time.

33. With regards to the incident on the 8th May involving the four soldiers, all I can say is it shouldn't have happened. If the callsign had been told to be at the hospital, then it shouldn't have moved from that location unless directed by the Ops room. During the Court Martial in 2006, I was cross examined and asked "What decisions if any does the driver make with regards to the moving of the vehicle". I informed the Court that "The driver is totally controlled by the Commander of the vehicle, and doesn't make any decisions with regards to its movement". During my RMP interview in 2005, I was asked if it was usual for a vehicle to move with only one person in the turret, I replied "there should be two people in the turret - the gunner, who operates the weapon systems and the commander who commands the vehicle. The questions I have in my mind are why was there only one person in the turret

of the warrior on that day? If there had been an ambush, who would have operated the weapons systems? I would still have expected there to be two people in the turret in case that happened, and there are no situations I can think of in which that wouldn't happen. On the 31st of March 2016, I was informed that there were 2 persons in the turret when the vehicle moved from the Hospital to the Bridge, but that means that there was only 1 soldier in the back of the vehicle with 3 prisoners, which I believe to be a potentially dangerous practice. Also, the Warrior would carry 7 troops in the back, so where were the other members of the callsign? Why did they leave the hospital unguarded? None of it should have happened and I wouldn't have been at all pleased had I known about it at the time.

34. Soldiers are emotional people too, but where someone was given command responsibility, they are there to take responsibility for those soldiers. So I would not have expected them to lose their sense of order and control and go out and do this sort of thing. As I see it, we (coalition forces) were intruding, and needed to respect people in their own homes. If I was to put myself into the mind of commanders on the ground on the 8th May, my approach would be that it was the last day and I wouldn't want to be messing about, I would just chase the looters away and then pull out. I can't envisage why the Warrior would have gone off and left the dismounted assault troops unprotected, especially given that the communication systems and heavy weaponry systems are integral to the Warrior. Even if the vehicle cmd had been allowed to make the decision to take looters away, he still should have informed the Ops room. If anything was to go wrong such as coming under attack, vehicle breakdown etc, the Ops rooms would need to know the location in order to provide support.

35. SO15 was an experienced NCO, who had served in Northern Ireland, Bosnia and Kosovo. He was experienced as a vehicle commander, who would have known that the standard operating procedure is to let the Ops room know if you're going to move your vehicle. How would you get support if people don't know where you are? This applies to the most junior soldier on the ground. If it had been me on that day I would have told the Ops room that people had been arrested for looting and were being taken to Bridge 4.

36. Every radio transmission should be recorded in a log in the Ops room. If numbers permitted, there would have been someone there transcribing all transmissions. There should have been a record if the warrior had changed location, and informed the Ops room.

37. In relation to what I have been told about the vehicle commander's actions on the 8th of May, I would not only question his attitude to the lad in the water, but also his attitude to the soldiers who he left back at the hospital? What would have happened to them if they had of come under attack. I can't think how an Ops room would have let him move off from a hospital.

Statement of Truth

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

Signed..

[Redacted Signature]

Dated.....01.06.....June.....2016