

The Iraq Fatality Investigations

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**Inspector: Sir George Newman**

**CONSOLIDATED REPORT  
into the death of NADHEEM ABDULLAH  
and the death of HASSAN ABBAS SAID**



Cm 9023



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Presented to Parliament by the Secretary of State for Defence  
by Command of Her Majesty

March 2015



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# GLOSSARY OF TERMS

1 (UK) Armd Div	1st United Kingdom Division
2ic	Second-in-command
2 RTR	2nd Royal Tank Regiment
3 PARA	3rd Parachute Regiment
8 PI	8 Platoon
16 Air Asslt Bde	16 Air Assault Brigade
Aitken Report	A report by Brigadier Robert Aitken dated 25th January 2008 headed: 'An Investigation into Cases of Deliberate Abuse and Unlawful Killing in Iraq in 2003 and 2004'
Ajdt	Adjutant
AOR	Area of Responsibility
APA	Army Prosecuting Authority
ALS	Army Legal Service
Bde	Brigade
BRITFOR	British Forces
Card Alpha	Also known as 'the White Card'. A card outlining the Rules of Engagement and dictating in what circumstances a soldier may open fire
CMSR	Common Military Syllabus (Recruits)
Coy	Company
CO	Commanding Officer
CQMS	Company Quartermaster Sergeant
CSM	Company Sergeant Major
Dishdasha	A long robe traditionally worn by men in the Middle East
ECHR	European Court of Human Rights
FRAGO	Fragmentation Order
GPMG	General Purpose Machine Gun – 7.62 x 51mm belt-fed, air-weapon firing 750 rounds per minute, which can be used in a variety of ways, including vehicle-mounted
GOC	General Officer Commanding

HQ	Headquarters
IED	Improvised Explosive Device
IFI	Iraq Fatality Investigations
INTREP	Intelligence Report
INTSUM	Intelligence Summary
ITD	Individual Training Directive
JFIT	Joint Forward Interrogation/Intelligence Team
JNCO	Junior Non-Commissioned Officer
JSP	Joint Service Publication
LOAC	The Law of Armed Conflict
MATT	Military Annual Training Team
Minimi	Mini machine gun – 5.56 x 45mm light machine gun, fully automatic, firing 700 - 1000 rounds per minute, belt or magazine fed
MOU	Memorandum of Understanding
MPS	Military Provost Staff
MSR	Main Supply Route
NCHQ	National Contingent Headquarters
NCO	Non-Commissioned Officer
NI	Northern Ireland
NIRBAT	Northern Ireland Reinforcement Battalion
NITAT	Northern Ireland Training Advisory Group
Ops	Operations
OP TELIC 1	Codename for operation to invade Iraq in 2003
OP TELIC 2	Codename for the second phase of operations in Iraq in 2003
OPTAG	Operational Training and Advisory Group
PDT	Pre-Deployment Training
Pinzgauer	All terrain 4-wheel and 6-wheel drive military vehicle
PJHQ	Permanent Joint Headquarters
PSNI	Police Service of Northern Ireland

PW	Prisoner of war
QM	Quartermaster
QRF	Quick Reaction Force
Regt	Regiment
RHQ	Regimental Headquarters
RMP	Royal Military Police
ROE	Rules of Engagement
RQMS	Regimental Quartermaster Sergeant
RSM	Regimental Sergeant Major
RTR	Royal Tank Regiment
RUC	Royal Ulster Constabulary
SIB	Special Investigation Branch
SITREP	Situation Report
Sqn	Squadron
STR	Short Tandem Repeat analysis – a DNA testing methodology used to confirm a biological relationship.
T3	‘Train the trainer’ – a method of providing instruction to officers who then instruct those below them, so that training ‘cascades’ down through the ranks
Tp	Troop
Tpr	Trooper
TTPs	Tactics, techniques, and procedures
VCP	Vehicle Check Point
WMD	Weapons of Mass Destruction
WMIK (“Wimik”)	Weapons Mount Installation Kit – Military vehicle based on the Land Rover Defender with strengthened chassis, roll cage and weapon mount
UGL	Underslung Grenade Launcher



## GUIDE TO THE REPORT

- 1.** There are three chronologies at Appendices 1, 2 and 3 that are designed to provide an initial overview and, as desired, an easy reference to some of the material summarised in the body of the report. They have been used so as to reduce citation of material.
- 2.** The body of the report is designed to be a self-standing account, and where further information is desired it is to be found in the chronologies and in full on the Iraq Fatality Investigations website.
- 3.** There are findings made throughout the review where consideration has been given to certain areas of the evidence. This has been done to allow for a progressive approach to the findings, leading to the central findings in the sections headed 'Findings and Conclusions'.
- 4.** A list of persons named in the investigations can be found at Appendix 4. For the sake of clarity, Nadheem Abdullah and Hassan Said will be referred to throughout this report as 'Mr Abdullah' and 'Mr Said' respectively.
- 5.** Maps and photographs of the locations in Southern Iraq, items of relevance to the detailed events, and other key documents are to be found in the remaining Appendices.

# Chapter I: Introduction

## SECTION 1: PRELIMINARY OBSERVATIONS

- 1.1** This report records the outcome of the first two investigations into civilian deaths referred to the Iraq Fatality Investigations ('IFI') by the High Court. Details concerning the original purposes of the IFI, sometimes referred to as the 'Iraq Judicial Investigations', can be found on the website at [www.Iraq-Judicial-Investigations.org](http://www.Iraq-Judicial-Investigations.org). The website carries an extensive documentary record from which the legal background, objectives, procedures and the course of the Investigations can be seen.
- 1.2** The material on the website should be regarded as supplementary to the material in this Report and treated as part of this Report. Nevertheless, for many purposes, the Report may well serve as a self-standing account of events. It has not proved possible to avoid material being published in the Report and on the website, but unnecessary duplication has in general been avoided. My findings and conclusions are set out in this Report and they will only appear on the website when the hard copy edition of this Report has been published.
- 1.3** The remit of the IFI has arisen from various judgments of the European Court of Human Rights (ECHR) at Strasbourg. A succinct survey can be seen from the judgments of the Divisional Court which ordered these two Investigations. Notably it can be seen that the judgment of the Grand Chamber of the Strasbourg Court in *Al Skeini and Others v United Kingdom*<sup>1</sup> was not given until 7 July 2011. By that judgment the territorial scope of the ECHR was declared to extend to the circumstances surrounding the two deaths I have investigated. The extended jurisdictional reach of the ECHR has captured other cases which the IFI will be required to investigate.
- 1.4** These legal developments are bound to have very significant practical consequences for the character and programming of future overseas military operations. I have seen the extent of the planning and preparation which takes place in connection with military operations. Detailed legal consideration is given to the proposed military operations, including the provision of training and instruction to soldiers (details of which appear in Chapter IV: Teaching and Training). But the extended reach of the ECHR has created an enhanced need for preparation and planning to enable the discharge of the State's investigative duty under Article 2 of the ECHR.
- 1.5** Significant consequences have flowed from it not being determined until 2011 that an investigative duty existed in connection with events that had taken place in 2003. The two deaths which are the subject of this Report were reported and investigated to the extent seen to be possible and necessary at that time. The investigations led to more investigations, evidence gathering and the commencement of criminal prosecutions. Evidence on the circumstances which led to the two civilians being killed was gathered from soldiers alleged to have been involved, other relevant military witnesses and Iraqi civilian witnesses.

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<sup>1</sup> [2012] 53 EHRR 18

## The variety of legal proceedings

- 1.6** The criminal prosecutions were fully prepared for all the issues that could arise in the course of a murder trial. Both the families of the victims and the soldiers were thereby caught up in a prolonged criminal investigation process. Had those proceedings been completed, it is likely that the investigative duty under Article 2 would have been discharged. Because they were not completed, some 11 years after the events occurred the families of the victims and the soldiers involved have had to endure further lengthy and complex court proceedings, followed by these Investigations themselves. It is clear that the conclusion of these Investigations will not be the end of legal proceedings: civil claims for compensation have been intimated, and in some instances they have already started. Further, despite the setting up of these Investigations and the existence of an order from the High Court requiring them to take place in respect of the deaths of Mr Said and Mr Abdullah (see paragraph 2.2), a claim was lodged in the International Criminal Court (the ICC) at The Hague in January 2014.
- 1.7** The claim was lodged by the solicitors who had already received instructions to act on behalf of the family representatives of Mr Abdullah and Mr Said. The same solicitors had acted in the High Court and successfully obtained an order for these Investigations. Because the claims in respect of Mr Abdullah and Mr Said were included in the claim to the ICC, under the Rome Statute there is a requirement for the ICC to consider whether it should carry out a similar investigation before it proceeds with its core function to determine whether “any individuals who bear the responsibility for the most serious crimes” should be prosecuted.
- 1.8** This development made it necessary for me to approach the ICC in an attempt to clarify the position. An undertaking was provided by the ICC (see Appendix 7 and paragraph 3.12 below), but unfortunately news comment, which could adversely affect future cases to be decided by the IFI, namely an article in the Daily Mail dated 21 January 2015 (see Appendix 8), gave rise to the need for me to make a public statement in response. The measure of confusion which the article disclosed justifies my public statement dated 22 January 2015 being set out in full below.

“My attention has been drawn to an article published in the *Daily Mail* newspaper dated 21st January 2015. The headline for the article states: ‘Cleared UK troops could face a war crimes trial: prosecutors in the Hague refuse to grant soldiers immunity from fresh charges’. The entire basis for the headline and for the content of the article which follows is a letter addressed to me dated 22 December 2014 from the Prosecutor at the International Criminal Court (‘ICC’) in the Hague. A copy of the letter was published in the course of the current investigations on the website of the Iraq Fatality Investigations (<http://www.iraq-judicial-investigations.org>). The proceedings are public and I have stated that they are accessible to the general public and the media. It follows that the media are free to report them. It is axiomatic that the reporting of current proceedings affecting individuals should be responsible and accurate.

The authors’ interpretation and understanding of the letter is so far removed from my own and from what I believe to be the true meaning of the letter that I feel bound to comment.

As the letter records, I had requested what has been termed ‘a non-use undertaking’. The request was granted. The undertaking followed almost exactly the terms of undertakings received from the Attorney General and the Army Prosecution Service (see the undertakings on the website). The current investigations are taking place because there has not been a public investigation into the facts surrounding the two deaths. The United Kingdom has a legal obligation to carry out the investigations and the ICC has a legal obligation to carry out a preliminary examination of claims which have been lodged with the ICC. The United Kingdom’s position and the ICC’s position are, in important respects, complementary.

A proper understanding of the letter requires some knowledge of the Rome Statute and of the legal principles on which the ICC works. A glance at the ICC website will be sufficient to inform a responsible investigator. In short:

(1) The ICC is a court of last resort. It will not act if a case is investigated or prosecuted by a national judicial system unless the national proceedings are not genuine, for example, if formal proceedings were undertaken solely to shield a person from criminal responsibility. The investigations which I am carrying out are intended to be the genuine national proceedings which, if so viewed by the ICC, will make the cases inadmissible.

(2) The ICC only tries those accused of the gravest crimes: genocide, war crimes, and crimes against humanity.

(3) The Office of the Prosecutor (OTP) of the ICC, as a matter of policy, focusses its investigative efforts on those most responsible for the most serious crimes (see the fourth paragraph of the letter).

(4) The two cases currently under investigation by me fall within the scope of the OTP’s preliminary examination, but according to article 53(1)(a)-(c) of the Rome Statute, the ICC is required to consider jurisdiction, admissibility and the interests of justice. Even assuming jurisdiction to be established, admissibility requires the ICC to consider ‘complementarity’ and gravity (see above at (2) and (3)).

The undertaking given by the ICC to the former soldiers is an important acknowledgment of the way in which the principle of ‘complementarity’ should be worked out at an appropriate stage in the relevant national proceedings. It assists the effectiveness of the national investigative proceedings by providing comfort to those who can provide evidence.

Since the ICC has only recently received the dossier of claims which include the two cases I am investigating, it has a legal and judicial function to perform, and thus it is reasonable and responsible that it should not act to preclude consideration of individual cases before it has had time to consider the details of the dossier.

The headlines in the article not only misrepresent the true position, but they are unhelpful and prejudicial to the discharge of my function as well as misleading the former soldiers who are best protected by an effective investigation being carried out and who have the benefit of an undertaking to encourage their full participation.

It would have been more in the interests of the soldiers, and thus responsible reporting, had the concerns expressed by the authors been raised with me before publication. I would have been happy to convene a public hearing.”

- 1.9** A more detailed exposition of the matters above will follow in the next section, Section 2.

## SECTION 2: THE ORIGIN AND REACH OF THE INVESTIGATIONS

- 2.1** By an Order of the Divisional Court dated 31st October 2013, the Secretary of State for Defence was ordered to hold inquiries into civilian deaths in Iraq in any cases where he accepted that an Article 2 obligation to hold an inquiry existed and where it was clear that there would be no prosecution of any British soldiers alleged to have been involved in the deaths.
- 2.2** The Order contains important specific obligations governing the reach and purpose of the proposed inquiries. The obligations, when read together with the two judgments of the Court in the action (*R (Ali Zaki Mousa & Others) v Secretary of State for Defence (No. 2)*) dated 24th May 2013 and 2nd October 2013,<sup>2</sup> constitute detailed guidance from the Court devised to meet unprecedented circumstances which have arisen from the UK's invasion of Iraq in 2003. It is appropriate to set out the Order in its entirety:

“ CO/5503/2012

IN THE HIGH COURT OF JUSTICE

QUEEN'S BENCH DIVISION DIVISIONAL COURT

*R (Ali Zaki Mousa (No.2)) v Secretary of State for Defence*

ORDER

1. The Court directed the following at [1]-[49] of its judgment of 2 October 2013 in *R (Ali Zaki Mousa No 2) v SSHD* [2013] EWHC 2941 as to the conduct of the Art 2/3 inquiries it indicated were required in its earlier judgment [2013] EWHC 1412 at [212] to [225] (references in square brackets below are to the relevant paragraph in the 2 October 2013 judgment):
  - (i) A designated judge, Leggatt J, be appointed to have overview of the inquiries and to hear applications relating to general issues in dispute as to the overall conduct of the inquiries and for judicial review of decisions made in the inquiries [4]-[6].
  - (ii) Any applications for judicial review in relation to an inquiry be made, in the first instance, to the designated judge within 14 days of the applicant becoming aware of the decision s/he seeks to challenge unless the time limit is extended by the court [5].
  - (iii) An inquiry (or inquiries) be established as soon as practicable into the deaths of Hassan Abbas Said and Nadheem Abdullah (Category 1 cases) [7].
  - (iv) In relation to other deaths, the Joint Case Review Panel established by IHAT and the Directorate of Service Prosecutions to advise the Secretary of State as to whether there is a realistic case for prosecution. As soon as it is clear that there will be no prosecution in a case in which the Secretary of State accepts that an Art 2 obligation to hold an inquiry arises, an inquiry should be commenced as soon as possible [8]-[9].

<sup>2</sup> [2013] EWHC 1412 (Admin) and [2013] EWHC 2941 (Admin) respectively.

- (v) Inquiries to be conducted by a suitable person such as a retired judge or possibly a very experienced practitioner (“the Inspector”) [10].
- (vi) It is for the Secretary of State to determine the terms of reference and the detail as to the form of each inquiry in conjunction with the Inspector. The terms of reference must be drafted so as to ensure that the inquiry is compliant with Article 2 [1].]
- (vii) The Inspector must have a power to compel witness to attend and to compel the production of documents (with appropriate sanction for failures to comply) [16]-[17].
- (viii) The inquiries should be public and be given the necessary support to enable the families of the deceased in Iraq to participate in such a way as to safeguard their legitimate interests.
- (ix) The Inspector should adopt an inquisitorial approach and s/he should generally conduct the examination of witnesses, or, if s/he is provided with assistants, questions can be asked by the assistants on his/her behalf [23]. There should be no separate counsel to the inquiry [23].
- (x) In terms of fact-finding the Inspector should adopt the approach applicable to inquests as outlined in R (*Middleton*) v. *HM Coroner for West Somerset* [2004] 2 AC 182, i.e. seeking to establish by what means and in what circumstances the deceased came about his death. The Inspector may also need to consider making recommendations about lessons learned, where appropriate, but should carefully consider the extent to which it is necessary and proportionate to examine such issues if those issues have already been covered by the Ministry of Defence or other inquiries [25]-[26].
- (xi) Where a case has been investigated by IHAT, all material relating to the investigation must be provided to the Inspector within 7 days of his/her appointment [29].
- (xii) It is a matter for the Inspector to decide what needs to be disclosed to interested parties to enable them to participate in the inquiry to the extent necessary to protect their legitimate interests [32]—[33].
- (xiii) The next of kin of those whose deaths are the subject of an inquiry have a right to suggest questions and raise lines of inquiry to the extent considered necessary by the Inspector to enable them to be involved to an appropriate extent [37]. But such persons, or those representing them, have no right to ask questions and it will be a question of discretion for the Inspector whether s/he permits questions to be asked directly by such persons or those representing them [38].
- (xiv) Funding will be required for legal assistance to victims and families to the extent necessary to safeguard their legitimate interests. However there is no need for an advocate to be instructed on behalf of the family [42].
- (xv) If IHAT has not resumed work on Art 3 cases by the end of the year, the Secretary of State must explain to the Designated Judge why that is so [47].
- (xvi) The Designated Judge should review the position in relation to an appointment of an inspector for Article 3 cases once the first of the Article 2 inquiries is underway [48].”



- 2.3** On 27th March 2014 the Secretary of State made a written Ministerial Statement in connection with my appointment to conduct an inquiry into the deaths of Mr Abdullah and Mr Said. My appointment is subject to the terms of reference that, for convenience, I now set out:

#### “TERMS OF REFERENCE

##### **The Scope of the Investigations.**

1. The investigations into the death of Na[d]heem Abdullah on 11 May 2003 and the death of Hassan Abbad Said on 2 August 2003 (“the deaths”) are to be conducted so as to ensure that, so far as possible, the relevant facts are fairly, fully and fearlessly investigated thereby ensuring the effective implementation of the right to life and accountability for the deaths and discharging the positive obligations of the State under Article 2 of the ECHR.
2. The investigations must be accessible to the victims’ families and to the public, thereby bringing the facts to public scrutiny.
3. The investigations should look into and consider the immediate and surrounding circumstances in which the deaths occurred.
4. Where circumstances demand it, the investigations should extend to the instructions, training and supervision given to the soldiers involved in the circumstances in which the deaths occurred.
5. Where facts are found in connection with the instructions, training and supervision given to the soldiers, consideration should be given to whether it is proportionate or necessary to make recommendations on the issues raised taking into account the extent to which those issues have already been considered by the Ministry of Defence or other inquiries.
6. The investigations are to be conducted so as to bring to light all the facts, including failures on the part of the State and facts from which such failures could be properly inferred. As a general principle, specific individuals should not be identified as responsible for such failures. But the investigations are not to be inhibited by the likelihood of liability being inferred from the facts found or recommendations made.
7. The investigations and the report will not be concerned to determine or to consider any person’s criminal or civil liability.
8. The Inspector shall have the power to compel any person or organisation to provide evidence in writing, to produce relevant material in their possession or control and to attend a public hearing to give oral evidence.

##### **The Conduct of the Inquiry**

9. The procedure and the conduct of the investigations are to be such as the Inspector may direct so as to achieve the aims and purposes set out above and to comply with the terms of the Court’s judgments, orders and directions. He will from time to time consider and keep under review the need for procedures to be made public in connection with any of the aims and purposes of the investigations. In particular, the Inspector will decide whether both investigations, or any stage of them, can be conducted at the same time.
10. The Inspector is to embark upon his investigations by considering all the relevant documentation in the possession of the Ministry of Defence and any relevant



information emanating from the Iraq Historic Allegations Team (IHAT). Where the Ministry of Defence considers publication or disclosure would be damaging to national security, international relations of the State, or the safety of any individual it shall bring its considerations to the notice of the Inspector who, having heard such representations from the Ministry as may be necessary, will determine the extent to which disclosure is required in order to achieve the aims and purpose of the investigations.

11. Having considered all the documents which are to be supplied to him and any further documents or information which he may have requested, the Inspector will decide what needs to be disclosed to interested persons, the next of kin of the deceased or the public to enable the investigations to be accessible and subject to public scrutiny.
12. Having implemented the steps set out in paragraph 10, the Inspector will draw up and publish the procedures which are to be followed to progress the investigations. In this regard, he will follow the guidance given by the court in connection with the extent of legal representation likely to be necessary, the questioning of witnesses and the opportunity to be given to the next of kin to raise lines of inquiry.
13. At the conclusion of an investigation, the Inspector will produce a written report which sets out:
  - (a) A narrative account of the circumstances in which the death occurred; and
  - (b) Any recommendations he has decided to make.”

## SECTION 3: THE PROCEDURES AND FORMAT OF THE INVESTIGATIONS

### Initial Considerations

- 3.1** The Investigations have no exact precedent, but their legal character reflects the attributes and purpose of the coronial jurisdiction, mixed with aspects of a conventional inquiry process, being dispensed under the controlling supervision similar to that adopted as an inquisitorial procedure. As a result, the detailed measures and steps have been for me to work out, paying regard to the guidance from the Court, the legal objective, the need for public participation and the need for accessibility by the members of the victims' families. I set out my general intentions in a public statement dated 13 June 2014 which appears on the website.
- 3.2** The evidential starting point in each of the cases was provided by the material gathered for the purpose of each of the criminal proceedings that were commenced in 2005. On one view, the availability of the detail of the prosecution papers presented me with a great advantage. But it has to be noted that the total volume, some 10,000 pages, provided a surfeit of material which followed lines of inquiry and questioning which, out of necessity, were lengthy and which had to be directed to issues other than the central facts surrounding the deaths of Mr Abdullah and Mr Said. The volume alone gave rise to the need for a strict approach to be taken in connection with disclosure, not because of sensitivity as to public disclosure, but because a disciplined approach to the value and relevance of material being published was consistent with my inquisitorial role and essential to the objective of containing costs and expense. Disclosure in the form and manner of adversarial proceedings was not appropriate, but there had to be sufficient disclosure to allow meaningful participation by the public and the families of the victims, which allowed for lines of inquiry to be identified as the investigations continued.
- 3.3** The records of the interviews of the soldiers and the Iraqi eyewitnesses extended over 1200 pages. Some of the interviews were available also as video recordings. The questions that were asked were relevant to establish a clear basis for the prosecutions which were proposed and can be seen to have been part of the technique and process of questioning which is invariably necessary in a criminal trial, particularly where the serious offence of murder is in issue. Hundreds of questions asked of the soldiers elicited a "no comment" response. Many statements were taken from witnesses to provide support for the evidence of others in anticipation of a criminal trial where it could be expected that counsel, driven by the standard of proof to be discharged by the prosecution, would be probing for factual inconsistencies and gaps in the evidence. I have endeavoured to give effect to my role as the Inspector by meeting the needs of disclosure and inquiry appropriate to proceedings where there are no parties, no adversarial advocates and where the lines of inquiry to be pursued are for me to decide, assisted by the informed participation and guidance from lawyers for persons having a particular interest in the proceedings.
- 3.4** The legal imperative of the process required that I should do more than read the evidence prepared for each prosecution, then publish summaries of what I considered to be relevant on the website and call for lines of inquiry and questions from the families, the soldiers and the public. Such an approach would have been too close to considering the cases on the papers. More than that, the conclusions would not be based, had this approach

been adopted, on investigations made by me and, in effect, the process would have been much closer to a review of what had been investigated and provided by others. Such a procedure would have reduced public participation and the opportunity for public involvement to a minimal level. I made exhaustive inquiries about the whereabouts of the transcript of the court martial trial in respect of the death of Mr Abdullah but, in the result, concluded that it was not available and that it had, probably, in all its previous forms, including as a disk, been destroyed or thrown away. There were certain hard copy extracts, including the Judge Advocate's ruling at the closing of the prosecution's case, which demonstrated that there had been major issues of credibility, particularly in connection with some of the Iraqi witnesses. Thus, had the transcript been available, I would not have felt able to adopt these conclusions without inquiry of my own. Equally and of central importance, the soldiers had not given oral evidence and thus had not been examined and cross-examined. The need for them to give oral evidence and to co-operate with the Investigations was a critical aim of my Investigations. With one exception, to which I shall come later in the report, all the soldiers I approached for assistance gave me their cooperation and provided evidence.

- 3.5** The Divisional Court directed that there should be no counsel to the Inquiry. It anticipated I would need legal and other assistance. I appointed two barristers, one an experienced junior and the other a barrister in her first year of practice. At a later date we were joined by a paralegal who had been on the team of the Al-Sweady Inquiry. After all the papers had been read and witnesses had been identified from whom I wished to receive evidence, I concluded that it was necessary to enquire into the degree of consideration, indeed anticipation there had been, that the combat soldiers would at some stage be required to perform policing duties in or close by to the recent theatres of war and combat activity (see Chapter IV: Teaching and Training). Further, because of the passage of time between the original investigations which took place in 2003 and a need to consider the role and function performed by the Royal Military Police (the RMP) at that time, I took evidence on this area. The Judge Advocate at the court martial had criticised the contemporaneous investigations in 2003. At a subsequent date his conclusions were examined by the Adjutant General.<sup>3</sup> I did not see it as part of my task to review the criticisms but, since it has been established that a legal obligation exists to hold an Article 2 investigation where the State is in control of the territory as an invading force, and it is alleged a civilian death has occurred from violence at the hands of soldiers, it is clear that close regard must be paid to the need for the RMP to be in a position to carry out proper early investigations on future occasions.

### Progress of the investigation

- 3.6** I concluded there were no points of law I had to resolve. However, the legal context in which the forces were operating at any material time, and the extent to which the soldiers were aware of the changing requirements of the law in connection with their duties, has been a relevant matter to which I have paid regard. Further, I have concluded that the circumstances of the deaths of Mr Abdullah and Mr Said are likely to require attention to be given to the legal and practical consequences of soldiers being required to act in accordance with the principle of 'courageous restraint'.
- 3.7** I decided that my procedural approach to the gathering of evidence should differ according to the purpose to be served by seeking it. The investigation of the facts surrounding the immediate circumstances of the deaths of Mr Abdullah and Mr Said

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<sup>3</sup> See paragraph 31 of the Aitken Report, which can be found on the IFI website

was a fundamental task. At the outset I gave notice that the families of the victims were to have the benefit of legal advice and support. As I saw it, it was not just that they should have legal advice as to whether their legitimate interests were being protected, but legal support by way of explanation and understanding of what the processes of the investigation were designed to achieve. There was an awareness on their part that the events which had occurred could be made the subject of a civil claim for compensation and this, initially, affected their approach to investigations which did not involve the determination of culpability or matters concerning compensation. I am satisfied that they became aware of the purposes for which the investigations were taking place and took an informed opportunity to participate.

- 3.8** At an early stage I received notice from a firm of UK solicitors (Public Interest Lawyers or 'PIL') that it had received instructions from both the Said and Abdullah families to act for them in the Investigations. It subsequently emerged that PIL would be likely to represent at least one of the families in a claim for compensation. I was aware that PIL had been the solicitors for the Iraqi interests in the Divisional Court cases. Their familiarity with the issues was a noteworthy factor to which I paid regard. However, after I had received responses from PIL to various queries which I raised, I formed the view that the best interests of the families would be more comprehensively met if I could find an Iraqi lawyer who could advise and assist them. When it was learned that Ms Zainab Al Qurnawi, the founder and managing partner of a firm of lawyers in Basra, had agreed with the families that she would represent them, I made a ruling (see Appendix 9).
- 3.9** It took time for the IFI website to be established, but from the outset I had the advantage of premises which had been made available to me in Horse Guards, Whitehall. At those premises I was able to interview prospective witnesses, military personnel, those who could help me on the role of the RMP, the legal context, background information on the operation (codenamed 'OP TELIC') and the phases of the preparation for the training and deployment of troops to Iraq in 2003. The practice adopted was for a contemporaneous record of the interviews to be made and thereafter members of my team created draft statements, which were sent to the witnesses for amendment, approval and signature.
- 3.10** Soldiers who had been subject to the previous criminal proceedings had to be located. None of them were still serving in the military. Once located, it was essential that I should attempt to secure their co-operation. They requested legal advice and I gave my approval to various firms of solicitors being instructed. So far as costs for legal services were concerned, a protocol was prepared and it can be seen on the IFI website.

## The period after July 2014

### Further procedural protection for soldiers

- 3.11** By the time of the summer break in 2014 lawyers had been instructed for the soldiers and for the families of the victims and the Iraqi witnesses. I regarded it as essential for an effective investigation that the soldiers who had previously been subject to criminal prosecution should be encouraged to give evidence by having such protection as might be available to them from the Attorney-General, the Director of Public Prosecutions and the Director of Service Prosecutions. My request for protection for the soldiers was accepted and an undertaking was provided granting them protection against self-incrimination arising from their evidence to the Investigations (see Appendices 11 and 12).

- 3.12** By this time PIL had commenced proceedings in the ICC at The Hague. The proceedings in the ICC presented a new source of anxiety for the soldiers which could affect their willingness to give evidence to the Investigations. As a result, I approached the ICC for a measure of protection to be provided to them. As it happened, the co-operation of the soldiers was secured without any assurance being available from the ICC, but by December an assurance was given (see Appendix 7). Notwithstanding its date of issue, it, extends to protect them. In addition, it constitutes an indicative precedent for a form of protection which could be provided in future investigations.
- 3.13** The solicitors acting for the soldiers adhered to the time schedule for the preparation and exchange of witness statements. At a directions hearing at Horse Guards they were provided with bundles containing the accounts that their clients and the other soldiers had given in the court martial proceedings in the case of Mr Abdullah. Draft witness statements were prepared for the Iraqi witnesses who had given evidence at the court martial and they were translated and provided to Ms. Al Qurnawi.

### Anonymity

- 3.14** I received requests in respect of several soldiers for anonymity to be granted to them. I granted the requests, having taken account of the objections raised by the families of Mr Abdullah and Mr Said to such an order being made. I gave my reasons in two rulings dated 6th and 23rd October 2014 (see Appendices 11 and 12).

### A particular aspect of the investigation into the death of Mr Said

- 3.15** I should mention one detail in connection with the Investigation into the death of Mr Said. I shall come later to the more detailed evidence available about the specific circumstances in which he was shot by a soldier. However, it is noteworthy that the central facts surrounding the shooting had been made clear from the interviews to the RMP that were given by the soldier who shot Mr Said and the other soldier present at the time. Iraqi witnesses also made statements to me. The soldier who fired the fatal shot gave a full account to the RMP, and to a large extent there is common ground between the accounts of the two soldiers. The central issue which would have been raised and canvassed in the criminal proceedings, had they continued, was not so much related to the circumstances and facts at the time of the shooting, but the state of mind of the soldier who shot the deceased.

I approached both soldiers to give evidence to me, but the soldier who fired the shot refused to co-operate. For reasons which I stated in the course of a hearing on 19th November 2014 (see Appendix 13), I concluded that it was not in the interests of the Investigation for me to take steps to compel him to provide evidence to me. Whilst he objected to the request from me to participate, he did not suggest that his original detailed account was inaccurate or untruthful (see Appendix 14). I decided that I had sufficient evidence available to me, and I received the co-operation and heard the oral evidence of the other soldier present at the time of the shooting.

## SECTION 4: THE INVASION OF IRAQ IN 2003

- 4.1** Parliament voted for the use of force to enforce UN Security Resolution 1441 (UN SCR1441) on 18 March 2003. The military preparations for the force to be used had been under preparation for some months. The military operation was named ‘OP TELIC’. It was to be implemented in four phases: preparation, shaping, decisive action and aftermath.

### The invasion force

- 4.2** The composition of the operational structure for the invasion was the product of the nature of military operation which was anticipated would take place. The soldiers involved in the events I have investigated were from different parts of the invading force structure.
- 4.3** The military need anticipated in the preparation and shaping of the invasion was for heavy armour and armoured infantry, and also for light and highly mobile armed forces that could advance and secure ground rapidly. The UK’s Premier Division for heavy armour was and remains 1 (UK) Armd Div and in this operation it had as its Armoured Manoeuvre Brigade 7 Armoured Brigade (7 Armd Bde). Because of the anticipated needs, the Divisional Command also included 3 Commando Brigade (3 Cdo Bde) and 16 Air Assault Brigade (16 Air Asslt Bde) being light, rapid and mobile brigades who normally sat outside the divisional construct but, for this occasion, were tasked to come within the operation.
- 4.4** 16 Air Asslt Bde included the 3rd Battalion Parachute Regiment (3 PARA). The soldiers involved in the operation on the 11 May 2003 surrounding the death of Mr Abdullah were from 3 PARA.<sup>4</sup>
- 4.5** The operation being carried out on 2 August 2003, when Mr Said was shot, was carried out by soldiers from Badger Squadron, the 2nd Royal Tank Regiment (2RTR). 2RTR formed part of the 1st Battalion King’s Regiment (1 KINGS), which itself was part of the 19th Mechanised Brigade (19 Mech Bde).<sup>5</sup>
- 4.6** It has, therefore, been my task to focus upon the actions of some eight soldiers from different sections of this vast invasion force, which entered Iraq on 21 March 2003. The immediate objective was the establishment of a sustainable joint force in theatre to “conduct war fighting operations.... [t]o defeat Iraqi forces that offer resistance.... and to remove the threat of WMD.” It was envisaged that the operation should move “rapidly to the conduct of aftermath operations, of a presently ill defined nature...”<sup>6</sup>
- 4.7** The 3 PARA soldiers who comprised the patrol on 11 May 2003 did not know each other particularly well, and in some cases did not know each other at all. Some of the members of 3 PARA in the patrol on 11 May 2003 had seen service in Northern Ireland. Some had seen service in Kosovo. Before being deployed to Kuwait in February 2003 to await the order to invade Iraq, the members of 3 PARA had undergone combat training. As the 3 PARA soldiers told me, and the other evidence confirms, they had not received recent training for peacekeeping functions (see Section IV: Teaching and Training).

<sup>4</sup> See Appendix 5

<sup>5</sup> See Appendix 6

<sup>6</sup> See directions issued by Air Marshal Burridge on 18 March 2003. MOD-01-0003279-A, page 2



- 4.8** Although the two soldiers at the scene of the shooting of Mr Said formed part of 1 KINGS, one was a corporal in the RMP and the other was a trooper in Badger Squadron, 2RTR. Unlike the 3 PARA soldiers, both soldiers did receive peacekeeping training before being deployed in the aftermath stage (part of OP TELIC 2). There are written records confirming that Badger Squadron received relevant OPTAG peacekeeping training before being deployed on OP TELIC 2 in June 2003. There are similar records in respect of the RMP corporal's pre-deployment training (see Section IV: Teaching and Training).<sup>7</sup>

### The chain of command

- 4.9** Coherence and coordination is achieved in a massive army division by a chain of command. Directions, instructions, commands and orders are cascaded down through the chain of command to the various levels of authority and command that lie within the structure. At the bottom of the chain are the soldiers whose conduct I have been investigating. It was confirmed to me that command policy or mission command does not necessarily mean that the soldiers will be told how to achieve tasks.<sup>8</sup> How the task will be performed will be the product of training, discipline, ingenuity and initiative. Individual qualities of intelligence, temperament and character will also come into play.
- 4.10** One of the most important instructions to cascade down through the chain of command was the Rules of Engagement (ROE). I am satisfied that ROE were drawn up before the invasion took place and I am satisfied that all soldiers, including those whose conduct I have been examining, were told of the existence of the ROE, their terms and probably in every case were supplied with a card summarising the ROE.<sup>9</sup> It has to be said that at this date, some 11 years after the events, some soldiers had little or no accurate recollection of whether they received a card and some had only the barest recollection of the terms of the ROE.

### Summary of content of Rules of Engagement (ROE)

- 4.11** The first ROE were published on 3 March 2003. They were to continue until fresh ROE were issued, which occurred on 13 July 2003. Under the ROE all soldiers were to have the power to stop, search and detain. Further, "temporary detention of persons posing a threat to coalition forces or elements under UK protection or otherwise interfering with or threatening the Coalition Mission" was permitted. There were specific rules in connection with persons classified as prisoners of war or those assessed to be of high value intelligence interest or suspected involvement in terrorism. Searching of persons temporarily detained and their vehicles was permitted without consent. Guidance was issued which provided that the power to stop, search and detain could be effected either if a person was a threat to security or where someone had, or was suspected of, committing a criminal offence. Both situations were regarded as action that was "interfering with or threatening the Coalition Mission".<sup>10</sup>
- 4.12** Reasonable force in the circumstances could be used to effect the stop, search and detention. Male personnel were not to search females or children under the age of

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<sup>7</sup> MOD-83-0000002-Z]

<sup>8</sup> Aitken Report, paragraph 11

<sup>9</sup> See, for example, Frend MOD-83-00000115-Z paragraphs 62-68; O'Brien MOD- MOD-83-00000077-Z paragraph 46; Worthington MOD-83-00000067-Z paragraphs 24 to 26

<sup>10</sup> See, for example, Annex A to 1 (UK) Div FRAGO 79 of 3 April 2003, MOD030980 ; see also Frend MOD-83-0000115-Z paragraphs 62-64

14 years of age unless an immediate search was imperative for reasons of Force security. There were specific restrictions upon the length of time which someone could be detained.

- 4.13** Guidance was provided for the chain of command by attention being drawn to relevant parts of The Hague Convention and the Geneva Convention.
- 4.14** It is sufficient for me to state that it is clear that Iraqi civilians were entitled to the protection of the law and no soldier had the right to use any force against a civilian save that which was reasonable and in self-defence and save that which was reasonable in the exercise of a duty to stop, search and detain. Further it is plain that there were rules, instructions and commands properly and comprehensively drawn up to control and regulate the way in which operations were carried out.
- 4.15** It is clear to me that the UK Government and its military command did lay down a proper and lawful framework for the implementation of **OP TELIC 1 and 2**. That said, the drawing up and preparation of a comprehensive legal framework will require, for its due implementation, adequate instruction and training to be given to the troops on the ground. Further, the effectiveness of measures for implementation and their capability to control the conduct of soldiers will depend upon the rigour with which those in the chain of command require and supervise compliance.

### The focus of the pre-deployment training

- 4.16** I am not only satisfied that a comprehensive legal framework was laid down, but I am also satisfied that extensive briefing of the troops on the legal framework took place. In this regard, the statement of David Frend comprises a comprehensive and authoritative record disclosing his knowledge and participation in the briefing, which took place during February and March 2003 when the troops were awaiting invasion orders in Kuwait.<sup>11</sup>
- 4.17** The soldiers who gave evidence to me had no experience in combat in wartime conditions before being deployed to Iraq.<sup>12</sup> There was a concern at High Command level that a peacekeeping mindset in armed conflict could be unnecessarily dangerous to troops and the High Command were conscious that the mindset of many in the army was based upon experiences gained from operations in Northern Ireland and the Balkans, where the army's role had been, essentially, peacekeeping.<sup>13</sup> As Frend pointed out, the ROE in a peacekeeping role are very much focused on self-defence and the use of minimum force whereas, when dealing with enemy combatants, it was important that the troops understand that pre-emptive targeting of positively identified combatants was permissible. As Frend put it,

*“In short, one did not have to wait to be fired upon before one engaged a positively identified enemy position”.*<sup>14</sup>

- 4.18** I am satisfied that the process of identifying a combatant in Iraq could be complex.<sup>15</sup> If intelligence is available, it might provide persuasive evidence for suspicion. But without

<sup>11</sup> Frend MOD-83-0000115-Z

<sup>12</sup> See, for example, SO03 MOD-83-00000066-Z; SO06 MOD-83-00000061-Z paragraphs 51-52

<sup>13</sup> Aitken Report paragraph 26

<sup>14</sup> Frend MOD-83-0000115-Z, paragraph 36 and exhibits

<sup>15</sup> See, for example, O'Brien MOD-83-00000077-Z paragraph 7; SO01 MOD-83-00000065-Z paragraph 3



intelligence, difficult judgments will be required of a soldier when he has an immediate need to determine the character of a person he is confronting. As grounds appear for suspicion or belief that that person may be “interfering with or threatening the Coalition Mission” or has committed a criminal offence, a need for the application of graduated series of responses will arise.<sup>16</sup>

- 4.19** The evidence which I received from the soldiers confirmed that the training instruction that 3 PARA received had concentrated on combat.<sup>17</sup> Frend spoke to the fact that he and his colleagues briefed about 12,500 troops in Kuwait in February and March 2003, travelling from unit to unit, working with PowerPoint slides dealing with the principles and giving examples. The briefings lasted for about 45 minutes. All this was designed to be a reminder that the principles that were to be applied were not peacekeeping principles with which they may previously have been familiar. That is not to say that the briefing did not also make clear that once the ground offensive was completed, then the forces would be in de facto occupation of Iraq and that further guidance on the Rules of Engagement applicable in occupation would then be disseminated.<sup>18</sup> But as the evidence in the case of Mr Abdullah has shown, the date at which the combat phase ended and the peacekeeping phase commenced in Maysan Province in May 2003 defies a clear conclusion.

### Maysan Province in May 2003

- 4.20** By April 2003 the HQ of 16 Air Asslt Bde, the Brigade area of operations, was Maysan Province, which was the province directly to the north of Basra Province.<sup>19</sup> The situation on the ground in Maysan was different from the situation in and around Basra City. Maysan Province had effectively been liberated from the Ba’athist regime some two days before the US elements of the Coalition Forces arrived in Al Amarah, namely the capital of Maysan Province. The US Forces encountered very little, if any, armed resistance and the Province was largely a benign environment when 16 Air Asslt Bde took over control of the Province from the US Forces. But things changed.
- 4.21** 16 Air Asslt Bde’s mission was to restore law and order, and to assist in the re-establishment of the basic utilities and to encourage the development of self-administration and governance.<sup>20</sup> It is clear from the evidence I have seen that the flight of the Ba’athist regime members from the region left a legal vacuum. The control available from any security agents, namely the police, or any other form of authority was absent and there were considerable problems from looting, the passage of munitions, some tribal fighting, and the region’s geographical proximity to the Iranian border, which was open and unregulated.<sup>21</sup> The presence of the soldiers received a mixed reception from the local population. The depth of the objection to their presence was to grow, and in certain areas the security position deteriorated rapidly.<sup>22</sup>

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<sup>16</sup> Frend MOD-83-0000115-Z paragraphs 47, 51-53 and exhibits

<sup>17</sup> For example, see SO06 MOD-83-00000061-Z paragraphs 51-52; Wareing MOD-83-00000095-Z paragraphs 7-8

<sup>18</sup> Frend MOD-83-0000115-Z paragraphs 37-70

<sup>19</sup> See maps at Appendix 15 for further details

<sup>20</sup> Frend MOD-83-0000115-Z paragraph 50

<sup>21</sup> Lorimer MOD-83-00000011-Z paragraph 5; Lowe MOD-83-00000111-Z paragraphs 7-9; O’Brien MOD-83-00000077-Z paragraph 5

<sup>22</sup> Frend MOD-83-0000115-Z paragraphs 57-58

- 4.22** The commander of 16 Air Asslt Bde directed that further guidance should be provided to the Battle Group Commanders in Maysan Province on the level of force that could and should be used when dealing with the civilian population. The details appear from a Legal Aide-Memoire, which is attached to the statement of Frend.<sup>23</sup> As Frend points out, the policy of the UK Armed Forces in connection with the retention of weapons by the civilian population was that it should be reduced as effectively as possible without putting the Armed Forces at risk in the process of taking the arms away from civilians.<sup>24</sup> However, some of the soldiers who gave evidence to me believed that they could not confiscate any arms and questioned why they were searching for them at all.<sup>25</sup> Nobody doubted the danger which was presented by the possession of arms.
- 4.23** Whilst I have seen material suggesting that the combat phase of the invasion, to a large degree, ended on 1 May 2003, there was no specific declaration to the effect that Coalition Forces had ceased to be in a combat phase. On 16 May 2003 it was declared that a permissive stage of the presence of Coalition Forces in Iraq had commenced. It was termed “the Coalition Provisional Authority” (CPA).<sup>26</sup> From the evidence I have heard this declaration had no practical effect in Maysan Province. I have seen no evidence of a shift or transformation in the character of the operation being carried out. More particularly, the subtleties of the shift, if it had occurred, were probably beyond the perception of most of the soldiers and would have been largely immaterial to the tension, hostility and general environment in which the soldiers were operating in Maysan Province.<sup>27</sup>

## Basra Province in August 2003

- 4.24** In August 2003, the soldiers of 1 KINGS had deployed on OP TELIC 2 after receiving peacekeeping training. The Area of Operations for Badger Squadron, 2RTR was north of Basra, including Ad Dayr and Ash Shafi.<sup>28</sup> Badger Squadron was based at the ‘Hacienda’, a fortified villa 5km south of Ad Dayr. The Hacienda was the base from which the soldiers patrolled the local area daily, both on foot and by Land Rover and tank. Badger Squadron’s main role was to establish law and order and prevent crime.<sup>29</sup>
- 4.25** The situation in this area was highly volatile. The soldiers of Badger Squadron believed that many of the local Iraqis were hostile towards them and posed a threat to their safety. As time passed, the situation deteriorated.<sup>30</sup> As in Maysan Province, many civilians were armed, often with AK-47s, and crime was rife.<sup>31</sup> As one soldier explained,

*“The whole situation wasn’t just a ‘walk in the park’. Tension was high and it was an area that was frequently inflicted with bloody tribal feuds. People were ‘ready’ for things to happen all the time.”<sup>32</sup>*

<sup>23</sup> Frend MOD-83-0000115-Z paragraph 51 and exhibit DF/1

<sup>24</sup> Frend MOD-83-0000115-Z, paragraph 52

<sup>25</sup> For example, SO06 MOD-83-0000061-Z, paragraph 98

<sup>26</sup> See Coalition Provisional Authority Number 1 dated 16 May 2003, accessed at [http://www.iraqcoalition.org/regulations/20030516\\_CPAREG\\_1\\_The\\_Coalition\\_Provisional\\_Authority\\_.pdf](http://www.iraqcoalition.org/regulations/20030516_CPAREG_1_The_Coalition_Provisional_Authority_.pdf)

<sup>27</sup> SO06 MOD-83-0000061-Z paragraph 73, 76; SO03 MOD-83-0000066-Z; SO01 MOD-83-0000065-Z paragraph 3

<sup>28</sup> Williams MOD-83-0000138-Z, paragraph 3

<sup>29</sup> Gardener MOD-83-0000121-Z p.1; see also maps at Appendix 19

<sup>30</sup> Halloran MOD-83-0000139-Z, paragraph 32

<sup>31</sup> Gardener MOD-83-0000121-Z p.1

<sup>32</sup> Williams MOD-83-0000138-Z paragraph 10

## The ROE and Card Alpha

- 4.26** No one could be criticised for the element of confusion or lack of clarity which existed at this time. The declaration of the CPA issued on behalf of the United States of America and the US coalition forces was plainly not a declaration based upon an assessment of what was taking place in a variety of situations and theatres of activity and combat throughout Iraq at that date.
- 4.27** The card which was issued by HQ1 (UK) Armed Division (Armd Div) for the ROE which provided for the rules for an individual firing in self-defence was distributed in parallel with oral briefs to the military personnel. This card, known as Card Alpha or ‘the white card’, remained extant throughout May 2003.<sup>33</sup> All UK armed forces personnel deployed on OP TELIC 1 received, on arrival in Kuwait, a copy of Card Alpha, which contained the ROE for individual service personnel for force protection purposes while they were in Kuwait. As I have said, guidance on opening fire with personnel weapons in self-defence reiterated that lethal force could only be used where an immediate threat to life was present and there was no other way of averting the threat without exposing the individual to a greater risk of death. No more rounds should be fired than were necessary to prevent the threat to life. Frend, as part of his briefing, suggested that when hostilities commenced the soldiers should take their Card Alpha with them and have it in place in their berghens because it may be required after the cessation of war fighting operations.<sup>34</sup>

## The soldiers’ state of knowledge of the ROE

- 4.28** In the course of the planning for the land offensive in Iraq it was recognised that there was a real probability that a large number of civilians would become displaced and that some might be encountered by UK armed forces in or around areas where the forces were operating. There was a particular concern about the main roads operating through Iraq. One of those main roads, namely Highway 6 (also known as ‘Route 6’), led through Southern Iraq from Basra up to Baghdad and passed close to Al Firka village in Maysan Province (Appendix 15). The members of 3 PARA were in that very region in order to increase the security and reduce the danger presented by the use of Highway 6.<sup>35</sup>
- 4.29** I am satisfied, having heard the evidence of the 3 PARA soldiers forming the patrol on 11 May 2003, that they knew that they could not target civilians as military objectives unless the civilians were taking a direct part in hostilities. And they also knew that civilians were to be treated humanely and fairly at all times. Equally, I am satisfied that the soldiers were aware that they could only use reasonable force and the minimum necessary at any time when they were required to lay hands upon civilians. I am further satisfied that they knew that lethal force was only permitted against civilians where such civilians were posing an immediate threat to the life of the Coalition Forces.
- 4.30** Turning to the 1 KINGS soldiers involved in the incident on 2 August 2003, I am equally satisfied that they were familiar with the ROE. They had received the relevant training. They knew that they could use only the minimum force necessary against civilians and were aware that they could only open fire on someone who was committing or about to commit an act likely to endanger life.<sup>36</sup>

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<sup>33</sup> MOD-83-0000099-Z

<sup>34</sup> Frend MOD-83-0000115-Z, paragraph 44

<sup>35</sup> Frend MOD-83-0000115-Z, paragraph 45; Lowe MOD-83-00000111-A paragraph 7

<sup>36</sup> SO09 MOD-83-0000110-Z; Gardener MOD-83-0000121-Z p.7; Halloran MOD-83-0000139-Z, paragraphs 4-15; SO08 MOD-83-00000109-Z paragraphs 5-6

## Conclusions on conditions in Iraq in 2003

- 4.31** Frennd records that the high intensity war fighting lasted only for a number of weeks and by the beginning of April 2003 many locations within HQ1 UK's Armd Div area of operations were effectively under occupation and not in a state of war fighting. A direction (FRAGO 100) was issued providing direction on the use of force and handling of detainees in this post-conflict stage. But, as he points out, for practical purposes the legal situation remained the same during both war fighting and the initial stages of occupation.<sup>37</sup>
- 4.32** It would not be disputed that there is a clear distinction between the character of the training a soldier will receive to be an effective participant in wartime combat operations, and the character of the training a soldier should receive in order to perform policing functions. In Iraq in 2003 combat soldiers became seamlessly responsible for policing where law and order had completely broken down as a result of the invasion.
- 4.33** This breakdown occurred not just in 3 PARA's AOR but also in the 1 KINGS AOR. In both these areas, there were serious outbreaks of violence by persons or groups other than the Iraqi military forces engaging in looting, shooting, trafficking with munitions and a whole range of criminal activities. All of these activities were capable of threatening the Coalition Forces. The evidence shows that members of the Iraqi armed forces wore civilian clothing whilst engaged in hostilities with the Coalition Forces. A large percentage of the Iraqi civilian adult male population were in possession of firearms such as long-barrelled rifles, AK-47s and short-barrelled pistols. This was part of the Iraqi male culture at that time in particular areas of Maysan and Basrah Province.
- 4.34** Furthermore, the local population did not speak English and there were few interpreters available for the soldiers.
- 4.35** Accordingly, the problem for soldiers in identifying those who were civilians and those who were not was fraught with ambiguity and it would have meant that the margin of tolerance likely to be accorded by the soldiers in the process of identification would be narrow. Shifts on the graduated scale of response had to be subtle to avoid being excessive. A vehicle which passed through a vehicle checkpoint without stopping was likely to give rise to a belief that the vehicle and the persons in the vehicle could present a security risk.
- 4.36** The extent of the problems in connection with policing in that environment are obvious, but the extent of the heightened difficulty that an experienced and trained police officer from the United Kingdom could reasonably be exposed to, can be gauged from the response of the senior police officer from the Association of Police Chief Officers who, having visited Iraq in May 2003, declined to send civilian police officers due to the poor security situation.<sup>38</sup> I consider that the use of terms such as 'policing', 'maintaining law and order', and 'winning the hearts and minds of the inhabitants' understate the scale of what was required in Maysan Province in May 2003 and Basrah Province in August 2003.
- 4.37** It seems to me that the risks involved in troops operating and interacting with a civilian population where those who are civilians carry arms, where those who are not civilians but combatants appear as civilians, where the overall objective for maintaining law and order is to reduce the number of arms in circulation and where such operations

<sup>37</sup> Frennd MOD-83-00001 15-Z paragraphs 48-53; exhibit DF/1

<sup>38</sup> Aitken Report, paragraph 9

are carried out when the soldiers are at risk of hostile reaction to their presence, bear little relationship to what is normally seen as the makeup of a stop and search security operation anywhere in the United Kingdom.

### The Aitken Report

- 4.38** I have found the Aitken report helpful in a number of respects. But insofar as it comments on the facts surrounding the death of Mr Abdullah I have disregarded it. Its principal focus is upon cases of alleged deliberate abuse to persons being held in detention, but the report's general observations on the state of affairs in Iraq, training, and the risks to which soldiers were exposed have been repeated in the evidence I have received. On the basis of the evidence I have received I agree with Brig Aitken's observations about "...the paucity of planning for nation-rebuilding after the invasion" and his conclusion that the Army "failed to anticipate the difference in the operational climate between Iraq and, say, the Balkans...or Northern Ireland".<sup>39</sup>
- 4.39** I note also that Brig Aitken records specific action has been taken to rectify this part of the process of military planning. As a result, I have concluded that it was not necessary for me to include in these report specific recommendations on future planning, but I do consider the topic sufficiently important for me to return to it in the section on Teaching and Training. The extent of the action which has been taken appears from Annex A to the Aitken Report.

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<sup>39</sup> Aitken report, paragraph 26

# Chapter II: The investigation into the death of Mr Abdullah

## SECTION 1: THE ARRIVAL OF 3 PARA IN MAYSAN PROVINCE

- 5.1** The presence of 3 PARA in Maysan Province commenced in April 2003 with headquarters in Al-Amarah.<sup>40</sup> The majority of 16 Air Asslt Bde shortly afterwards departed Iraq and there were about 1,600 service personnel responsible for an area roughly the size of Wales.<sup>41</sup> Whilst the initial consequence of the overturning of the Ba'athist regime at the time of the American Forces' arrival was that there was little armed combat in the region, it has to be said that the absence of governmental or administrative control by any infrastructure gave rise to increasing problems.
- 5.2** The civilian population was initially grateful that Coalition Forces had deposed Saddam Hussein and his regime. But I have no doubt that by the time 3 PARA had moved forward as they did at the beginning of May to the area of Al-Uzayr the mood was changing.<sup>42</sup> The danger presented by the infiltration from Iran was very great. There were the beginnings of internecine Sunni-Shia killings taking place. The uncertainties in all that I have described and which I am satisfied were present led to a recognition that safety required any confrontation in the area to be approached with a measure of caution. It required what Frennd described in his statement as action by way of "courageous restraint".<sup>43</sup> That is to say, troops are required to put themselves at greater risk of death or injury by approaching suspicious activity, rather than treating suspicious activity as an immediate threat against which force could be used. I have no doubt that this operational conclusion is a principal factor in reaching a proper understanding of the incident which occurred on 11 May 2003, as well as, but to a lesser extent, the incident that occurred on 2 August 2003.

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<sup>40</sup> Lorimer, MOD-83-0000011-Z paragraph 5;

<sup>41</sup> Frennd MOD-83-0000115-Z, paragraph 18

<sup>42</sup> Lowe, MOD-83-0000011-Z paragraph 9; Wareing MOD-83-0000095-Z paragraph 11; Worthington MOD-83-0000067-Z paragraph 5

<sup>43</sup> Frennd MOD-83-0000115-Z, paragraph 61



## SECTION 2: THE DEPLOYMENT OF 8 PLATOON IN IRAQ

### The Base at Al Uzayr

- 6.1** The Commanding Officer of C Company, 3 PARA, was Maj Daniel Worthington. He received a request from the Town Council at Al Uzayr for support to maintain law and order in and around Al Uzayr. After agreement with Battle Group Headquarters, the deployment was made of a platoon (8 PI).<sup>44</sup> The platoon was divided into three sections, each commanded by a corporal and comprising about 6 or 7 men. The platoon commander was a lieutenant (SO10). The platoon moved forward from Coy HQ at Camp Condor and established itself in the old Police Station at Al Uzayr. From that base 8 PI carried out daily patrols of the area and, in the course of so doing, established and ran vehicle checkpoints (VCPs). Patrols also took place on foot. There was neither a local police force nor a local militia and there was a total breakdown in law and order and a considerable amount of criminal activity.<sup>45</sup> Apart from endeavouring to restore law and order, the platoon was tasked to create conditions for training and recruiting the local police force.<sup>46</sup> It was considered that the operations, involving patrols and VCPs, would not only show a coalition presence, but would help create a stable and peaceful environment for the local civilians. As it was put by one member of 8 PI:

*“We were looking for suspicious activity and also trying to carry out a ‘hearts and minds’ role to establish a rapport with the local populace.”<sup>47</sup>*

More than one soldier who gave evidence to me recollected that they were in the area as part of a ‘hearts and minds’ operation.<sup>48</sup>

### The Platoon and its operations

- 6.2** The members of 8 PI had received training for the war fighting role they had to perform, including dealing with civilians in the course of a war fighting role. There had been no training of the battalion in dealing with civilians outside of a war fighting role or in the range of circumstances which were encountered in Maysan Province.<sup>49</sup> That was not the position for the soldiers of 1 KINGS. It will become apparent when I deal with the circumstances in connection with the events in August 2003 which led to the death of Mr Said, that the soldiers of 1 KINGS had received tactical training for the purposes of OP TELIC 2 and this had included instruction in connection with arrest and restraint.
- 6.3** Once 8 PI had been deployed to Al Uzayr the operational decisions were the responsibility of the commander of the platoon (SO10), but any relevant information arising out of the operations was to be reported up the chain of command. Daily mid-day briefings took place between commanding officers and provided an opportunity for reports to be given and, where necessary, patrol reports could be completed and held by the company. Two

<sup>44</sup> Worthington MOD-83-0000067-Z paragraph 5

<sup>45</sup> SO10 MOD-83-0000105-Z paragraphs 7-10; SO02 MOD-83-0000063-Z paragraph 17; O’Brien MOD-83-0000077-Z paragraphs 5-7

<sup>46</sup> Worthington MOD-83-0000067-Z, paragraph 7

<sup>47</sup> SO03 MOD-83-0000066-Z

<sup>48</sup> Worthington MOD-83-0000067-Z paragraph 6; SO02 MOD-83-0000063-Z paragraph 12

<sup>49</sup> Wareing MOD-83-0000095-Z paragraphs 7-8; SO01 MOD-83-0000065-Z paragraph 3; SO02 MOD-83-0000063-Z paragraph 12.

roads ran through Al Uzayr: Highway 6 running from Basra to Baghdad, and in an east/west direction, a road running from the Iranian border.<sup>50</sup>

- 6.4** 8 PI had two vehicles for carrying out patrols; a WMIK Land Rover and a Pinz-Gauer, being a box-body Land Rover-type vehicle. A WMIK is an open-top vehicle, which could have a machine gun mounted on it depending upon the conditions. The evidence points to there having been a machine gun mounted on 11 May 2003. There was a nominated driver for the WMIK (S002), which was an off-road vehicle with an open back. It was faster than the Pinz-Gauer.<sup>51</sup>
- 6.5** Among the members of the platoon there were a number of soldiers who had experience of VCPs in Northern Ireland.<sup>52</sup>
- 6.6** A VCP can take the form of a static VCP created by stationary military vehicles forcing approaching vehicles to enter a contained area created by the two military vehicles or a similar formation of vehicles adopted after a chase has brought a vehicle to a stop.
- 6.7** Experience in Northern Ireland would have been valuable, but of little direct help in the specific situation encountered by the platoon in Maysan Province in 2003. The responsibility for carrying out a VCP check in Northern Ireland was shared with the police service, then the Royal Ulster Constabulary ('RUC'), now the Police Service of Northern Ireland ('PSNI'). The police had the responsibility for talking to the occupants of the vehicle and requiring them to get out to be searched. The soldiers provided armed protection, cover and guarded any escape route. A platoon of about 24 soldiers divided into 3 sections would have been involved. Eight at a distance from the stopping zone to warn the driver to pull up in the stopping zone. Eight soldiers accompanying police at the stopping point and eight soldiers, probably hidden, further down the road to prevent escape. Unlike the position which prevailed in Maysan Province, no language barrier existed in Northern Ireland.<sup>53</sup>

### The patrols in Maysan Province

- 6.8** The patrols in Maysan Province comprised six or seven soldiers. Seven were believed to comprise the patrol on 11 May 2003 and were prosecuted in the court martial proceedings. But like the Judge in those proceedings, I have concluded there were six soldiers and not seven because there is insufficient evidence to conclude SO07 was present.
- 6.9** The patrols in Maysan Province did not include an interpreter. As some of the Iraqi witnesses remember, and the military evidence confirms, communication depended upon the pitch of the voice and the use of gestures. In practice this seems to have meant that forceful body movements were punctuated by the questioning demand as to whether the occupants were 'Ali Baba'. This was the expression generally adopted to express a suspicion that a criminal activity, for example stealing, was taking place.<sup>54</sup>

<sup>50</sup> SO10 MOD-83-0000105-Z paragraphs 8, 13, 31; Lowe MOD-83-0000111-Z paragraph 25;

<sup>51</sup> SO02 MOD-83-0000063-Z paragraph 19; IFI SO03 11/11/14, p. 27, lines 15 - 17; see also Appendix 17

<sup>52</sup> SO01 MOD-83-0000065-Z paragraph 2; SO02 MOD-83-0000063-Z paragraph 9; SO04 MOD-83-0000064-Z paragraph 6

<sup>53</sup> SO06 MOD-83-0000061-Z paragraphs 22-25, 97, 99; SO04 MOD-83-0000064-Z paragraphs 17-19; SO03 MOD-83-0000066-Z; SO02 MOD-83-0000063-Z paragraphs 21-25

<sup>54</sup> SO01 MOD-83-0000065-Z paragraph 3; SO02 MOD-83-0000063-Z paragraph 21; SO02 MOD-83-00000102-A p.5141 ; Wareing MOD-83-0000095-Z paragraphs 26-27; SO10 MOD-83-



- 6.10** It was accepted, it has to be said reluctantly, in the course of the evidence from the soldiers that these occasions were obviously confrontational. The general course was at least two soldiers, normally the section leader and the second in command acting as the one who endeavoured to communicate (known as “the chatter”) would approach the vehicle pointing their rifles at the occupants. It was essential for the soldiers to take up a demanding posture, backed by a threat of physical compulsion, so as to make it clear that they were in charge. It is obvious that civilians would feel threatened in such circumstances.<sup>55</sup>
- 6.11** Further, as Ms Al Qurnawi pointed out to me, where an Iraqi male is threatened in the presence of a female, submission by him to the threat of or use of force could be regarded by him as being demeaning and an affront to his sense of honour.

### The working hours and days

- 6.12** A day or so after their arrival, patrols began. The three sections worked 6 hour shifts consisting of guard duty, rest and patrol and the patrols lasted on most occasions for at least 1½ hours. Examination of the written log shows an uneven pattern. These rolling 18 hour days made one day largely indistinguishable from another. An Ops Room was established immediately upon arrival at the old Police Station. It was manned by a radio operator and by an Ops Sergeant or the Company Commander or someone else on a shift system.<sup>56</sup>
- 6.13** Instructions for patrols could be general or, as necessary, specific. If there was a specific task, that would be tasked by the Ops Sgt (Sgt Kevin O’Brien) or the Platoon Commander (SO10). If a specific task was being carried out then a patrol report would be generated. If it was a routine patrol, no report would be generated unless there was an incident.<sup>57</sup>
- 6.14** Whilst on patrol, communications with the base were maintained by 351 and 352 Clansman radios, and soldiers had their own Personal Role Radio. The 352 Clansman radio would be mounted in one of the vehicles. The communications would be back to 8 PI headquarters and from there they would be relayed higher up the chain. At the time with which I am concerned, there were great problems with communications and the patrols were instructed to return to base if they lost communication.<sup>58</sup> I shall need to refer to specific entries in the log for the month of May but it is generally apparent that many of the communications back to base by radio took place in order to check that radio contact was still maintained.
- 6.15** Section Commanders would be briefed by the Platoon Commander prior to leaving. They would be told whether they were engaged on rolling or static VCPs and would be told of any particular matter that might have arisen for attention and investigation.<sup>59</sup>

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0000105-Z paragraph 10

<sup>55</sup> IFI SO04 10/11/14 pp.99-101; IFI SO02 17/11/14 pp.53-54

<sup>56</sup> SO10 MOD-83-0000105-Z, paragraphs 12-13, 32-38; see Appendix 18; SO03 MOD-83-0000066-Z, SO04 MOD-83-0000064-Z, paragraph 14; IFI SO04 10/11/14 p.81 lines 1-7; IFI SO03 11/11/14 p.20 line 20; IFI SO01 18/11/14 p.74 line 13

<sup>57</sup> O’Brien MOD-83-0000077-Z, paragraphs 14-15; SO10 MOD-83-0000105-Z, paragraph 39; SO06 MOD-83-0000061-Z, paragraph 21

<sup>58</sup> O’Brien MOD-83-0000077-Z, paragraph 16; SO01 MOD-83-0000065-Z, paragraph 3 ; IFI SO01 18/11/14 pp.44-45, p.47 lines 1-3

<sup>59</sup> SO10 MOD-83-0000105-Z , paragraph 13

- 6.16** As one would expect, the Section Commanders were instructed that if civilian vehicles turned away or failed to stop then this was to be classed as suspicious and, if it was safe to do so, the vehicle should be pursued and stopped.<sup>60</sup>
- 6.17** At my request, Frend was asked to consider certain hypothetical situations for me that were based on the facts under investigation. The death of Mr Abdullah occurred where soldiers on patrol believed the vehicle in which he was travelling had passed through a vehicle checkpoint. I have taken evidence from the soldiers and I shall come to that in detail later but, for present purposes, I am satisfied that the mere fact that the vehicle had passed through the vehicle checkpoint, or soldiers believed that it had, did not give rise to a belief on their part or any one of them that they were dealing with “direct participants in hostilities”. The two soldiers who each provided me with their account did not believe that they were dealing with direct participants in hostilities. Nor can the four soldiers who had no recollection of the incident be taken as having reached such a conclusion.
- 6.18** It was generally accepted that avoidance by a vehicle of a VCP was not a combat indicator but did constitute a basis for suspicion. Further, as a vehicle behaving suspiciously, it would have been perceived as a source of risk to soldiers. As Frend suggests, movements, voices, body posture and other indicators would either generate a greater sense of risk or provide some measure of relaxation about the degree of risk present in such an episode.<sup>61</sup>

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<sup>60</sup> SO10 MOD-83-0000105-Z paragraphs 10, 13

<sup>61</sup> Frend MOD-83-0000115-Z, paragraphs 76-78

## SECTION 2: MEDICAL EVIDENCE IN CONNECTION WITH THE DEATH OF MR ABDULLAH

- 7.1** I am satisfied from the evidence which I have obtained for the purposes of this Investigation that Mr Abdullah died as a result of being subjected to violence by a Section of 8 Platoon of 3 PARA who were based in the former Police Station at Al Uzayr, Maysan Province, Southern Iraq. I shall come to the circumstances of the confrontation later.

### Dr Abdul Khaliq

- 7.2** Dr Abdul Khaliq gave evidence to me via video link.<sup>62</sup> In 2003 he was the hospital director in Qalat Saleh. His medical expertise was as a paediatrician. The first RMP statement he made in relation to his examination of the deceased was dated 22 May 2003. He records how, on a date about 10 days before 22nd May, which I am satisfied was in the evening and early night of 11 May 2003, Mr Abdullah and another injured person were brought to him at the hospital. The other person was, as I find, Atheer Finjan, the owner and driver of the vehicle in which Mr Abdullah had been a passenger. I am satisfied that these two persons were brought to the hospital in the evening or night of 11 May 2003 because there is a death certificate in evidence which was issued on 12 May 2003. The death certificate was not issued by Dr Abdul Khaliq and there has been no evidence from the doctor who did issue it. I am nevertheless satisfied that it is a reliable document and it establishes to my satisfaction that Mr Abdullah died on 12 May 2003.<sup>63</sup>
- 7.3** Dr Abdul Khaliq records that it was at about 3.00 or 4.00 in the afternoon of 11 May 2003 that Mr Abdullah arrived with his family and with other persons.<sup>64</sup> On the evidence it could have been later in the evening, but not much turns on that detail. Mr Abdullah was alive but he was unable to walk. He was being carried in a blanket. He was not able to respond to the doctor and it is likely he was unconscious.<sup>65</sup> When he gave evidence to me, Dr Abdul Khaliq emphasised that the most reliable source of information detailing the injuries he saw and the state he observed are contained in his statement dated 22 May 2003.<sup>66</sup> He noted a large bruise to the left side of the head which he realised was serious. In a statement made a week later dated 29th May 2003 he clarified the position stating that the large serious bruise was in the area of the back and left side of the head. Because of the serious injury he had noted he did not concentrate on any other injuries. However he did add that there were minor lacerations to the face and head. In his oral evidence he explained what he meant by lacerations. I take the effect of his written statements and his oral evidence to me to be that apart from the serious bruise he did recollect signs of bruising and injury to the face and head but they were not bleeding.<sup>67</sup>
- 7.4** Having regard to the bruise to the head which he had observed, Dr Abdul Khaliq considered it vital and important that Mr Abdullah should be transferred to another

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<sup>62</sup> See IFI Abdul Khaliq 26/09/14, pp. 7 – 31; see also Abdul Khaliq MOD-83-00000070-Z

<sup>63</sup> Death certificate of Mr Abdullah MOD-83-00000036-Z

<sup>64</sup> IFI Abdul Khaliq 26/09/14 p.16 lines 10-11

<sup>65</sup> IFI Abdul Khaliq 26/09/14 p.19 lines 2-11

<sup>66</sup> IFI Abdul Khaliq 29/06/14 pp.19-20

<sup>67</sup> IFI Abdul Khaliq 26/09/14 p.22 lines 1-5

hospital because he thought the situation was critical. He did not examine the rest of the body as a result.<sup>68</sup>

**7.5** Dr Abdul Khaliq was familiar with the doctor who did sign the death certificate, but he did not have any discussion with him about the death certificate and indeed he had not seen it until he was giving evidence to me. The death certificate records the cause of death as “A severe blow to the head which caused brain haemorrhage”.<sup>69</sup> Dr Abdul Khaliq regarded that finding as to the cause of death to be consistent with the bruise to the head that he had seen whilst Mr Abdullah was at his clinic. A second translation of the same death certificate states “External strike to the head, causing internal bleeding within the brain”.<sup>70</sup> Dr Abdul Khaliq regarded that as in all respects accurate and, save for the wording, not differing from the substantive conclusion which appears upon the death certificate. He agreed that, from his physical examination, it was his opinion that Mr Abdullah received blows from a blunt instrument to his head area which were likely to have caused internal bleeding and might have also caused a fracture. Dr Abdul Khaliq was inclined to the view that, because of the area covered by the bruising, it was possible that there had been more than one blow and thus he had stated “blows” from a blunt instrument.<sup>71</sup>

**7.6** The second person brought to the clinic to see Dr Abdul Khaliq was also injured. As I have stated, I am satisfied that he was Athar Finjan, the driver in company with Mr Abdullah, who travelled in the front of the vehicle. This person was walking, but was supported by those who brought him in. It could be seen he had no broken bones or visible cuts on his body. There were minor grazes on his face. Dr Abdul Khaliq gave him some medication. His condition improved after about half an hour and he was then discharged from the clinic.

## Dr Nicholas Hunt

**7.7** I received a statement from Dr Nicholas Charles Alexander Hunt.<sup>72</sup> He also gave oral evidence that was transmitted to Iraq by video link. As well as being a Bachelor of Science, Bachelor of Medicine and Bachelor of Surgery, he is also a Fellow of the Royal College of Pathologists and has a diploma of the Royal College in Forensic Pathology. He has extensive experience in forensic pathology. I sought his help in connection with the evidence that was available from Iraq. Apart from the evidence from Dr Abdul Khaliq, and the terms of the death certificate, there was no other contemporaneous evidence in connection with Mr Abdullah. There had been no post mortem. Mr Abdullah had, in accordance with the custom of his religion, been buried within 24 hours.

**7.8** I sought assistance from Dr Hunt because I wanted as much help as possible before drawing inferences about the possible circumstances in which the injuries had been sustained. Dr Hunt properly qualified his opinion because he had not examined the body nor had he seen any photographs of the injury sustained and, in the absence of a post mortem, there was no detailed report of the injuries. Dr Hunt confirmed that a blunt head injury or blunt head injuries, broadly speaking, would be capable of causing someone’s death. Dr Hunt regarded as noteworthy the description of the bruising to the head, in association with the vomiting and a decreased level of consciousness. He regarded the

<sup>68</sup> Abdul Khaliq MOD-83-00000070-Z , paragraph 6

<sup>69</sup> Death certificate of Mr Abdullah MOD-83-00000036-Z

<sup>70</sup> Death certificate of Mr Abdullah MOD-83-00000036-Z

<sup>71</sup> IFI Abdul Khaliq 26/09/14, pp.28-31

<sup>72</sup> Hunt MOD-83-0000010-Z

description of a lack of consciousness as equivalent to the description that Mr Abdullah was in a state of confusion.<sup>73</sup>

- 7.9** Someone of Dr Hunt's experience is normally well able, having seen injuries and examined a body or studied photographs or the contents of a post mortem, to express views as to how injuries have been caused. However, in this instance, he stated that pathologically he was unable to say what caused these injuries. He felt able to say what might have caused the injuries, but the absence of detail did not point him towards that which amounted to a conclusion.<sup>74</sup>
- 7.10** Available evidence suggests that a rifle butt, helmet or a booted foot could have been used to inflict injury. Where that occurs Dr Hunt pointed out that distinctive injuries may be left on the skin, but these are not always very obvious to the non-specialist examining doctor. On the other hand, the use of a boot, helmet or a rifle butt may not cause any such distinctive injury so the absence of distinctive features cannot be used to exclude such items as the blunt instrument employed.<sup>75</sup>
- 7.11** Dr Hunt pointed out that blood can get into vomit for a number of reasons. For example, a break in the case of a skull or damage to teeth or the lining of the mouth. The evidence which Dr Hunt had seen, or been made aware of, did not enable him to express a view as to whether the deceased suffered a fractured skull. Internal bleeding in the head can occur without a fracture in the skull. A fatal outcome may occur following a blunt force trauma to the head from a number of situations. As to whether any injury might have been sustained whilst the deceased was on the ground, he pointed out that more severe injury may occur in a head that is mobile rather than when it is resting against the ground.<sup>76</sup>
- 7.12** Dr Hunt has had considerable experience in dealing with "one punch manslaughter". Death can result when someone is struck to the head and then collapses striking their head on the ground and suffering injury, primarily as a result of their head striking the ground. Equally, a punch to the head or face can cause damage to an artery in the neck and severe bleeding can be caused at the base or the bottom of the brain. In both these instances death ensues from what is commonly called "one punch manslaughter". He was not able to conclude what degree of force was likely to have been used and he pointed out that in some cases there does not need to be very severe force to cause significant damage to the brain.<sup>77</sup>
- 7.13** In response to inquiries from me, Dr Hunt agreed that the injuries which he had heard about were consistent with punches, kicks, any weapon or anything. He said that in addition to the one punch manslaughter scenario, as he called it, the possibility still remained of the use of a rifle butt or helmet and the possibility still remained of the use of a shod foot.<sup>78</sup>
- 7.14** Dr Abdul Khaliq helpfully pointed out that, in his experience, severe head injury may cause ulcers in the stomach which can rapidly occur and cause bleeding and that that

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<sup>73</sup> IFI Hunt 26/09/14, p.35, line 19 – p.36, line 10

<sup>74</sup> IFI Hunt 26/09/14, p.36, lines 20 – 24

<sup>75</sup> IFI Hunt 26/09/14, p.37, lines 2 – 21

<sup>76</sup> IFI Hunt 26/09/14, p.37, line 22 – p.39, line 11

<sup>77</sup> IFI Hunt 26/09/14, p.40, line 7 – p.41, line 5

<sup>78</sup> IFI Hunt 26/09/14, p.42, line 14 – p.43, line 14

was an alternative cause or source of the bleeding from the mouth. Dr Hunt readily agreed with that medical possibility.<sup>79</sup>

## Cause of death

- 7.15** I am satisfied that Mr Abdullah sustained a serious bruising injury to the left side of his head which rendered him virtually unconscious, caused a brain haemorrhage, and caused him to bleed from his mouth. As the death certificate stated, cause of death was: 'External strike to the head causing internal bleeding within the brain'. Or, according to the alternative translation: 'A severe blow to the head, which caused brain haemorrhage'.

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<sup>79</sup> IFI Abdul Khaliq 26/09/14, p.43, line 24 – p.44, line 21



## SECTION 3: FORENSIC EVIDENCE IN CONNECTION WITH THE DEATH OF MR ABDULLAH

- 8.1** I have taken the forensic evidence, which I summarise below, as true and accurate and sufficient as evidence without further inquiry on my part, from the statements of experts who prepared statements for the purposes of the prosecution of the members of the 3 PARA section. These statements contain references to evidence, information and allegations given to the experts, but those I have ignored since it is for me to make the findings of fact. But the statements themselves, so far as they deal with expert forensic examination of clothing and other items and record DNA testing, are valuable for the purposes of this report. I have had no reason to believe that the DNA evidence and the forensic expertise employed, in particular by Dr Larkin, could be improved upon. It has been made available on the website to the family of Mr Abdullah and has been considered by Ms. Al Qurnawi on their behalf. The soldiers in the patrol were cautioned on 24 May 2003 and consented to a search during which the various items to which I shall refer were taken from them. They were received for the purposes of forensic examination on 17 June 2003 and 7 August 2003 at the Forensic, Culham Laboratory, having been despatched there by the Special Investigation Branch of the RMP.
- 8.2** The clothing, equipment and the weaponry which had been seized were examined for the presence of blood staining and to enable comment on any blood distribution which was observed and any sampling which could take place according to STR analysis. In addition, a “dishdasha” taken from Athar Finjan was examined for blood staining, shoe prints and any damage to the clothing itself.

### The results of forensic testing

- 8.3** The results of the forensic testing of these items is recorded in witness statements prepared for the prosecution in 2005 made by Anthony Peter Brian Larkin BSc MSc (Hons), a forensic scientist at that time with over 8 years’ experience with the Institute of Environmental Science and Search in New Zealand. In 2004 he was employed as a Senior Reporting Forensic Scientist by Forensic Alliance Limited, and he has extensive experience working with the Metropolitan Police Authority as a lead scientist of the Evidence Recovery Unit. He has been to several hundred crime scenes and encountered evidence types as in this case on many, many occasions. Mr Larkin’s evidence is contained in statements dated 1 July 2004, 19 August 2004 and 19 August 2005.<sup>80</sup> Taken together, those statements comprise valuable results of a scientific analysis carried out by him and his conclusions are ones which carry weight with me. In addition, there are statements from Matthew James Greenhalgh BSc (Hons). He was at the material time a Director of Forensic Science at Orchid Biosciences Europe Limited who perform testing for Forensic Alliance. His statements were made having had the opportunity of reading the statement of Mr Larkin dated 1 July 2004 and Mr Larkin’s statement of 19 August 2004. Mr Greenhalgh also made a statement dated 18 August 2005 in order

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<sup>80</sup> MOD-83-00000024-Z, MOD-83-00000025-Z and MOD-83-00000026-Z respectively. It should be noted that, although Mr Larkin refers to ‘Nadhem IL MAHAMADAWI’ rather than ‘Nadheem Abdullah’ in his statements, I am satisfied that he is referring to Mr Abdullah throughout his statements

to clarify what would otherwise appear as differences between his evidence and that of Mr Larkin.<sup>81</sup>

- 8.4** I concluded that no purpose would be served by attempting to inquire and investigate by any further scientific analysis of the items which had been subjected to testing in 2004 and 2005. In my judgment, these statements are the best evidence that could reasonably be obtained and I have treated them as admissible and cogent for the purposes of my investigations.
- 8.5** In addition to the items that were taken from the soldiers, Mr Larkin received from the Mr Abdullah's mother, Jusm Bader, a dishdasha and a pair of trousers, which she identified as being the clothing of her deceased son. They were subjected to analysis to detect whether or not there was any blood staining present on either of the pieces of clothing and in order to test for semen on the clothing so that an actual DNA analysis could be carried out on bodily fluid from the deceased. These statements appear on the website. It is unnecessary for me to repeat the careful explanations and analysis of the processes which were used in order to enable the experts to come to a conclusion on whose blood was on the rifle butt of SO04 and whose blood was on the clothing.
- 8.6** Like the experts, I have no reason to doubt that the clothing that was produced by the deceased's mother was indeed his clothing. So far as the clothing from the deceased is concerned, Mr Larkin reported that large areas of possible blood staining were to be seen on the front and back of the dishdasha. The possible blood staining appeared to be concentrated around the left shoulder area and also down the left side of the front and back of the item. The presence of Mr Abdullah's blood on this clothing and in the area from which blood from an injury to the left side of the head is likely to have flowed tends to confirm the evidence which Dr Abdul Khaliq and Dr Hunt have given.
- 8.7** It is not possible for me to conclude with any certainty whether the blood was on the dishdasha from the moment of any blow Mr Abdullah received. Dr Abdul Khaliq made no mention, or at least did not at the time appear to be struck by, the presence of blood in any quantity on the dishdasha. Against that, Mr Abdullah's mother records in her evidence that the deceased was bleeding from his mouth, which accords to some extent with Dr Abdul Khaliq's own observation that he was vomiting blood.<sup>82</sup>
- 8.8** Although the absence of a post mortem, and a sample for DNA purposes being available from Mr Abdullah before he was buried, has added a complication to the testing process I am satisfied that from the testing which has taken place, in particular samples of DNA from both Mr Abdullah's mother and father, and a resultant profile for Mr Abdullah, that I should accept the conclusion of Mr Larkin supported by that of Mr Greenhalgh. The profiling results provide extremely strong scientific support for the conclusion that the blood spot tested from the recess screw-hole of the butt of the rifle taken from SO04 originated from Mr Abdullah.<sup>83</sup>

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<sup>81</sup> Greenhalgh MOD-83-0000027-Z and MOD-83-0000028-Z

<sup>82</sup> Jusm Bader MOD-83-00000074-Z paragraph 6; Abdul Khaliq MOD-83-00000070-Z paragraph 5. See also Issa Salas's observation that Mr Abdullah "had blood coming out of his mouth"; MOD-83-00000075-Z paragraph 11

<sup>83</sup> See Larkin MOD-83-00000025-Z p.5



## Items taken from the soldiers

- 8.9** There were, as the reports disclose, a number of items taken from the soldiers upon which no blood staining or other markings were capable of being connected with the events I am investigating. However, two further matters may be mentioned. There was evidence of impact spattered blood on the boots taken from SO03. The testing disclosed that the blood originated from a female whose identity was unknown. Mr Larkin expressed the view that the nature and distribution of the blood spots was what he would expect to see had the boots been involved in kicking a bleeding female when she was close to the ground. However, he could not exclude the possibility that SO03 was close to this female when she was being struck by another when she was close to the ground.<sup>84</sup>
- 8.10** A garment, being an item of property taken from Finjan (referred to in Mr Larkin's statement as 'Athar Il Mahamadawi'), was examined and there appeared to be recent tearing damage to the shoulders and its front where the buttons appeared to have been recently torn from the item. These findings, Mr Larkin concludes, are what one might expect to occur in an assault or struggle. More particularly, they could have been caused in the course of someone attempting to pull the wearer out from a vehicle by holding on to that part of his clothing. The back of the dishdasha, particularly on the right shoulder area, had staining. It could not be identified, but had the appearance to Mr Larkin of bitumen or other road surfacing material. Further, two partial boot prints were present on the right shoulder and left chest area. It had not been possible to identify the specific boots, certain boots could be excluded, namely those taken from SO04 and SO06, but the other boots taken from the other soldiers could not be excluded from having made these marks.<sup>85</sup>
- 8.11** It follows from what I have stated above that, so far as the evidence of Dr Abdul Khaliq, Dr Hunt, Mr Larkin and Mr Greenhalgh are concerned, I consider it reliable and accurate evidence. The extent to which it can illuminate the evidence that I have heard in connection with the incident on 11 May 2003 is a matter that I shall consider after I have set out that evidence.

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<sup>84</sup> Larkin MOD-83-0000024-Z, p.7

<sup>85</sup> Larkin MOD-83-0000024-Z, pp.6 – 7

## SECTION 4: EVIDENCE TO THE INVESTIGATION REGARDING THE FACTS AND CIRCUMSTANCES SURROUNDING THE DEATH OF MR ABDULLAH

### Eyewitnesses to the Circumstances

#### The Iraqi Civilian Witnesses

- 9.1** A number of witnesses from Iraq attended the court martial in 2005. They gave evidence and they were cross-examined. Some, but not all of them, failed to impress the Judge. He doubted their credibility on a number of matters, including the accounts they gave about the extent of the injuries they had sustained and the evidence which they gave about damage done to the vehicle.
- 9.2** After the trial, criticisms were made about the accuracy of the court interpreter. Mindful of the importance of avoiding similar difficulties we had a highly experienced interpreter in London to assist. Even then some minor misunderstandings did occur in the course of the video link to Iraq. It was invaluable to have Ms. Al Qurnawi. She was able to clarify some of the answers and resolve apparent differences. The preparation of the evidence from the witnesses was left by me in the hands of Ms Al Qurnawi. She had the benefit of seeing the evidence given by way of written statement in the court martial from the Iraqi witnesses. Ms Al Qurnawi advised her clients on which witnesses should be made available to my investigation and on the content of their witness statements. Since the witnesses could not read or write their statements were verified by their thumbprints.
- 9.3** I received witness statements from the following witnesses:—
- Ali Abdullah Manea, the younger brother of Mr Abdullah;<sup>86</sup>
  - Fahad Abdullah Manea, a second younger brother of Mr Abdullah. Fahad was 15 years old at the material time in 2003;<sup>87</sup>
  - Jusm Bader, the mother of Mr Abdullah;<sup>88</sup>
  - Issa Abdul Sadah Salas, an inhabitant of the village of Al Firqa who knew Mr Abdullah because they were from the same tribe, married to Dalal Finjan;<sup>89</sup>
- I received a witness statement from Dalal Finjan, the sister of Athar Finjan Saddam the driver of the pick-up car in which Mr Abdullah was a passenger. She also gave oral evidence and was asked questions by Mr Poole and myself;

<sup>86</sup> MOD-83-00000072-Z

<sup>87</sup> MOD-83-00000071-Z

<sup>88</sup> MOD-83-00000074-Z

<sup>89</sup> MOD-83-00000075-Z

Athar Finjan did not provide a witness statement, but at the hearing on 15 December 2014 he was tendered as a witness by Ms. Al Qurnawi and was asked questions by her.<sup>90</sup>

- 9.4** I shall consider the evidence of these witnesses in two parts. In the first place, the evidence they give about the injuries they saw to Mr Abdullah immediately after the incident. In the second, the evidence they gave as to the incident itself.

### The Iraqi witness evidence of Mr Abdullah's injuries

- 9.5** The incident took place in the village of Al Firqa. Mr Abdullah lived in the nearby village of Al Ezz. Issa Salas records in his witness statement that he is married to Dalal Finjan, the sister of Athar Finjan, the driver of the vehicle in which Mr Abdullah was travelling on 11 May 2003. Issa Salas saw Athar Finjan and Mr Abdullah step out of the car, he saw them being beaten, and then he went into his house and did not come out until the British soldiers had left. He then went to Mr Abdullah and Athar Finjan, who were lying on the ground unconscious. He describes Mr Abdullah's condition as follows:

*"He was wearing a dishdasha and long underwear underneath it. His face was covered with wounds and bruises. One of his eyes was swollen and blood was coming out of his mouth. With some of the locals in the village I carried Nadheem into my car and we took him to his family in the nearby village of Al Ezz River."*<sup>91</sup>

- 9.6** I note that the account of Issa Salas includes this:

*"His family washed his face before moving him so that he could regain his consciousness, but he continued to point to his head behind his neck. His family attempted to talk with him, but he would not answer. They asked for my help to move him to Al U'Zayra for treatment."*<sup>92</sup>

- 9.7** The sequence of events can be taken up from the statement of Ali Abdullah Manea who states:

*"I recall Nadheem being brought home with Kareema in Issa's car. He was injured and was carried to the outside of our house. He was unconscious and did not reply when spoken to. There was a little blood coming from his little finger. There was bruising and swelling on his head and on the sides of his face. When Nadheem tried to bring his head up it would flop on either side. He was groaning."*<sup>93</sup>

- 9.8** Mr Abdullah's younger brother, who was only 15 at the time, remembers Issa Salas's car bringing the deceased back and he describes it as follows:

*"He was unable to speak and in a difficult condition. He only looked at us and moved his head. We asked him, 'What happened to you?', but he could not speak."*<sup>94</sup>

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<sup>90</sup> IFI Athar Finjan 15/12/14 pp.32-36

<sup>91</sup> Issa Salas MOD-83-0000075-Z, paragraph 11

<sup>92</sup> ibid

<sup>93</sup> Ali Abdullah Manea MOD-83-0000072-Z, paragraph 4

<sup>94</sup> Fahad Abdullah Manea MOD-83-0000071-Z, paragraph 3

**9.9** The evidence of Dalal Finjan includes this account:

*“I tried to help my brother who was bleeding from his head. There was also blood on his back and hands. Nadheem was bleeding from his mouth. I also saw injuries on his back, forehead, head and arms.”<sup>95</sup>*

She observed these injuries when, as she says, she was then hit by a rifle butt, a helmet and a hand.

**9.10** Jasm Bader describes Mr Abdullah’s arrival in Issa’s car saying that she could see that Mr Abdullah was injured, that he was brought inside the house using a blanket and that they asked him questions, but Mr Abdullah was not able to answer:

*“All he could do was open and shut his eyes. He was bleeding from a wound on the small finger of his left hand. Most of his face was swollen and his head was battered, although I could not see any external bleeding. He was throwing up and bleeding out of his mouth while lying on his back and when he turned to his side blood poured out of his mouth.”<sup>96</sup>*

She records that Mr Abdullah was taken to Dr Abdul Khaliq’s surgery with his forehead swollen and bruises all around his face and his neck, and almost unconscious.<sup>97</sup>

**9.11** There is a consistency in the accounts of Issa Salas, Ali Abdullah, and Jasm Bader. Each speak of bruising and swelling to his face and head. They do not describe bleeding from the head and Jasm Badr states she did not see “any external bleeding”. The bleeding from the mouth was seen by Issa Salas and Jasm Bader. Ali Abdullah and Jasm Bader saw bleeding from a finger. Only Dalal Finjan recalls bleeding from his head. Dr Abdul Khaliq’s evidence points to there having been an absence of blood on the face and head but the presence of bruising; in particular the bruise to the left side of the head. He also recalls blood in Mr Abdullah’s vomit.<sup>98</sup>

### The Iraqi witness evidence of the incident

**9.12** According to the evidence, which I have no reason to doubt, Athar Finjan, the driver of the pick-up, operated as a taxi driver. Jasm Badr, the mother of Mr Abdullah, stated that he went to Al Uzayr to go to the market and was returning with Athar Finjan in the pickup.<sup>99</sup> I am unable to accept, as she recalls, that he returned in an injured condition from the market 15 minutes after he had left. Periods of time are notoriously difficult to recall and unless there is some reason for the time to be marked out and/or noted, a witness can find it very difficult to give an accurate estimate.

**9.13** Issa Salas recalled that at the time of the incident he saw a military vehicle going in the direction of Al Ezz River and a civilian car, which was Athar Finjan’s car, coming from Al Ezz River.<sup>100</sup> Dalal Finjan stated in her evidence that when she came out from her house she saw her brother’s vehicle stopping to drop off a passenger.<sup>101</sup> She also saw

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<sup>95</sup> Dalal Finjan MOD-83-0000073-Z, paragraph 6

<sup>96</sup> Jasm Bader MOD-83-0000074-Z, paragraph 6

<sup>97</sup> Ibid, paragraph 7

<sup>98</sup> MOD-83-0000070-Z paragraph 5

<sup>99</sup> Jasm Bader MOD-83-0000074-Z paragraph 5

<sup>100</sup> Issa Salas MOD-83-0000075-Z, paragraph 4

<sup>101</sup> Dalal Finjan MOD-83-0000073-Z, paragraph 3

two military vehicles following what she described as two civilian cars. When asked by Mr Poole about them, she said they were similar to her brother's and were travelling along the road when she saw them. She was apparently, following Ms Al Qurnawi's explanation, saying that the military vehicle or vehicles were chasing the other cars, but stopped at the vehicle which was her brother's vehicle on the road not far from her home.<sup>102</sup>

**9.14** Although the evidence is somewhat sketchy, since I am satisfied that the vehicle in which the deceased was travelling was operating as a taxi, it is less likely that it took action to avoid the VCP. Two witnesses recall a military vehicle involved in chasing a civilian vehicle in Al-Firqa. If correct, that vehicle must have been one of the vehicles in which the patrol were travelling. No other military vehicles were in the area. I have concluded that the evidence points to the patrol having mistaken the vehicle in which the deceased was travelling as the vehicle that had passed through the VCP. The matter will receive further consideration when I analyse the evidence from the soldiers but two improbabilities incline me to the conclusion that there was a mistake. First, the improbability that if the vehicle was a taxi it would have refused or failed to stop. Secondly, that if the military vehicles were chasing a suspect vehicle, that they would have bothered to stop in order to engage with the occupants of the taxi if it had not been believed that it was the vehicle they had been chasing.

**9.15** Issa Salas describes some of the passengers getting out of the vehicle and then the British patrol coming towards them. He then states that one of the two British cars stopped in front of the civilian car to prevent it from moving on, while the other stopped behind it.<sup>103</sup> This is clearly what did happen because that was the technique employed by patrols. Issa does not suggest that there was a gap in time before a second vehicle arrived but, for reasons which I shall come to later, it seems to me that it is probable that one vehicle arrived and that within minutes the second vehicle arrived. From that it seems to me that it was the soldiers in the first vehicle who were first engaged with dealing with Mr Abdullah and Athar Finjan. There is a measure of confusion in the evidence from the Iraqi witnesses. Issa Salas describes Mr Abdullah and Athar Finjan stepping out of the car. In her witness statement to me, Dalal Finjan states:

*"I saw my brother and his friend Nadheem get out of the vehicle and ask if there was a problem. My brother was showing the soldiers his car registration. Two soldiers headed towards my brother and some others went towards Nadheem. The soldiers then started beating them with their helmets and weapons."*<sup>104</sup>

However, when Mr Poole asked her, "Did you see your brother get out of his car", she answered, "The soldiers got them out. One from one side and the other from the other side". I commented to clarify: "The soldiers got them out?" She answered: "The soldiers did, yes". I returned to it. "You say the soldiers got them out. How did the soldiers get them out?" Her answer was, "They pulled them out". I replied, "They pulled them out, did they?" Ms Al Qurnawi translated: "They opened the door and they pulled them out". I asked what happened when they pulled them out. Dalal Finjan's answer was, "They laid them on the floor". Mr Poole then followed this line of questioning by asking how, from the position she was in, she could have seen both sides of the vehicle.<sup>105</sup>

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<sup>102</sup> IFI Dalal Finjan Saddam 15/12/14, p.9, line 17 – p.13, line 17

<sup>103</sup> Issa Salas MOD-83-0000075-Z, paragraph 5

<sup>104</sup> Dalal Finjan MOD-83-0000073-Z, paragraph 4

<sup>105</sup> IFI Dalal Finjan Saddam 15/12/14, p.14, line 17 – p.16, line 1

**9.16** Issa Salas, in his witness statement, states:

*“As Athar and Nadheem stepped out of the car, the British soldiers started beating them. They sat Nadheem on the ground where he was held by two British soldiers before a third British soldier joined in holding him, standing at a distance from him while kicking him on the back. The two others beat him on the head with the butt of a rifle”.*<sup>106</sup>

**9.17** It was at that point that he says he went into his house. I have to say that the evidence to the effect that the two men got out, as opposed to being pulled out and that Mr Abdullah was showing his registration particulars to the soldiers is implausible. Again, the picture given by Issa Salas that Athar and Mr Abdullah “stepped out of the car” does not, in my judgment, fit with Dalal Finjan’s oral evidence that they were pulled and with what I consider would have been the likely circumstances.

**9.18** As to Dalal Finjan’s account that she came close to the scene of the confrontation and was injured, there is forensic evidence that blood from a female was present on the boots taken from SO03.

### The soldiers’ evidence as to what occurred on 11 May 2003

**9.19** Some of the soldiers, from the moment they were first questioned by the RMP, stated they remembered no incident at all on that day or indeed on any other day. Essentially, that has remained their position. Two of the members of the patrol, when first questioned, gave an account of an incident they recalled taking place on or about 11 May 2003. They have not departed from the accounts they gave many years ago, but in the course of their oral evidence they have shed more light and assisted in building up a clearer picture.

**9.20** The Platoon Commander (SO10), who made a number of statements many years ago, has made a statement to me, but he now resides in Australia. Having regard to the detailed contents of his statement, I concluded that it was not necessary to seek to obtain his evidence by video link. A tripartite video link between Australia, England and Iraq was not a practical course. Had it been necessary for me to obtain information that could not be obtained by asking him questions in writing, I would have considered the expense and practicalities of a hearing by video link. In addition, the Platoon Sergeant, at the time Sgt Kevin O’Brien, was interviewed by me and he has provided me with a statement, refreshing his memory from the statements he made earlier to the RMP.

### The evidence of SO10, Sgt O’Brien and the log

**9.21** I propose to commence my considerations by looking at the radio log and the statements of SO10 and Sgt O’Brien. The weight and reliability of these three sources of evidence stand alone from the evidence of the soldiers who were on the patrol. The effect of the evidence in the log and the evidence of SO10’s and Sgt O’Brien contradict the evidence from those soldiers who have maintained that nothing noteworthy occurred on 11 May 2003. I am satisfied from those three areas of evidence that an event occurred on 11 May 2003 which explains why Mr Abdullah sustained a fatal injury.

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<sup>106</sup> Issa Salas MOD-83-0000075-Z, paragraph 7



## The written log

- 9.22** The written log<sup>107</sup> (see Appendix 18) covers the period from 30 April 2003 to 16 May 2003. The log was kept at the Base at Al Uzayr and the entries were made by the man on duty – which according to availability would have been the Platoon Commander (SO10), Sgt O'Brien, or a member of the platoon who was available from other duties.<sup>108</sup> They recorded the incoming messages from the Section Commander of the patrol which was out on duty at the time. The Section Commander can be identified from the coding and the person on duty can be identified from the record. Any material incident which occurred should have been reported and, therefore, recorded. Many of the entries are nothing more than radio checks ('RCK'). The frequency of these was driven by the importance that was attached to constant communication with the Base being available to the patrol.<sup>109</sup>
- 9.23** There are a number of considerations which cause some doubt in my mind about how far one can regard the log as a complete record of what did occur. For example, the entries recording SO01's messages as Section Commander on 11 May 2003 are the only entries showing his Section as being out on patrol. If the log is taken as authoritative, SO01's Section did not go out on patrol either before or after that date. Such a conclusion is contradicted by the evidence of all the patrol members and SO10, and Sgt O'Brien, who states in his evidence that the Section continued to go out on patrol after 11 May 2003.
- 9.24** Again, SO01 remembered, it has to be said for the first time, when giving his evidence to me that he searched a vehicle on one occasion when there had been an AK-47 and money in the vehicle.<sup>110</sup> An entry for that is in the Radio Log at 19.02 on 7th May 2003.<sup>111</sup> Further, SO02 remembered frequently chasing vehicles which had avoided a VCP, but that is not borne out by the contents of the log. It can be noted that SO02, being the nominated driver of the WMIK, went out whenever there was a patrol, because only he was authorised to drive the WMIK.<sup>112</sup>
- 9.25** I have concluded that there is a distinct possibility that a number of events that did occur whilst the patrol was out on duty were not relayed back. That said, the text of the log does provide important evidential support for the activities which were taking place whilst the patrols were out on duty, and more particularly for what happened on 11 May 2003. The log records that at 17:51 on 11 May 2003 D21C, which SO01 accepted was his call sign, reported as follows: "*Veh avoided VCP*", namely vehicle avoided vehicle checkpoint. At 17:56, namely 5 minutes later, the log records that someone else came on duty at the Base taking over duty from Cpl Wright who is recorded as coming on duty at 13:59. In round terms, Cpl Wright had been on duty for 4 hours from 2 o'clock until 6 o'clock. At 18:05 SO01 radioed in to check the connection and the entry is "*Rck ok*". 5 minutes later at 18:10 SO01 radioed in and, according to the log, reported "*Checked 2 x PAX. Nothing found. Let go.*" SO01 did not dispute that the record showed that he had made these calls, but his evidence was that he had no recollection of having done so.<sup>113</sup>

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<sup>107</sup> Radio Log MOD-83-00000112-A

<sup>108</sup> SO10 MOD-83-0000105-Z paragraph 32

<sup>109</sup> IFI SO04 10/11/15 p.86 lines 2-5; IFI SO02 17/11/14 p.27 lines 7-11

<sup>110</sup> IFI SO01 18/11/14, p.56, lines 2 – 10

<sup>111</sup> Radio Log MOD-83-0000112-Z, p.396

<sup>112</sup> See IFI SO02 17/11/14 pp.57-8

<sup>113</sup> IFI SO01 18/11/14 p.62 lines 5-11



- 9.26** In the written statement of the Platoon Commander (SO10), dated 10 November 2014, reference is made to this entry in the log and his statement reads as follows:

*"I can remember receiving a radio message from SO01 section, stating that a vehicle had avoided a VCP. I told them to catch the vehicle and search it, as it sounded suspicious, based on my previous experience. I had been conducting VCPs for about 3 weeks before this and the same had happened. When we caught the vehicle, it was found to contain large amounts of weaponry. I told them to deal with the situation and if they had no weapons or cause for concern, then send the civilians on their way. I did not speak to them again on the radio."*<sup>114</sup>

This evidence would suggest that the Platoon Commander was present with Cpl Wright who was on duty at the time the message was received. The last entry identified SO01 as being in radio communication at 18:51 on 11 May 2003, exactly an hour after reporting a vehicle avoiding the VCP. There are then two exchanges in which the radio connection is confirmed as 'okay' and the location reference ("loc stat") is given.

- 9.27** On the basis of the log, if SO01 and his Section were involved with a vehicle that had not stopped or had avoided a VCP, there was a passage of time of some 19 minutes between the record of the vehicle avoiding the VCP and the record of the persons in the vehicle being checked. This is an important record which, if correct, presents a timeframe considerably less than the estimates given by the Iraqi witnesses and which, if the account of the two soldiers in the patrol is correct, would include a chase of the vehicle, perhaps of some minutes, and the event occurring outside in the street of the village of Al Firqa. It also helps in setting a timeframe for subsequent events, including the journey of Mr Abdullah to his home, the journey from there to Dr Abdul Khalik, and thereafter the journey from Dr Abdul Khalik to the hospital.

## The evidence of SO10 and Sgt O'Brien

- 9.28** The log indicates that SO01's section returned to the Base at about 19:00 hrs, and another section went out from the Base at about 20:05 until 23:08.<sup>115</sup>
- 9.29** SO10 records in his witness statement – see paragraphs 18 to 20 – that he spoke to SO01 on the return of the patrol to the Base. He asked what had happened and he was told that they had searched the civilians and sent them on their way. A patrol report was not compiled as nothing of significance had been found. In paragraph 20 he records as follows:

*"I noticed that the other section members seemed excited about something, although this was not a visible excitement, rather that it was just something I picked up on. I know the section members really well and I felt that something had happened on patrol. I spoke to them collectively but no one came forward or told me anything. I asked them what had happened whilst out and they all said that nothing had happened."*<sup>116</sup>

- 9.30** SO10 felt that something had happened involving the men and he states that he discussed his concerns with O'Brien. He does not know for sure whether O'Brien spoke to them as well.

<sup>114</sup> SO10 MOD-83-0000004-Z, paragraphs 17 – 18

<sup>115</sup> Radio Log MOD-83-00000112-Z p.404 (Appendix 18)

<sup>116</sup> SO10 MOD-83-0000004-Z, paragraph 20

- 9.31** In his witness statement to me dated 19 October 2014, O'Brien deals with these events in paragraphs 30 and thereafter. He remembers these matters being brought to his attention in May 2003 and he clearly recollects the RMP coming to the Base in order to recover the clothing and equipment from SO01 and his Section. In paragraph 31 he states:

*"I can remember some of the context quite well, although some other events have faded in my memory with time. I can recall that at some point, SO01 section seemed to be hyped up after a patrol. I remember seeing them coming in. They looked a bit "het up", but they had been working all day and it was hot. Sometimes people would come back very sunburnt. I do remember SO10 saying to me that the section looked "het up". I cannot remember when we had that conversation, and it may have been after the RMP arrived."*<sup>117</sup>

In paragraph 32 he continues:

*"However, SO10 told me that he had spoken to SO01 section and they had said nothing had happened. I did not speak to any of the section members about it. At that time in that platoon I was still getting to know people and gaining their trust. There was no time when any of the men said anything to me about doing something not part of their normal duties, or something out of the ordinary, but they would probably have not told me in the event that they had done anything wrong. After the RMP visited, SO01 and his platoon carried out going out on other patrols. I am not aware of any incidents that his section was involved in and he has never briefed me on any. I cannot really remember what happened after that."*<sup>118</sup>

## Conclusion

- 9.32** I am satisfied on this evidence that on 11 May 2003, whilst SO01 and his patrol were out on duty, a vehicle avoided a VCP and that within the space of about 20 minutes or so the vehicle in which the deceased, Mr Abdullah, and the driver, Athar Finjan, were travelling was checked by the section. That the two persons identified in the record as being searched were Mr Abdullah, and Athar Finjan and that in the course of that 20 minute episode, something occurred which led some or all of the section to appear to be noticeably "excited" or "het up", or "hyped" when they returned to the base.
- 9.33** I now turn to the two soldiers, namely SO02 and SO03, who did give an account of the incident.

## SO02

### SO02's evidence to the RMP

- 9.34** SO02 gave his first account when interviewed by the RMP on 1 December 2003. In a short statement dated 8 June 2004, he confirmed that the full account of his recollection of the events of 11 May 2003 was in his interview on 1 December 2003. He made no further comment save that he said he did not shoot a dog on that day and that he could

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<sup>117</sup> O'Brien MOD-83-0000077-Z, paragraph 31

<sup>118</sup> O'Brien MOD-83-0000077-Z, paragraph 32

not give an account for the presence of footprints on the clothing of the driver of the vehicle.

**9.35** SO02's interview to the RMP on 1 December 2003 at Colchester Police Station runs to 105 pages.<sup>119</sup> On 8 June 2004, SO02 was interviewed again by the RMP but made no comment to a series of questions recorded over 42 pages.

**9.36** After about 35 minutes into his interview on 1 December 2003, SO02 was asked about the incident on 11 May 2003 and he stated that he remembered going out on a patrol with SO01 and SO04 when:

*"We chased this vehicle. It pulled into a little village and we got, there was two people in a vehicle, two men in a vehicle, they come out the vehicle and they wouldn't lie on the floor so we restrained them to lie on the floor and when they lay on the floor then I went back to my vehicle and just watched my arc because I was more concerned about the other buildings around and obviously concerned about the vehicle because I am not supposed to leave it, considering it was left in the village, you know, you think to yourself someone could come out and take something from the vehicle, you know. Just basically, I'll get into trouble for leaving the vehicle so I went back to the vehicle. I was covering my arc".*

He was asked why he was chasing them and he responded:

*"I can't remember why we actually started chasing them. Like I said, every day they either, they'd either stop at a VCP or they don't stop or they've turned around a VCP on that day. I can't remember why we chased them".<sup>120</sup>*

**9.37** It is clear that SO02 was the nominated driver of the WMIK army vehicle. No one else was allowed to drive it, and as a result, he went out on every vehicle patrol.<sup>121</sup> The frequency with which he went out and the fact that he went out with sections other than that led by SO01 is material. His recollection of the general course and frequency of stop and search and chasing has been valuable.

**9.38** The vehicle from which the two men came on 11 May 2003 was a white pick-up. In addition, SO02 remembered that there were quite a few people sitting in the back. They got off and ran away because the vehicle had stopped in the village. He concluded that the vehicle had stopped in the village instead of going on through the village and he thought,

*"Right, it has stopped there so obviously we're going to check this vehicle and that area to see if they have left any weapons, thrown any weapons out or any, even along the way, you know. You know well they would throw anything out of the vehicle."<sup>122</sup>*

SO02 was then asked, "Was that the vehicle you were chasing that had stopped?" He replied,

*"There were two vehicles, one went straight ahead and I don't know where that went, that just disappeared because it was a lot faster than our WMIK and this*

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<sup>119</sup> SO02 MOD-83-0000101-Z

<sup>120</sup> SO02 MOD-83-00000102-A, p.5149-5150

<sup>121</sup> IFI SO02 17/11/14 p.11 lines 1-2; p.17 lines 9-12

<sup>122</sup> Ibid, p.5151

*vehicle stopped so obviously we approached with caution this vehicle and it was in the village as well so we were like, you know, are we being ambushed, set up here?”<sup>123</sup>*

- 9.39** SO02 confirmed that he had parked his vehicle horizontal to the vehicle which had stopped and about 50 metres away from it. He said that he could not really remember how far away because he had stopped so many different vehicles that he just could not remember. He remembered the two men who were both roughly similar in age. He was then asked what happened and he replied:

*“I remember SO01 going, approaching the vehicle and telling, I honestly can’t remember if he said to them get out or they started to get out or we had to take them out, I can’t remember, but I do remember restraining one of them to get him to the floor and having to struggle to restrain him to the floor and being concerned about, no its taking time to restrain this person to the floor considering we were in a village where people, you know, could be, people had been attacked in that area so obviously there’s weapons because we had been doing searches of houses and being finding weapons left, right and centre in the houses so I was concerned about the village that we were in, in case someone would just jump out and, you know, try to attack us.”<sup>124</sup>*

- 9.40** SO02 stated that:

*“I remember trying to lock his arm, to get him to go to the floor, saying lie down on the floor. I think, I think his friend, whoever it was, was already lying on the floor and [I] pointed to him saying lie down, lie down. He just would not lie down on the floor so we couldn’t even search him, you know, we were worried about grenades and other things like that, that he might have on him, booby traps so you know, we were trying to restrain him to get to the floor. So I remember getting him in an arm lock trying to push him to the floor, ended up getting him to the floor and just walked back over to the vehicle.”<sup>125</sup>*

- 9.41** When SO02 was asked again about getting the man to the floor, he commented: *“I can’t remember because every person we tried to get to lie on the floor ... either struggles or puts up a little bit of a struggle to get down on the floor”*. He continued:

*“You know, this is happening, you know, every day, getting someone to lie down on the floor, usually we say to them stand on the side, search the vehicle or get them to lie down on the floor and then search the vehicle so we don’t have to and someone’s watching them so we don’t have to worry about them, don’t have to worry about them running to a vehicle, or running to a house or running off. Once they lie down on the floor then it would be easier once they lie down, someone watching them for us to search the vehicle and to deem that area safe, obviously with his hands up so we could see what he was doing”.*<sup>126</sup>

- 9.42** SO02 then added:

*“But I remember on this particular occasion he would not lie down on the floor like most of the other people, he wouldn’t lie down on the floor so, you know, I*

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<sup>123</sup> Ibid, p.5151

<sup>124</sup> Ibid, pp.5152-5153

<sup>125</sup> Ibid, pp.5153-5154

<sup>126</sup> Ibid, pp.5154-5155

*can't honestly remember what I did to get ... I would have to get him in an arm lock with minimum force to get him to lie down".*

- 9.43** It seems from the interview that he could not remember whether the man had got out of the vehicle or had had to be taken out of the vehicle. When asked whether he had been re-trained in restraint and arrest techniques, he said: *"I've done a few lessons in it but not before we went out, this is, you know, two years ago"*. He had undergone Northern Ireland training as well. When asked a little more about why he had left his vehicle in the first place because he would normally have stayed with it, he said: *"Because, as I recall, SO01 was having a hard time with trying to restrain this person to the floor so obviously I went over to assist"*, but he could not remember if they were in the car when he approached or not. He could not remember what everyone else was doing. He repeated that this was an everyday occurrence where they would have to restrain people to the floor. As to the second man, SO02 remembered that he had been restrained, but he could not remember who had restrained him or by what technique or method had been used. All he could remember was helping SO01 to restrain the person he had mentioned.<sup>127</sup>
- 9.44** The interview then returned to the difficulty that SO02 said that SO01 was having restraining the man. SO02 said he could not really remember the struggle that SO01 had had in trying to get the man on to the floor, but he did remember SO01 using an arm lock to do it. When asked what SO01 was doing, SO02 stated: *"He was doing the same thing what I was doing, I suppose. I can't really remember his actions exactly. I do remember him using his helmet to hit him to get down"*. When asked a bit more on that, he said: *"I just remember seeing him with the helmet in his hand and trying to hit him to get him to lie on the floor"*. He was asked whether this was something which happened every time he stopped someone, namely that the soldiers would hit civilians with helmets. He explained that he was not saying this happened every time, but *"[o]n this occasion, like I am trying to explain to you. I can't remember exactly what happened. I don't want you to say that this happened if it didn't. ... "I am trying to remember"*. When pressed as to whether he had to restrain people under a daily or weekly basis, he said: *"I would say it would happen at least once a day"*.<sup>128</sup>
- 9.45** SO02 was asked about the briefing he received before he went out on patrol in connection with civilians or restraining civilians, and he replied: *"Use minimal force or whatever force you can to get them to lie on the floor"*. His recollection of what he had been told by commanders, from officers and so forth was, *"Restrain them however you can"*. SO02 added:

*"... If you feel threatened in that environment because obviously, you know, there are weapons or you don't know there are weapons but you suspect there are weapons, you know, especially in that area, especially after people had been attacked or, you know, ambushed in that area, local civilians by other people and rival farmers and all their villagers, even before that we've always found weapons in them, so basically you just want to get them on the floor. Safe, so you can deem them safe. If they are standing up they are not deemed safe and they are not deemed safe because they could run to a vehicle, could run into a house and could get a gun".*<sup>129</sup>

<sup>127</sup> Ibid, pp.5156-5159

<sup>128</sup> Ibid, pp.5160-5162

<sup>129</sup> Ibid, pp.1563-1564



When pressed about the need to put a person to the ground to be searched, he said, “I don’t suppose they’re posing a threat at the time if they’re standing there but the possibilities of them running off, if they’ve already tried to run off in the first place would be pretty high...”.

- 9.46** I am satisfied that SO02 was making it clear in the interview that he had not stopped the vehicle in which Mr Abdullah and the others were travelling, but that it had stopped in the village itself. He described the response of the two men as “fighting back”. After some more questioning, and an intervention by a solicitor who was present, SO02 said:

*“No we didn’t see that they had any weapons but they possibly could have weapons in the vehicle, [that’s] the reason why we wanted to restrain him so we could deem him safe before we searched the vehicle. Also in case he had a booby trap on him as well. What, what we try to do is when we stopped someone... we always search them... If they have stopped at a vehicle checkpoint we would search them. The fact that they have done that willingly gives good faith and a gesture that they are not trying to blow us up and everything else around them. The fact that they turned away from the VCP point, drove into a village where people have weapons, had been attacking each other, no know, deems them dangerous or unsafe or we’re not sure what their actions might be. Obviously the last thing you want is just to stand there. The next minute they are going to their vehicle, pull out a gun and put you in a situation where you, know you, might have to.... You don’t want to be in a situation where they’re starting to threaten you, so what you want to do, for their own safety and ours, is to get them on the floor, search them on the floor where they can’t run off or do anything to you”.*<sup>130</sup>

- 9.47** SO02’s recollection, although subject to some qualification, was that two vehicles had turned around to avoid the VCP and that then there had been the chase, and one of the vehicles that had avoided the VCP then stopped in the village was one of the vehicles it was believed had avoided the VCP. He was clear that the other vehicle got so far ahead that it just disappeared. As to the remaining vehicle,

*“We saw it pull in, well before it had pulled in, it stopped, some people got off and then it carried on driving, I can’t remember but I know it went into a village and then obviously, as we drove past the village, we saw it stopped, two people still in it. So we drove into the little village that it was in”.*<sup>131</sup>

- 9.48** When pressed, SO02 confirmed that the reason that he had got out and come away from his vehicle, being the driver of it, was because SO01 needed help to restrain the man to get him to the floor. SO02 made it clear that, once the man was on the floor, he considered it more important that he should return to the vehicle in order to look out and to stay with the vehicle while scanning other buildings around and watching his arcs. His best recollection was that SO01 came back to the vehicle and suggested that they go back to Base or do another VCP. He could not remember what was said. He remembered there was a gunner, he thought, in the back, but he could not remember who it was. He remembered driving off and said: *“I just remember seeing two people laid down on the floor and then we drove off”* and he confirmed *“they were still laying down on the floor”*.<sup>132</sup>

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<sup>130</sup> Ibid, p.5166

<sup>131</sup> Ibid, p.5167

<sup>132</sup> Ibid, pp.5166-5171

- 9.49** He estimated that the whole episode took about 5 to 10 minutes from the point when they came into the village to the point they left and added that, as they drove off, there were people at the side of the road and he remembered that he was then told to stop. SO02 then said: *"I think he searched them as well because I saw them lying on the floor"*. By the reference to "he" it could be inferred he was referring to SO01. SO02 remained in the vehicle whilst SO01 and another soldier present searched the people and made them lie down. SO02 was asked: *"Do you know where these two people that were walking up the road, where they came from?"* and he replied: *"They were the people that came off the vehicle"*. Or they were suspected of being those people who had come off the vehicle. He remembered *"One was a female and that there were about four males"*. When asked again about the tussle or, as it was described to him, wrestling *"to get the man to the ground"*, he said: *"I didn't sustain any injuries, but he was grabbing on quite tight. I remember him holding me, you know, he really didn't want to go to the floor"*. He did not see any blood on the man and he emphasised that it was about 5 to 10 minutes as an episode from the time he left his vehicle but, so far as the chase was concerned, he could not remember how long the chase continued. He remembers that SO01 was in his vehicle when they left because he was the one who said *"Come on, let's go"*.<sup>133</sup>
- 9.50** The interview continued seeking to elicit further detail. SO02 did recollect a woman standing shouting from her house nearby; he did not recollect that she was close to the two people on the ground. She was obviously from the village and she was *"by her little hut, shouting something"*. When asked whether anybody tried to intervene and to stop what you were doing, SO02 stated: *"I remember the woman coming over saying something to SO01 and SO01 saying something to her, telling her to go away"*. He did not see any physical contact, but he remembers someone saying when they were back at the base that she had been hit. He said, when asked more, *"What I am saying is ... that I remember hearing someone saying ... someone got hit but that could have been at any time, that could have been on another patrol..."*.<sup>134</sup>
- 9.51** As the interview continued, the questioning returned to the sighting of a vehicle turning away from the VCP. SO02 repeated that he had been following two vehicles at first and that one disappeared and that he believed that one stopped in a village. He said that he had been told clearly by others, including section commanders, that if a vehicle turns away at a VCP it is obviously suspicious and you go and chase the vehicle. He stated towards the close of his interview that he did remember,

*"like giving the man a dig in the back, a clenched fist, a knock in the back, nothing too hard, just to sort of, like, say to him, look, you know, don't restrain here. We are trying to restrain you. Just stop it, like a little, like a sort of a kick, to say, you know, why we are restraining you"*.

- 9.52** But he only did that once, he said, with his hand. When pressed, he continued,

*"I couldn't get him to the floor. I couldn't physically... get him to the floor, then both of us couldn't physically get him to the floor because he was kicking up such a fuss. You know, you don't know how much force to use at the time. You're just in a struggle..."*<sup>135</sup>

<sup>133</sup> Ibid, pp.5172-5181

<sup>134</sup> Ibid, pp.5199-5200

<sup>135</sup> Ibid, pp.5203-5208



- 9.53** SO02 confirmed later that it was really a short two minutes. He described it as a “fumble”, trying to get him to the floor, but it did involve SO01 hitting him with his helmet and him trying the arm lock and then punching him in the back. Then he added: *“I saw SO01 pressing him to the ground because I think after he was on the floor, he tried to get up again”*. This happened when he was walking off back to his vehicle. He was sufficiently worried about his surroundings. He did not want to be standing there, fumbling for half an hour over someone when possibly there was a rifle pointing at him. His attitude was *“we need to get these blokes on the floor, search them and then, when everything is safe, let’s get out of the village as soon as we can. We don’t want to be in this village”*.<sup>136</sup>
- 9.54** So far as speech and speaking to the man or the men, SO02 could have said *“Are you Ali Baba Ferhadin”* because that is what they usually asked when people were on the floor. That is asking whether they were a thief and was that why they were turning away from the VCP. He was pressed about leaving two men lying on the ground motionless and he responded: *“Or why would I think they needed help. If I think they are scared to get up for whatever the reason. Loads of times we have stopped people, put them on the floor, we’ve told them they can get up and they’re lying there so we just say let’s go and that’s it”* and then later SO02 went on to say *“Well, may be I thought he doesn’t want to get up, he’s obviously tired, just wants to lie there”*.<sup>137</sup>

## SO02’s evidence to these Investigations

### SO02’s written statement

- 9.55** SO02 joined the Army at the age of 17 years. He had been in the Army Cadets from the age of 15 and soon after his 18th birthday he started basic training. Basic training took 9 months then there was a short period of leave. He was assigned to the 3rd Battalion in November or December 1999. He received training as a machine gunner as well as riot training. He received training to deal with members of the general public in stop and search. He learned tactics in connection with VCPs as part of his Northern Ireland training. He did a 6th months tour in Northern Ireland and in the winter of 2012 he was sent to South Africa for a month’s jump training and only a month or so after returning from South Africa he was deployed to Iraq on 15 February 2003.<sup>138</sup>
- 9.56** He was at the camp at Condor for 2 weeks or so before being sent to Al Uzayr. He went to that forward station to be attached to C Company as the driver of the WMIK. He estimates that he had been at this posting for about a month before the incident on 11 May 2003. He described the position at Al Uzayr as chaotic, shootings and kidnappings being commonplace and no effective police force. As well as being on patrol, they went out to deal with incidents, for example if there was gunfire or a problem could be seen. Frequently weapons were discovered including mortars, mines and rifles whilst they were out on patrol, hidden in houses or bunkers. They would also often stop and search people and find they were carrying weapons. Women carried weapons too. On one occasion he found a woman carrying a belt-fed machine gun under her burka.<sup>139</sup>
- 9.57** Being the driver of the WMIK, he always went out on patrol because the WMIK and the Pinz-Gauer were always taken out. He recollected in his witness statement that he

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<sup>136</sup> Ibid, pp.5210-5212

<sup>137</sup> Ibid, pp.5212-5215

<sup>138</sup> SO02 MOD-0000063-Z, paragraphs 1 – 11

<sup>139</sup> Ibid, paragraph 18

would normally have the section commander with him and someone on top cover, either the small machinegun or the mounted machinegun. The WMIK was very exposed as indeed was the Pinz-Gauer and he said there was a constant worry that local people, having weapons including heavy machineguns, put them at risk.<sup>140</sup>

- 9.58** So far as instruction is concerned, he does not remember that anyone told him that he should put his Northern Ireland training into effect, he assumed that it was thought that he would know what to do from his Northern Ireland training and that that was the position for everybody else. There were, of course, difficulties in applying Northern Ireland peacekeeping methods in South Iraq. The biggest, he says, was communication. He feels it would have made a big difference if there had been more interpreters available.<sup>141</sup>
- 9.59** There was also a difference between the Northern Ireland VCPs where there could be an effective cut-off where that part of the section would be hidden whereas, in Iraq, everybody was on open ground. It was thus easy for vehicles to spot a VCP at a distance and then turn around and this used to happen a lot. He says that when it did, they would try and chase them. Sometimes, while chasing vehicles, weapons were thrown from windows. As a result, any vehicle that tried to avoid passing through a VCP was regarded as suspicious.<sup>142</sup>
- 9.60** His recollection was that it was part of their training that if someone who had been stopped at a VCP refused to get out of his vehicle or otherwise failed to co-operate with the search then he would be taken to his knees immediately because he would be assessed as posing a high risk. In his Northern Ireland training he had been taught to take a suspect to his knees, but he cannot now remember the technique. If they had to be taken out of a vehicle it was better that they should be put immediately to their knees for the search. If weapons were found they would detain the suspect and the vehicle. They would then be plasti-cuffed and driven back to the Base for collection by the Royal Military Police.<sup>143</sup>
- 9.61** It is important to note that SO02 concluded in paragraph 27 of his witness statement to this Investigation, that he is satisfied that the account he gave in his RMP interview on 1 December 2003 would have been as accurate a recollection of events as he was able to give at the time.

### SO02's oral evidence

- 9.62** Further details did emerge from SO02's oral evidence to which I shall now turn. The WMIK vehicle is capable of an average speed or doing a maximum speed of something like 90 miles an hour, but that will be on the open road. It is an off-road vehicle that SO02 was trained to handle. Handling circumstances in Iraq, and indeed probably in many other off-road situations, requires a special skill if it is to be driven safely and effectively. SO02's recollection was that, whilst he was not entirely clear about it, when he was at Al Uzayr he was there in a peacekeeping role. But that is not to say that he felt safe. Because he was the designated driver and the WMIK went out on every patrol, it is clear from the effect of his evidence both to me and in his witness statement that he went out on every occasion when a mobile patrol left the Base.<sup>144</sup>

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<sup>140</sup> Ibid, paragraph 19

<sup>141</sup> Ibid, paragraph 21

<sup>142</sup> Ibid, paragraph 22

<sup>143</sup> Ibid, paragraphs 24 – 25

<sup>144</sup> IFI SO02 17/11/14, p.10, line 18 - p.13, line 1

- 9.63** SO02's evidence as to what happened on a frequent basis in connection with VCPs is particularly instructive. It also means that his observations about the frequency with which vehicles were chased and people were put to the ground must not be extrapolated to include occasions when the section headed by SO01 was out on patrol. He was asked by Mr Poole whether he experienced any difference in the behaviour of those in other sections compared to the section commanded by SO01 and he responded: *"No, not really"*.<sup>145</sup>
- 9.64** He had not remembered, until he was shown the log as he was giving his evidence, that he carried out duties as the radio log keeper at the Base. Some of the entries in the log were referred to him, in particular an entry for 7 May when a bag of money and an AK-47 was found and a 6-passenger Nissan van had gone through a VCP and one of the passengers with a weapon had run away. He was asked whether he recalled it and he replied he did not. Indeed, as he responded later: *"There are so many incidents that I came across. They are a big merging blur to me. I couldn't give you specifics"*. He did remember a big bus turning away from a VCP and giving chase to that. This was an occasion when shots were fired and he had some flashback recollection of bullet holes in the windows of the bus. So far as chases were concerned, he said they spent quite a lot of time chasing vehicles because the vehicles refused to give up, either off the road or down some shanty of houses, *"It's all bit of a blur"*.<sup>146</sup>
- 9.65** SO02's attention was drawn to the record from the log from 30 April to 16 May that recorded two contacts with the enemy where shots were fired, a couple of references to VCPs being set up and then the incident in question on 11 May. He was asked whether he was surprised there were not more entries relating to VCPs or vehicles being chased and he said: *"Not really surprised. It seems about right, I suppose, I don't know."*<sup>147</sup>
- 9.66** SO02 was not clear in his recollection that SO03, SO05 and SO06 were present. From his evidence it would seem he was clear that SO01 was present and SO04 was present. He could not remember how he had first been made aware of two vehicles. But he had a flashback memory of the vehicle going off into the horizon or a vehicle going off into the horizon and turning into a side road. He could not help as to how the initial chase started. He remembers the vehicles being white but he could not remember more than that and that, in truth, most vehicles were white. One vehicle went off into the distance and one turned off the road. His recollection is that they chased the one which had turned off the road. His recollection was clear that the vehicle he did pursue that had turned off the road had come to a stop when he caught up with it.<sup>148</sup>
- 9.67** SO02 said it was possible that the vehicle that he came upon, which had stopped, was another vehicle other than the one he had been chasing. He had a recollection of two men sitting in the vehicle, refusing to get out. He believed that this sighting was about 20 metres away from where he was in the vehicle. He has what he described as a flashback of shaking heads and holding on to a door. He stated that most incidents were at a very heightened state of alert:

*"Your adrenaline was pumping. You – I should imagine in this village we were extremely nervous. I remember talk of, you know, being very worried about our*

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<sup>145</sup> Ibid, p. 16, lines 19 - 23

<sup>146</sup> Ibid, pp.19 – 34

<sup>147</sup> Ibid, p.43

<sup>148</sup> Ibid, pp.44 – 49

*surrounding because when you are in open ground because, you know, there's less places for an enemy to hide and take shots at you".*<sup>149</sup>

- 9.68** SO02 agreed that, whilst the soldiers would attempt to be calm and ask somebody to get out of the vehicle, a refusal to do this would have aroused suspicion and the soldiers would have moved very quickly to gain the dominant hand in the exchange. His recollection of somebody holding on to the door of the vehicle was not specific. He had a sense that they had refused to get out and added that most chases ended up with people refusing to get out. *"If that happens you attempt to open the door and just pull them out".*<sup>150</sup>
- 9.69** SO02 was referred to his account in interview that he had seen SO01 strike the man with his helmet. His answers seemed to suggest that that was not the case, but, on seeing the full text, he accepted that, in answering as he had, he might have appeared to be backtracking, but his real problem was that he could not remember anything about it.<sup>151</sup>
- 9.70** SO02 gave a detailed account of the incident when questioned on 1 December 2003. The interview was sufficiently proximate to the event for it to be reliable. He was not able to give an account of everything about which he was asked, but I had in mind that he had to play his role in a very fast-moving episode, and when not concentrating on what he had been asked to do, he would have been alert to his surroundings rather than observing the precise course of events. Further, the evidence about SO01's use of his helmet was incidental to the role he had been asked to perform, and more than that, was unusual, for he could not recollect the use of a helmet as a frequent occurrence.

## SO03

### SO03's evidence to the RMP and these investigations

- 9.71** SO03 was arrested on an allegation of the suspicion of murder on the morning of 13 November 2003. His interview commenced at 10:27 that morning after he had had an opportunity of consulting with his solicitor, Mr Hill. On advice, he gave a "no comment" interview.
- 9.72** SO03 was again interviewed at Colchester RMP station on 24 May 2004 in which he gave a 'no comment' interview. However, on the same day he produced a short statement. He confirmed that he was a member of the patrol at Al Firqa village on 11 May 2003. His role, he stated, would have been initially to secure the perimeter area at any scene and then to assist with the search and detention of any suspects. He stated: *"When I attended the scene in the second army vehicle both suspects had already been removed from their vehicle and were on the floor".*<sup>152</sup> He denied having subjected Mr Abdullah to any physical assault, kick, punch or the use of his weight to inflict any injuries.
- 9.73** There is no material difference between SO03's accounts as they were given in his original written statement of 24 May 2004, his statement to me dated 23 September 2014,<sup>153</sup> and his oral evidence to the Investigations. However, it is worthy of note that his written

<sup>149</sup> Ibid, pp.48 – 53

<sup>150</sup> Ibid, p.55

<sup>151</sup> Ibid, pp.58 – 63

<sup>152</sup> SO03 MOD-0000066-Z

<sup>153</sup> MOD-83-0000066-Z

statement to me helpfully includes a detailed account of the way in which stop and search operations were carried out, and some further detail about the incident on 11 May 2003.

- 9.74** The importance of the evidence is that SO03 recollects being in a static VCP. By that he meant two military vehicles at the side of the road, waiting for traffic to pass down the Highway 6 main road. He travelled invariably in the Pinz Gauer and was doing so on 11 May 2003. At that date, he was the most junior in the section and his principal role was to keep a look out. He explained his role when on patrol as follows: “My role was to give cover and observe my arcs in case of a threat coming in from the outside. I was not so interested in the stop and search procedures as that was not my responsibility. I could not properly keep a look-out and be looking at what the searchers were doing at the same time. I had a job to do and that involved looking outwards. At this stage we were still wearing helmets and body armour and we were aware there was a potential threat, so we could not relax our vigilance.”<sup>154</sup>
- 9.75** On 11 May 2003, at a stage when the patrol was stationary beside the road, carrying out stop and searches, he saw a vehicle approaching the VCP. It turned around, as he concluded, to avoid the VCP. The landscape was flat and featureless and it was difficult to estimate how far away the vehicle was, but he thought it was suspicious and therefore informed SO01.<sup>155</sup>
- 9.76** SO01 immediately told them to mount up and chase the vehicle. SO03 got in to the back of Pinz Gauer. He cannot recollect who was with him. He remembers the Pinz Gauer being slower than the WMIK and they were left behind. His view was out of the back of the Pinz Gauer and, therefore, he could add little to the detail of the chase. He remembered when the vehicle did stop, getting out and seeing that they had stopped in a village. His best estimate was that the chase lasted for some 5 or so minutes.<sup>156</sup>
- 9.77** Significantly, SO03’s evidence is that when he got out of the Pinz Gauer there were two suspects already on the ground. From that I conclude that the WMIK had arrived and stopped, as I have described before upon the basis of the evidence of SO02. Soldiers had already alighted and extracted the resistant men from the front seat and got them on to the ground.<sup>157</sup> It is very difficult to reach a precise conclusion but all the circumstances point to that operation having been completed within a few minutes. Exposed, as they were, to the risk of danger to which I have referred, the evidence of all the soldiers in the patrol is that they were concerned about the risks to which they believed they were exposed. As a result, I am satisfied that they would have carried out the exercise of removing the men from the vehicle and putting them upon the ground to be searched as quickly as possible.
- 9.78** SO01 told SO03 to search the men and check for weapons. Another soldier was tasked to assist but SO03 cannot recollect who that was. He approached the two men motionless on the floor, but as he did so, they started to “move, and wanting to get up...”<sup>158</sup>
- 9.79** It is the evidence of SO03 that, whilst he did use some force to push one of the men to the ground, he did not use anything other than his left hand on the man’s back or shoulder area, and he only pushed the man down by leaning forward. SO03 maintains

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<sup>154</sup> Ibid, see also IFI SO03 11/11/14 pp.22-25

<sup>155</sup> SO03 MOD-0000066-Z

<sup>156</sup> Ibid, see also IFI SO03 11/11/14 pp.27-29

<sup>157</sup> SO03 MOD-0000066-Z; see also IFI SO03 11/11/14 p.30 lines 2-6

<sup>158</sup> IFI SO03 11/11/14 pp.31-2



he did not strike the man, that this exercise took really a matter of seconds rather than minutes and that he was told then to go back and to keep his look out on the arcs. In his statement, he records that as he was patting the man down, the man was “squirming and started to get up”. When asked by me whether he was saying anything to the man on the ground at this point, SO03 replied, “I could have asked him to lie still. I can’t remember... I really can’t.”<sup>159</sup>

- 9.80** As the transcript of SO03’s oral evidence records, I questioned SO03 about his use of the word ‘ask’ in this context, and suggested to him that it did not convey what I believed was likely to have happened. I further suggested to him that it was likely he would have been shouting at the man to achieve some control over him, and telling him to ‘lie down’. Having been given the opportunity to think hard, he replied, “Sir, it’s like you say. You are aware of safety. What I said to him I can’t remember, but I did push him down to the ground.” In answer to my question, “You must exert force – force which you no doubt would consider reasonable to use – to keep him on the ground, is that right?” SO03 answered, “Yes sir, reasonable force.”<sup>160</sup>
- 9.81** All the soldiers tended to understate the reality of the confrontations which, on the evidence, I have concluded must have occurred regularly in stop and search operations. At times I felt that the picture being painted was that these operations were being carried out in a manner not dissimilar from a policeman making a routine traffic enquiry of a motorist.
- 9.82** I endeavoured to obtain SO03’s realistic description of the incident. I asked him whether it was “somewhat unpleasant”, or “perfectly routine”, or “an ugly incident”, or “a bit more violent than you thought things normally were”. He replied, “Everything seemed to be quite normal, sir. Apart from the dog being shot.” I asked him whether, before this incident, he ever seen two men lying on the ground to be searched, and he stated that he had not. I therefore asked him, “How do you describe that as normal?” He replied, “We were isolated. We were away from base. We were six soldiers, and in that situation it makes it difficult not to do that, I think.”<sup>161</sup>
- 9.83** It is not within my terms of reference to investigate any specific injury to any person other than Mr Abdullah. Had there been clear evidence that SO03’s boots carried blood from a female identified as having been present at the stop and search, it could have pointed to the occurrence of a wider outbreak and use of force, which might have shed more light on the circumstances in which force was used against Mr Abdullah. But I should not speculate. The evidence was put to SO03 and he said he could not account for the blood on the boots.<sup>162</sup>
- 9.84** SO03 is the only soldier who recollects that a dog was shot in the course of this incident.<sup>163</sup> He could not help as to where the shot had come from. Like SO02, SO03 recollected that, shortly after they moved off from the vehicle that had been searched and from which the men had been taken, the patrol stopped and searched other civilians in the street. I cannot exclude the possibility that the entry in the log two persons having been searched related to this circumstance, but on the balance of all the evidence, I remain of

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<sup>159</sup> *ibid*, p.32 lines 16-25, p.33 line 1; see also SO03 MOD-0000066-Z

<sup>160</sup> IFI SO03 11/11/14 p.33

<sup>161</sup> *Ibid*, pp.43-44

<sup>162</sup> *Ibid*, p.47 lines 7-9

<sup>163</sup> *Ibid*, p.40 lines 13-23

the view that the entry is more likely to have been a reference to Mr Abdullah and Athar Finjan.

- 9.85** There were indications that SO03 was understating the character of the incident and the degree of force which was used to search the two men whilst they were on the ground. But a ruckus is not likely to be recaptured with precision even shortly after its occurrence.

### The evidence from the other four soldiers

- 9.86** The consistent position maintained throughout by the other four soldiers has been that they had no recollection of any incident on 11 May 2003. Further, they maintained that they had no recollection of any incident which occurred in the course of a patrol that bore any resemblance to the patrol described by SO02 and SO03.<sup>164</sup>

- 9.87** I accept the evidence given by SO02 and SO03. In particular, I accept that on frequent occasions, occupants of vehicles were being forced to lie on the ground, and on frequent occasions, those being searched put up some form of resistance. I reject the contentions of SO01 and SO04 that stop and searches were never carried out in the manner described by SO02 and SO03.

- 9.88** The impact of the evidence I have received from SO02, SO03, the Iraqi witnesses' evidence, and the forensic and medical evidence regarding the injuries suffered by Mr Abdullah has not been undermined by the lack of recollection professed by SO01 and SO04, which to a large degree seems likely to have been self-serving and has, over the years, become self-perpetuating.

- 9.89** An absence of recollection on the part of SO05 and SO06 could be explicable because they were engaged in 'observing their arcs' and, both being machine gunners, manning their guns.<sup>165</sup>

- 9.90** I do not regard it as part of my remit to analyse the range of possible reasons for the inability of SO01 and SO04 to give some account of the incident which took place on 11 May 2003. My remit is to find the facts and circumstances in connection with the death of Mr Abdullah. On the evidence that I have heard, my findings and conclusions are set out in the next section.

### General comment on the evidence

- 9.91** Experience has shown that inaccuracies, discrepancies and exaggeration in evidence are not necessarily the product of an intention to lie. Dalal Finjan's evidence has been uneven and, to some extent, confusing and inconsistent. For Dalal Finjan and for Issa Salas, to observe an event such as this would have been frightening. I am dealing with events which took place 11 years ago and it would be unreasonable of me to expect clear and consistent accounts from any of the witnesses.

- 9.92** I shall turn in the next section to a narrative of the circumstances which will be followed by a summary of my findings, but on all the evidence from the witnesses, the clear picture that has emerged for me is that Mr Abdullah and Athar Finjan were forcibly removed from

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<sup>164</sup> SO06 MOD-83-00000061-Z paragraphs 100-104; SO05 MOD-83-00000062-Z paragraph 26; SO04 MOD-83-00000064-Z paragraphs 20, 22, 28; SO01 MOD-83-00000065-Z paragraph 4

<sup>165</sup> SO05 MOD-83-00000062-Z paragraph 5 and IFI SO05 8/11/14 p.3 lines 6-11; SO06 MOD-83-00000061-Z paragraphs 66, 95-96



the vehicle in which they had been travelling. Further, that they were both put upon the ground, and that, in a process involving blows, pushing and manhandling to get them to the ground, both of them received injury, but the injury to Athar was not great. The injury to Mr Abdullah's head was serious and fatal. Mr Abdullah also sustained a swollen face and bleeding from a finger.

## SECTION 5: A NARRATIVE OF THE CIRCUMSTANCES SURROUNDING THE DEATH OF MR ABDULLAH

- 10.1** 8 Platoon of 3 PARA was deployed to an abandoned police station in Al Uzayr at or about the end of April 2003. The deployment was made at the request of local dignitaries in the Al Uzayr area who met with the officer commanding 3 PARA and informed the meeting of an element of lawlessness in the area, a lack of security including car jackings and gunfire at night, the proximity to the Iranian border and the possibility of drug trafficking and a significant breakdown of law and order generally without any law enforcement agency to protect the people. Al Uzayr was about a 15-20 minutes' journey from Camp Condor.
- 10.2** On 11 May 2003 a section of 8 Platoon headed by SO01 as Section Commander, in company with SO04 as Second in Command and four soldiers, namely SO02, SO03, SO05 and SO06, went out on patrol in two vehicles, namely the Pinz Gauer and the WMIK. I am unable to time the hour at which they went out on patrol, but the best evidence I have is that the section was on patrol by 17:26 in the afternoon of 11 May 2003. This can be taken from an entry in the radio log for that day when SO01 radioed in to check they were in contact with the Base.
- 10.3** The WMIK was being driven by the designated driver at the Base, namely SO02. It seems likely that SO01 travelled in the WMIK. On the evidence, he travelled more frequently in the WMIK than he did in the Pinz Gauer. The normal roles of SO05 and SO06 were as gunners: SO06 being on the Minimi and SO05 being the heavy machine gun operator. It is likely that there was a heavy machine gun mounted on the back of the WMIK. I am not able to determine how the six members of the section were spread between the two vehicles when the patrol left the Base, but at or about 17:51 SO01 radioed to the Base that a vehicle had avoided a VCP.
- 10.4** There is evidence, I accept, that the two military vehicles were in static positions at the side of Highway 6, thereby constituting a static VCP. SO03's responsibilities were as a look-out. Normally there are two soldiers acting as look-outs maintaining coverage of an arc of 180° degrees each. I find that SO03 saw one or possibly two vehicles approaching from one direction travelling towards the static military vehicles. Upon sight of those military vehicles, the vehicle or vehicles turned and travelled back in the opposite direction. His sighting was reported to SO01 who instructed the men in the section to chase the vehicle or vehicles after he had received instructions from SO10 to chase, stop, search and report back to him. SO03 got into the back of the Pinz Gauer in company with SO06, the gunner with the Minimi. SO02 drove the WMIK, the much faster vehicle, carrying SO01 and SO04.
- 10.5** A chase ensued in which the WMIK gained a distance ahead of the Pinz Gauer and, after a few minutes of the chase, likely at a significant speed, one or both of the vehicles being chased turned into a road off Highway 6 that went into the village of Al Firqa. At one stage sight was lost of one, if not both, vehicles. The WMIK followed the route and came into the small village and it could be seen that a white pickup with two men in the front and quite a few people in the back had stopped. The WMIK stopped a little distance from the white pickup because it was believed that it was one of the vehicles that had avoided the VCP by turning back in the opposite direction.

- 10.6** The white pickup was being used as a taxi and was being driven by Athar Finjan. His vehicle had stopped close to the house of his sister, Dalal Finjan. It seems likely that it had not avoided the VCP but that another vehicle, seen to travel at speed by Dalal Finjan, was being chased. There were buildings along the street and the surroundings presented a potential source of risk or threat to the security of the soldiers. Since it was believed that the vehicle that had stopped had avoided the VCP, the occupants and the vehicle itself were to be regarded with suspicion and, according to how events developed, a source of risk or threat to the soldiers. I have no doubt that the vehicle and the occupants were so regarded by the soldiers in the WMIK. Further, there was an increased sense of threat and urgency present in the minds of the soldiers because of the surrounding buildings and the fear of ambush.
- 10.7** The evidence points to SO01, in company with SO04, approaching the driver and Mr Abdullah, the passenger at the front, and demanding that they get out of the vehicle. Passengers, including women, got out of the back. Having regard to the barrier presented by language, the request was likely to have been conveyed by physical movement of the arms, raised voices and shouting of the words 'Ali Baba'. Rifles would have been pointed at the occupants. The soldiers were in full battle dress and wore or carried helmets. I also infer from the evidence that a perceived need to limit the time of their exposure to risk would have been uppermost and that any gesturing for someone to get out of the vehicle would have been confrontational and dominating.
- 10.8** I accept the suggestion of Ms Al Qurnawi that in the presence of women, a male Iraqi is capable of seeing such conduct directed at him as demeaning and damaging to his sense of honour.
- 10.9** I am unable to conclude with precision what response Mr Abdullah and Athar Finjan adopted. It is not likely that they were given long to comply. I accept the evidence from SO02 that the approach by SO01 and SO04 and their gesturing led to some resistance, or least to the appearance of resistance, and delay on the part of Mr Abdullah and Athar Finjan. This is likely to have heightened the degree of suspicion already held by the soldiers and would have led them to conclude that what they should do was to force the occupants out of the vehicle and as quickly as possible get them on to the ground where they could be searched.
- 10.10** I am unable to conclude what force was used or the particular nature of the force which was employed to get them out. But it seems to me that it is likely that the force would have caused some injury, at the least bruising, if not more. Having got the two men out of the vehicle, I am satisfied that force was used to get them to lie on the ground face downwards. And there is evidence that I accept, so far as one of the occupants was concerned, that a helmet was used as a weapon to end his resistance to being placed on the ground. There is evidence that at some stage (perhaps after the occupants of the vehicle were lying on the ground), a rifle butt was used as a weapon. I am unable to be precise in my findings in connection with the use of a rifle butt or the number of blows levelled with a helmet, or whether there was more than one rifle butt or helmet used. But the overall use of force resulted in both the occupants lying face down on the ground. I am satisfied because of the significant disparity between the injuries each received that considerably more force was used against Mr Abdullah than was used against Athar Finjan.
- 10.11** By the time the two men were lying face down on the ground the Pinz Gauer had arrived and it stopped some distance away from the white pickup, probably with a view to

preventing any escape in the direction from which it had come. SO03 got out of the back of the Pinz Gauer and saw the two men lying on the ground face down. He was asked by SO01 to assist and he came forward to search the men on the ground. On his approach, one of the men on the ground attempted to get up and SO03 pushed the back of the person to either put him to the ground or to keep him lying on the ground. It is impossible for me to conclude what degree of force he used.

- 10.12** It is difficult to be precise on the evidence about what happened next. The radio log book has an entry at 18:10 recording that SO01 radioed in and stated: "*Checked 2 x pax. Nothing found. Let go*". 'Pax' probably does not refer to passengers, but to persons. SO01 was reluctant to accept that this second entry was necessarily related to the first. A reason for the entries being related is that SO10 states in his evidence that when he received the first message from SO01, namely that a vehicle had avoided the VCP, he instructed SO01 to check the situation by searching the vehicle and the persons, letting them go if there were no weapons and reporting back. Thus the entry referring to 2 persons being searched with nothing found is entirely consistent with Mr Abdullah and the driver, Athar Finjan, having been searched and nothing being found and thus consistent with the events taking no more than about 10 minutes.
- 10.13** Although SO01 stated that he had no recollection of the incident or indeed any incident worthy of note, when asked about the two entries that reflected the messages he had sent back to Base, he suggested that the second message could have referred to a separate searching that day and was thus unconnected with the event that he had recorded by message earlier.
- 10.14** A large black dog arrived. It was seen to be a danger and it was shot by one of the soldiers. The fact that a dog was shot is spoken to by the evidence of the Iraqi witnesses and SO03 and I take it to be a small factor pointing to the existence of a high level of tension.
- 10.15** SO02 remembers that the soldiers left the scene leaving the two men still lying on the ground and that they then drove off down the road. I find that to have occurred, but I am unable to conclude that the soldiers were aware of the extent of the injury which Mr Abdullah had sustained.
- 10.16** The medical evidence as to the condition of Mr Abdullah after this event is clear. I find that, in the course of the struggle, either to remove him from the vehicle but more likely in order to restrain him and get him to the ground or to keep him on the ground, he received a blow to the left side of his head that was the fatal injury.

## SECTION 6: A SUMMARY OF FINDINGS AND CONCLUSIONS REGARDING THE DEATH OF MR ABDULLAH

- 11.1** Mr Abdullah died from a blow or blows to the left side of his head inflicted by one or more soldiers of a section of 3 PARA on the 11th of May 2003.
- 11.2** It is not possible to conclude with any degree of certainty whether the blow(s) was or were inflicted by the use of a weapon, such a helmet, rifle butt or boot, or by a blow from a clenched fist.
- 11.3** It is not possible to conclude with any degree of precision what degree of force was used, but the evidence points to it being sufficient for it to cause a ruptured or fractured skull, causing a brain haemorrhage from which he died.
- 11.4** The blow(s) did not cause instant death, but did cause serious symptoms within a short time. In the course of being taken by a motor vehicle to a medical clinic, he was in and out of consciousness, was vomiting, and was bleeding from his mouth.
- 11.5** It is likely, and I so find, that he was also subjected to other physical force and attack which caused less serious and less visible injury.
- 11.6** He sustained an injury which caused one of his fingers to bleed. This is consistent with the deceased having attempted to defend himself from a blow or blows. The finger was seen to be bleeding by his younger brother in the course of him being transported to the clinic. A spot of his blood on the screw head of a rifle butt is consistent with his finger having been in close contact with the butt of the rifle.
- 11.7** I find that force was applied to the deceased by a soldier or soldiers, at first to remove him from the stationary vehicle in which he was a passenger.
- 11.8** I find that at the next stage, when he had been removed from the vehicle, force was applied to him by a soldier or soldiers so as to force him to lie face down on the ground. There is some evidence that he may have resisted being put to the ground.
- 11.9** I find that the Pinz Gauer arrived when he was already on the ground, and when he was on the ground he was searched by a soldier or soldiers.
- 11.10** I find that at a stage at which he was on the ground, he attempted to get up and that he was forced down again by a soldier or soldiers.
- 11.11** It is not possible to determine with any precision at what stage of the physical encounter with the soldiers he sustained the fatal injury. Its infliction in the process of him being forcefully removed from the vehicle is the least likely, owing to the limits of space and the likely required angle for the infliction of the blow. A blow to a 'mobile' head can readily cause serious injury, fracture and haemorrhage to the brain, and when the deceased was still on his feet, he would have presented the more likely angle for the infliction of the blow. There is no evidence that he sustained the fatal injury from striking the ground. An injury to the left/back of the head is consistent with it being inflicted when he was lying on the ground, but the lack of extensive visible injury to his face is inconsistent with that being the time when it was inflicted.

- 11.12** I have found no evidence, and nor was it suggested, that the degree of force which was used to cause the fatal injury was necessary to secure compliance by the deceased with the demands of the soldiers. It was more violent than was required in the circumstances. There is some evidence that Mr Abdullah may have acted so as to attempt to resist the soldiers' demands, but no evidence that he either levelled, or attempted to level, any blow at the soldiers. Neither the actions of Mr Abdullah nor the driver, Athar Finjan, constituted a direct threat to the soldiers, nor were they seen to be a direct threat. But their actions were likely to have been considered by the soldiers to be increasing the risk to them from exposure in circumstances they perceived could be dangerous.
- 11.13** I find that the soldiers were acting under instructions to carry out a stop and search issued by SO10, but I find that more violence than was necessary was used to complete the stages of the stop and search.
- 11.14** The weight of the evidence has led me to conclude that the episode comprising the encounter with the soldiers lasted for less than 10 minutes. I regard estimates to the contrary, such as 20 or 30 minutes, given by Iraqi civilians, to be unreliable. Honest witnesses frequently give unreliable estimates of time, particularly if they are recollecting the course of a traumatic event and have no reason to measure the time.
- 11.15** The length of the episode, having regard to other evidence available to me, can be set by the military imperative that the soldiers would have held, namely to be at the scene for the shortest possible time. Further, there is the written contemporary record from the radio log.
- 11.16** The use and display of physical force in the course of the stop and search by the soldiers was not directed only to the deceased. The exact nature and extent of the injuries to others are not within my Terms of Reference, but on the evidence, it seems possible that Dalal Finjan intervened, and it is possible that she came into contact with one or more of the soldiers.
- 11.17** There is no evidence that the dog which was shot attempted to attack the soldiers.
- 11.18** After the search was completed, the military vehicles left. It is possible that they stopped to search more civilians. At the time the soldiers departed, Mr Abdullah and Athar Finjan were still lying on the ground.
- 11.19** There is no evidence that the soldiers paid attention to the injuries which the men lying on the ground had sustained.

### Wider circumstances affecting the conduct of the soldiers

- 11.20** Soldiers on patrol were instructed that a vehicle which avoided or failed to stop at a VCP was to be regarded as engaging in suspicious activity.
- 11.21** Any engagement by soldiers with the occupants of a vehicle which was acting suspiciously in Maysan Province in May 2003 exposed soldiers to risk of injury. An enhanced risk of injury would have been present when soldiers were on foot and where there were buildings nearby.
- 11.22** I find that all the soldiers in the patrol had been well-trained for active combat conditions in a theatre of war, and whilst some had experience of carrying out VCPs in Northern Ireland, for all of them this was their first experience in a combat zone. Being on patrol in

Maysan Province was the soldiers' first experience of conducting VCPs in circumstances: (1) where they believed they were deployed in combat conditions; (2) where they were required when approaching civilians to show a measured and calibrated degree of restraint to the civilians even though they suspected they could be a threat to security or to have committed a criminal offence; and (3) where they believed the surrounding circumstances exposed them to risk of serious injury.

**11.23** I find that all the soldiers in the patrol were well aware that the law required them to treat all civilians in Maysan Province humanely, and with the minimum use of force which circumstances required.

**11.24** I find that all the soldiers in the patrol were broadly aware of, and were likely to be affected by, the following state and conditions existing in Maysan Province:

- (i) The widespread availability to civilians of weaponry and the customary behaviour of Iraqi men to carry a weapon.
- (ii) The prevalence of terrorism and serious organised crime by various groups, as well as widespread tribal feuding and general lawlessness occurring where there was no effective law enforcement.
- (iii) An uncertain attitude and growing hostility to the presence of coalition forces.
- (iv) The risks that hostile combatants sometimes dressed as civilians.
- (v) I find that it was the commonly held belief by most of the soldiers, on reasonable grounds, that they were still deployed in combat conditions.





## Chapter III: The investigation into the death of Mr Said

### SECTION 1: DEPLOYMENT OF 1 KINGS TO IRAQ IN 2003

- 12.1** 1 KINGS deployed to Iraq in or around June 2003 with 19 Mech Bgde under the command of Lt Col Ciaran Griffin. 1 KINGS operated primarily in Basrah Province during the initial period of post-war occupation.
- 12.2** Badger Squadron was formed on or around 16 June 2003 in Germany.<sup>166</sup> On 30 June 2003, the Advance Party, including SO09, deployed to Iraq to start a handover. The main body of the squadron deployed to Iraq and joined the Advance Party about 10 days later.
- 12.3** Badger Squadron were based at the 'Hacienda', a large house approximately 5 km south of Ad Dayr in SE Iraq. The troop leader of Badger Squadron was Lt Jonathan Halloran, who had responsibility for 24 soldiers.<sup>167</sup>

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<sup>166</sup> Williams MOD-83-0000138-Z, paragraph 2

<sup>167</sup> Halloran MOD-83-0000139-Z, paragraph 16

## SECTION 2: MEDICAL EVIDENCE IN CONNECTION WITH THE DEATH OF MR SAID

- 13.1** I am satisfied from the evidence which I have obtained for the purposes of this Investigation that Mr Said died as a result of being shot by SO09. I shall come to the circumstances of the incident later.
- 13.2** Dr Said Abdul Razak gave evidence to me over the video link.<sup>168</sup> In 2003 he was the head of the Forensic Medicine Unit in Basra. He had held that post for 27 years. His medical expertise was as a forensic physician. The first statement he made in relation to his examination of Mr Said was dated 17 August 2003.<sup>169</sup> In that statement he recorded how, at about 09:00 on 3 August 2003, he received the lifeless body of a person, which I am satisfied was Mr Said. Dr Razak confirmed the body was dead at 09:00. He carried out a visual examination of the body and found the following:
- 1 x inlet bullet wound in the right lumbar area measuring 5mm x 6mm
- 13.3** There were no other visible injuries. Dr Razak then carried out a post mortem examination of the body. The findings of which are contained in his report number '205' dated 6 August 2003.<sup>170</sup>
- 13.4** Dr Razak stated the actual cause of death as follows: *"The bullet entered the Lumbar area. It struck and fractured vertebrae numbers 1, 2 and 3 causing internal bleeding (Retro-Peritoneal). A fragment of bullet also damaged the left lung causing internal bleeding in the left thoracic cavity"*.
- 13.5** During the post mortem examination, Dr Razak removed four fragments of bullet from the body. Three from the abdominal cavity and one from the left lung. At the conclusion of the examination, he placed the four bullet fragments into a glass container. He then compiled his report (number 205). He retained the report and the bullet fragments in his possession until 9 August 2003, when he handed them to an officer from the Ad Dayr police, Ali Najem.<sup>171</sup>
- 13.6** Dr Razak did not find any traces of gunpowder around the entry wound, which indicated that the bullet was not shot within inches of the body.<sup>172</sup>
- 13.7** On 17 August 2003, Dr Razak was shown by Sgt Bamford KW, RMP (SIB), the pathologist report dated 6 August 2003 signed by him and bullet fragments. Dr Razak confirmed his post mortem report number and confirmed that the bullet fragments were those he handed to Ali Najem on 9 August 2003.<sup>173</sup>
- 13.8** Based on the evidence of Dr Razak and the post mortem report number 205, I am satisfied that Mr Said died as a result of internal bleeding caused by being shot by a single bullet.

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<sup>168</sup> IFI Abdul Razak 26/09/14 pp.48 - 57

<sup>169</sup> Abdul Razak MOD-83-0000009-Z

<sup>170</sup> See Attachment No. 1 to Abdul Razak MOD-83-0000087-Z

<sup>171</sup> Abdul Razak MOD-83-0000085-Z paragraphs 11-12

<sup>172</sup> Attachment No. 1 to Abdul Razak MOD-83-0000087-Z

<sup>173</sup> Abdul Razak MOD-83-0000009-Z, p.2

## SECTION 3: FORENSIC EVIDENCE IN CONNECTION WITH THE DEATH OF MR SAID

- 14.1** I have taken the forensic evidence, as I summarise below, as true and accurate. However, owing to concerns expressed by the family of Mr Said regarding the fragmentation of the bullet in question, I commissioned a report from an independent forensic firearms examiner, Mr Franco Tomei. Mr Tomei provided a written report dated 10 November 2014.<sup>174</sup> He also gave oral evidence, answering questions from me, through Mr Poole, and the family of Mr Said.<sup>175</sup>
- 14.2** I am satisfied from the totality of the forensic evidence that the bullet that killed Mr Said was fired from SO09's rifle and was a standard form of ammunition used by the British Armed Forces. In reaching these findings I have taken into account the evidence of Mr Tomei and the following written evidence, which I summarise below:
- witness statement of Peter George Brooks dated 9 March 2004;<sup>176</sup>
  - witness statement of Kenneth Wayne Bamford dated 6 October 2003;<sup>177</sup>
  - witness statement of Gary John O'Donnell dated 5 August 2003;<sup>178</sup>
  - witness statement of Paul Dominic Everitt dated 30 August 2003;<sup>179</sup>
  - witness statement of Patrick William Burgess dated 27 September 2003;<sup>180</sup> and
  - witness statement of Phillip Richard Hoffman dated 16 October 2003.<sup>181</sup>
- 14.3** On 30 August 2003, Paul Dominic Everitt gave a statement to the RMP. In that statement he confirmed that at all material times he was the SQMS of Badger Sqn and as such on 1 August 2003, he issued SO09 with SA80 A2 rifle, Butt No B44, Serial Number A342604. He provided the RMP with the booking out sheet reflecting the signing out of that weapon by SO09 to the RMP.
- 14.4** On 27 September 2003, Patrick William Burgess gave a statement to the RMP. In that statement he confirmed that at all material times he was the Three Troop Sgt with Badger Sqn. It was his responsibility to issue ammunition to the personnel in his Troop in theatre for operations. He stated that on 11 July 2003, he issued one hundred rounds of 5.56mm ball ammunition to SO09. He confirmed that since the incident on 2 August 2003 he had not issued SO09 with any more ammunition.
- 14.5** On 16 October 2003, Phillip Richard Hoffman gave a statement to the RMP. In that statement he confirmed that at all material times he was a Sgt in the RMP. He stated that on 4 August 2003, he arrested and cautioned SO09 on suspicion of manslaughter. He subsequently recovered the following items of property from SO09:
- 1 x combat 95 trousers desert
  - 1 x combat 95 jacket desert

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<sup>174</sup> MOD-83-0000107-Z and MOD-83-0000106-Z

<sup>175</sup> IFI Tomei 19/11/14 pp.2-10

<sup>176</sup> MOD-83-0000013-Z

<sup>177</sup> MOD-83-0000016-Z

<sup>178</sup> MOD-83-0000006-Z

<sup>179</sup> MOD-83-0000007-Z

<sup>180</sup> MOD-83-0000008-Z

<sup>181</sup> MOD-83-0000098-Z

- 1 x set of webbing DPM
  - 1 x rifle 5.56mm serial number UN93A342604
  - 3 x magazines serial number UN93A342604
- 14.6** SO09's rifle and ammunition was made safe by Gary John O'Donnell who at the relevant time was a Class One Ammunition Technician, before being return to Sgt Hoffman. This is confirmed by the statement Gary John O'Donnell provided to the RMP dated 5 August 2003.
- 14.7** On 6 October 2003, Kenneth Wayne Bamford gave a statement to the RMP. In that statement he confirmed that at all material times he was a qualified Crime Scene Examiner. He stated that on 4 August 2003, at the request of Capt Nugent, RMP (SIB), he attended the scene of the shooting. He compiled video footage of the "*chase route*", which he provided to the RMP. He described the scene of the shooting as a dwelling about one hundred and fifty metres into the settlement known as Shifiya, Ad Dayr. He described the dwelling as a single storey building constructed of what appeared to be stone and dry mud. It had one main entrance/exit and one side entrance/exit, which led into a small back yard enclosed by walls. A further opening then led from the back yard out into the street. As well as taking photographs of the scene, he conducted an examination of the courtyard, collected three apparent blood swabs and sketched a rough plan of the area in his Police Notebook. These were provided to the RMP.
- 14.8** On 9 March 2004, Peter Brookes, a forensic scientist specialising in the examination of firearms, ammunition and related items, provided a witness statement. In this statement he stated that on 1 August 2003 he took possession of SO09's rifle and the bullet fragments extracted from the body of Mr Said. Having examined these items, with the assistance of a colleague, he concluded that SO09's rifle was in full working order and that the bullet fragments were fired from SO09's rifle. He also stated that there was no tendency for SO09's rifle to be discharged accidentally due to any mechanical fault.
- 14.9** Mr Tomei considered the written evidence summarised above. I asked him to imagine the following scenario: a 5.56mm Nato calibre bullet is fired from a SA80 rifle at a range of less than 90cm into the lumbar area of a human body. I then asked him a series of questions, which he answered. They are set out in his statement and he was taken to them in oral evidence.<sup>182</sup>
- 14.10** Taking all of the above into account, I am satisfied that the bullet that killed Mr Said was fired from SO09's rifle and was a standard form of ammunition used by the British Armed Forces. This evidence has been given to the investigation as the result of a specific line of inquiry suggested by Ms Al Qurnawi on behalf of the family of Mr Said.

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<sup>182</sup> IFI Tomei 19/11/14 pp.4-10

## SECTION 4: EVIDENCE TO THE INVESTIGATION REGARDING THE FACTS AND CIRCUMSTANCES SURROUNDING THE DEATH OF MR SAID

### The soldiers' evidence

#### The events leading up to the shooting of Mr Said

- 15.1** One of the routine patrols carried out by Badger Squadron was to collect and convey a Corporal in the Royal Military Police ('RMP'), SO08, from an Iraqi police station at Ad Dayr to another Iraqi police station at Al Shafi that was located approximately 10-15km north of Ad Dayr on Highway 6. These patrols took place every day.<sup>183</sup>
- 15.2** Although SO08 had also been deployed to the 1 KINGS battle group, he had entirely separate responsibilities from those of Badger Squadron. SO08's role was to conduct a training programme for the Iraqi police at Ad Dayr police station, but he was also required to provide advice and assistance to Al Shafi police station. SO08 therefore needed to visit the Al Shafi station on a regular basis and was always accompanied by the daily patrol provided by Badger Squadron.<sup>184</sup>
- 15.3** On 2 August 2003 at approximately 5.30pm, the Badger Squadron patrol arrived as arranged to convey SO08 from Ad Dayr police station to Al Shafi police station. The patrol comprised Lt Halloran; Corporal Thomas 'Tam' Gardener; SO09, a trooper; and an Iraqi interpreter. The patrol arrived in a single open-topped Wolf Land Rover.<sup>185</sup>
- 15.4** At about 6pm the patrol was travelling north along Route 6 towards Al Shafi police station. At around 2km south of that police station, the patrol observed a group of at least 6 males of Iraqi appearance pushing a large hand cart of what appeared to be munitions from one side of Highway 6 into a village on the east side of the road.<sup>186</sup>
- 15.5** Although the patrol initially continued beyond the group of Iraqi men, Lt Halloran ordered Cpl Gardener, who was driving, to reverse back towards the group.<sup>187</sup> As the vehicle began to reverse, around 3 or 4 of the group ran towards the nearby village. The British soldiers alighted from the vehicle and Lt Halloran ordered the Iraqi men to 'stop' and 'come here' but they continued to run away. Lt Halloran decided the men were not worth pursuing and he ordered Cpl Gardener and SO09 to watch the remaining 3 Iraqi men, who were stood by the Land Rover.<sup>188</sup>
- 15.6** SO08 went to examine the cart and saw approximately 20 to 30 metal boxes about 5 inches deep. One of the Iraqi men indicated that the boxes had been found in a pit across the road, where SO08 found a number of similar boxes, one of which contained

<sup>183</sup> Gardner MOD-83-0000121-Z; SO08 MOD-83-0000109-Z paragraph 12

<sup>184</sup> SO08 MOD-83-0000109-Z paragraphs 10-13

<sup>185</sup> SO08 MOD-83-0000109-Z paragraph 14

<sup>186</sup> Ibid, paragraph 15; Gardener MOD-83-0000120-Z

<sup>187</sup> Halloran MOD-83-0000139-Z, paragraph 20; Gardener MOD-83-0000120-Z

<sup>188</sup> SO08 MOD-83-0000109-Z, paragraph 15; Halloran MOD-83-0000139-Z, paragraph 20; SO09 MOD-83-0000047-Z



ammunition.<sup>189</sup> SO08 called Lt Halloran over and showed him the ammunition. Lt Halloran, therefore, decided to arrest the remaining Iraqi men and ordered the Iraqi men to be placed in plasticuffs.<sup>190</sup>

- 15.7** As SO08 and Lt Halloran began walking back towards the vehicle, an Iraqi male, whom I find was Mr Said, began to run away. SO08 repeatedly shouted at Mr Said to stand still but he continued to run towards the nearby village. SO08 began to chase after Mr Said and was followed by SO09. The two soldiers chased Mr Said to the edge of the village, by which time SO09 had drawn level with SO08. SO09 then used his rifle to fire a warning shot into the air, at which point SO08 made his own rifle ready but kept the safety catch applied. Mr Said continued to run and turned left around a street corner, followed by SO09, who in turn was followed some seconds later by SO08. SO09 and SO08 were then out of the line of sight of Lt Halloran and Cpl Gardener, who were at that stage attempting to plasticuff the remaining two Iraqi men, who were resisting arrest.<sup>191</sup>
- 15.8** Both SO08 and SO09 were armed with rifles, but as an RMP officer SO08 also carried a 9mm pistol. The pistol was held in a holster that was attached to SO08's black nylon belt in the right hip area. A person wishing to remove the pistol from the holster would have needed to unfasten the clip that held the holster cover in place.<sup>192</sup>
- 15.9** SO08 caught up with SO09 outside a single storey structure built of bricks and mud with a tin roof. SO09 informed SO08 that Mr Said had gone into the dwelling and the two soldiers therefore entered it. The two soldiers found a woman in the main room of the house who began pointing towards the rear of the house, appearing to indicate where Mr Said had gone. SO08 and SO09 therefore went to the rear of the house where they found a courtyard measuring about 10m x 5m and enclosed by a wall of bricks and mud. 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 that resembled outhouses of some type.<sup>193</sup>
- 15.10** SO08 found Mr Said hiding in one of two small outhouses and informed SO09. There is a slight divergence in the accounts given by SO08 and SO09 at this point. SO08's account is that Mr Said came out of the building of his own accord, while SO09's account is that the two soldiers had to drag Mr Said out.<sup>194</sup>
- 15.11** SO08 then told Mr Said to get down on the ground and proceeded to try to force him down. SO09 was behind SO08 and to his left.
- 15.12** SO08's account of his attempts to force Mr Said to the ground is detailed. He recounts that he pushed Mr Said's shoulder down but was shrugged off and lost his hold on Mr Said. SO08 then attempted to put one of his feet into the back of Mr Said's legs while pushing him downwards, but this only caused Mr Said to stumble rather than go to the ground. When Mr Said regained his balance, he adopted what SO08 believed to be an aggressive stance by 'squaring up' to SO08 with his arms out by his side. Mr Said

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<sup>189</sup> See Appendix 10 for photographs of the boxes and ammunition

<sup>190</sup> SO08 MOD-83-0000109-Z, paragraphs 15-17; Halloran MOD-83-0000139-Z, paragraph 20; SO09 MOD-83-0000047-Z

<sup>191</sup> SO08 MOD-83-0000109-Z, paragraphs 18-19; Halloran MOD-83-0000139-Z, paragraph 21; SO09 MOD-83-0000047-Z

<sup>192</sup> IFI SO08 19/11/14 pp.15-16

<sup>193</sup> SO08 MOD-83-0000109-Z paragraphs 21-23; SO09 MOD-83-0000047-Z

<sup>194</sup> SO08 MOD-83-0000109-Z paragraph 25; SO09 MOD-83-0000047-Z

appeared angry.<sup>195</sup> At some stage during this early part of the encounter, Mr Said pushed the barrel of SO08's rifle away.<sup>196</sup>

- 15.13** SO09's account is less detailed than that provided by SO08. However, there is no dispute that SO08 was attempting to force Mr Said to the ground in order to handcuff him, and that Mr Said remained standing and was physically resisting SO08's attempts. SO08 describes grabbing Mr Said's shirt in order to get him to the ground, at which point Mr Said pushed SO08's chest with the palms of his hand. SO09 then stepped forward and struck Mr Said in the cheek with the butt of his rifle. SO08 states that Mr Said staggered back as a result but did not fall to the ground, and SO09 notes that Mr Said continued to struggle.<sup>197</sup>
- 15.14** Mr Said was at this point standing with his back to the wall of the house. SO08 describes how Mr Said began flailing his arms and legs outwards, thereby making contact with SO08. SO08 placed his rifle in his left hand and took out his Monadnock baton. SO08 subsequently struck Mr Said on the thigh four times whilst telling him to 'get down'. Although Mr Said initially flailed and kicked out in response to the strikes, by the fourth strike he had calmed down and placed his arms in what SO08 took to be a 'stop' gesture, with his palms facing SO08. SO09's account differs slightly in that he states that Mr Said dropped to his knees at this stage, but the conclusion that both soldiers appear to have drawn is that Mr Said was now in a position to be arrested. SO08, therefore, collapsed his baton, placed his rifle on the ground behind him to his left, and approached Mr Said with some 'quick cuffs' in order to handcuff him. SO09 continued to provide cover.<sup>198</sup>

## The immediate circumstances of the shooting

- 15.15** At this point, there are some differences in the evidence of SO08 and SO09.
- 15.16** SO08 states that, as he attempted to apply the cuff to Mr Said's left wrist, Mr Said swung his left arm out as if to strike SO08's face but missed when SO08 stepped back. SO08 was aware that SO09 then moved in but did not see what, if anything, he did. SO08 stepped away, replaced his quick cuffs, picked up his rifle in his left hand and extended his baton again. He then stepped forward and struck Mr Said in the stomach but failed to hit him cleanly, instead hitting him with the end tip of the baton. SO08 states that, at exactly the same time as he struck Mr Said, he heard a loud bang to his left, at which point Mr Said let out a loud, high-pitched scream.<sup>199</sup>
- 15.17** SO08 maintains that Mr Said did not lay hands on his pistol or holster. Nor did he observe Mr Said attempt to gain control of his holster or pistol. SO08 does not describe being pushed onto the floor or being held down by Mr Said at any stage in the encounter.<sup>200</sup> Neither does SO08 describe seeing Mr Said placing his hands on SO09's rifle.
- 15.18** SO09's account is as follows. When SO08 approached Mr Said in a further attempt to handcuff him, Mr Said became aggressive and was able to push SO08 to the ground. At

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<sup>195</sup> SO08 MOD-83-0000109-Z paragraphs 26-27

<sup>196</sup> SO08 MOD-83-0000109-Z paragraph 41

<sup>197</sup> SO08 MOD-83-0000109-Z, paragraph 28; SO09 MOD-83-0000046-Z

<sup>198</sup> SO08 MOD-83-0000109-Z, paragraphs 29-30; summary of RMP interview given by SO09 MOD-83-0000110-Z, paragraphs 23-24; SO09 MOD-83-0000046-Z

<sup>199</sup> SO08 MOD-83-0000109-Z paragraph 30

<sup>200</sup> Ibid, paragraph 42

around this time Mr Said placed his hands on the barrel of SO09's rifle, which was not attached with a sling to SO09, and tried to pull the rifle from him. SO09 was able to pull the rifle free, at which point SO08 was still on the ground. He then saw Mr Said move to take hold of SO08's pistol. At this point SO09 attempted to shoot his rifle, but the rifle failed to fire. SO09 pulled the trigger again and shot Mr Said.<sup>201</sup>

- 15.19** SO08 describes how Mr Said then turned to place both his hands against the wall and slid down the wall to a face-down position where his arms and head were against the wall and his legs were flat on the ground.<sup>202</sup>

### The aftermath of the shooting of Mr Said

- 15.20** The accounts of the events immediately following the shooting of Mr Said provided by the soldiers do not differ in any significant respect and are summarised below.

- 15.21** Immediately after the shooting, SO08 asked SO09 what he had done. SO09 confirmed that he had shot Mr Said, to which SO08 replied, 'You fucking idiot'. SO08 told SO09 to stay with Mr Said, who appeared in pain, whilst he ran back the way he had come in order to find Lt Halloran.<sup>203</sup>

- 15.22** Cpl Gardener had already been sent by Lt Halloran to find SO08 and SO09 whilst Lt Halloran himself guarded the two arrested Iraqis who had been placed in the Land Rover. Cpl Gardener came across SO08, who told him that someone had been shot inside the building. After telling SO08 to find Lt Halloran, Cpl Gardener then went inside the building, where he found SO09 and the wounded Mr Said. Cpl Gardener and SO09 took up defensive positions in response to the distressed crowd of people who were gathering in the immediate vicinity. Cpl Gardener noted that Mr Said was lying on his side and was bloodied but appeared to still be conscious.<sup>204</sup>

- 15.23** Meanwhile, SO08 had run to Lt Halloran by the Land Rover and informed him that someone had been shot. Lt Halloran ordered SO08 to stay with the vehicle and the two arrested men whilst he ran towards the village. Lt Halloran found the large crowd gathering outside the courtyard. In order to prevent any Iraqis entering the courtyard, Cpl Gardener was covering one entrance with his rifle while SO09 was covering the other entrance. Lt Halloran ordered Cpl Gardener to fetch the Land Rover whilst he himself took up a defensive position. People in the crowd were shouting and wailing but did not enter the courtyard. Lt Halloran noted that there was a pool of blood by Mr Said but that he was moving his eyes. No first aid was attempted on Mr Said.<sup>205</sup>

- 15.24** Less than 5 minutes later, Cpl Gardener arrived with the Land Rover, along with SO09 and the two arrested Iraqi men as passengers. The crowd became more hostile and began to push forwards, entering the courtyard. The soldiers attempted to drag Mr Said to the Land Rover but struggled both due to his weight and the fact that another Iraqi

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<sup>201</sup> Summary of RMP interview given by SO09 MOD-83-0000110-Z paragraphs 24-25; SO09 MOD-83-0000047-Z; SO09 MOD-83-0000046-Z

<sup>202</sup> SO08 MOD-83-0000109-Z paragraph 31

<sup>203</sup> SO08 MOD-83-0000109-Z paragraphs 32-34, summary of RMP interview given by SO09 MOD-83-0000110-Z paragraph 27; SO09 MOD-83-0000047-Z

<sup>204</sup> Halloran MOD-83-0000139-Z paragraph 25; Gardner MOD-83-0000120-Z p.3; SO08 MOD-83-0000109-Z paragraph 35

<sup>205</sup> Halloran MOD-83-0000139-Z paragraph 25; Gardner MOD-83-0000120-Z page 3

prisoner was attempting to escape from the vehicle. A young Iraqi man from the crowd then helped to place Mr Said on board the vehicle.<sup>206</sup>

**15.25** The Land Rover then left the village as quickly as possible and conveyed Mr Said to the hospital in Ad Dayr, which was approximately half a mile from the Ad Dayr police station. At the hospital, Lt Halloran told the staff that Mr Said had been shot, but the Arabic interpreter was no longer with the patrol and nobody at the hospital appeared to speak English. None of the soldiers had been able to provide medical treatment to Mr Said during the journey to the hospital as they had to hold on to the Land Rover whilst Cpl Gardener drove.<sup>207</sup>

## The evidence of the Iraqi witnesses

**15.26** Two Iraqi men made witness statements recounting that they had witnessed the shooting of Mr Said.

**15.27** Hassan Barka Al Efta Al Ahmar was Mr Said's neighbour. On 2 August 2003, he described being in his house when he heard the sound of a single shot. He left his house and witnessed Mr Said being chased by a British soldier into a house, followed by another British soldier.<sup>208</sup>

**15.28** He saw both soldiers hitting Hassan with their hands. The first soldier drew a metal stick and beat Mr Said on his face, arms, and leg. After that Mr Said fell to the ground and the soldiers tried to handcuff him, but Mr Said resisted. He describes seeing Mr Said turning, looking frightened, when a soldier shot him in the right-hand side of his back. He states that the two soldiers then waited in the garden until a British vehicle arrived and they placed Mr Said in the vehicle.<sup>209</sup>

**15.29** Tha'er Naji Saeed was a cousin of Mr Said. He saw Mr Said being chased into the yard of the house by two British soldiers. He described both soldiers trying to talk to Mr Said. Mr Said was standing calmly against a wall facing the two soldiers. From the soldier's body language, Tha'er Naji Saeed understood that the two soldiers were asking Mr Said to go with them. He stated that he saw Mr Said signalling to the soldiers that he would come with them, but the two soldiers did not seem to understand this.<sup>210</sup>

**15.30** Tha'er Naji Saeed describes the following events as taking place quickly. The two soldiers stood in front of Mr Said screaming at each other in two different languages and then one of the two soldiers drew a baton and hit Hassan on his legs, hands and shoulder several times while Hassan continued to signal that he was ready to go with them. Tha'er Naji Saeed states that Hassan appeared to signal that he wished to go with the soldiers in a manner that did not hurt his dignity before his family and neighbours. One of the soldiers hit Hassan with the butt of his rifle on his forehead, and as a result Hassan lost his balance for a few seconds and turned. At that moment one of the two soldiers fired and hit him in his back.<sup>211</sup>

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<sup>206</sup> Halloran MOD-83-0000139-Z paragraph 25; Gardner MOD-83-0000121-Z p.6

<sup>207</sup> SO08 MOD-83-0000109-Z, paragraph 35; Gardner MOD-83-0000120-Z p.3

<sup>208</sup> MOD-83-0000085-Z paragraphs 2-3

<sup>209</sup> Ibid, paragraph 3

<sup>210</sup> MOD-83-0000088-Z, paragraphs 2-7

<sup>211</sup> Ibid, paragraph 8

- 15.31** Tha'er Naji Saeed stated that the other soldier ran outside the house looking unhappy at what his colleague had done and then returned in a vehicle. The soldier who shot at Mr Said stayed in the house. Tha'er Naji Saeed described the soldier who ran out of the house returning, and with his colleague, beginning to drag Mr Said roughly outside the house. Tha'er Naji Saeed tried to help them carry Mr Said, and although the soldier who had shot his cousin appeared to want to stop him doing this, the other soldier allowed him to assist in placing Mr Said into a Land Rover. Tha'er Naji Saeed described trying to speak to Mr Said while carrying him, but the two soldiers did not allow him.<sup>212</sup>
- 15.32** I also received a witness statement from Naji Said Finjan, an uncle of Mr Said and the father of Tha'er Naji Saeed. Naji Said Finjan described hearing a shot like a gunshot from the area of his house at around 1700 or 1800 hours. He states that this caused a crowd of friends and neighbours to try and enter his house, but he was able to prevent them.<sup>213</sup>
- 15.33** Naji Said Finjan did not witness Mr Said being shot but encountered him soon afterwards and saw that Mr Said had been shot in the back and was lying in a pool of blood. He stated that he saw a soldier run outside through the yard while the other stayed with Mr Said. The soldier who left then returned in a vehicle, into which both soldiers placed Mr Said.
- 15.34** When the soldiers left with Mr Said, Naji Said Finjan saw that Mr Said was still alive.<sup>214</sup>
- 15.35** The narrative is then taken up by the evidence I received from Mr Said's older brother, Ali Abbas Said Finjan. Upon receiving word that Mr Said had been shot, he set off to Ad Dayr Hospital, where he heard that his brother had been taken by the British soldiers. Although he found Mr Said there, the hospital did not have the necessary equipment to treat him at Al Dayr Hospital, so Ali Abbas Said Finjan and another brother went with Mr Said to Al Jumhuriyya Hospital in Basra.<sup>215</sup>
- 15.36** They arrived at Al Jumhuriyya Hospital at around 1815–1830 to find that the hospital were also unable to provide the necessary treatment. They therefore took Mr Said to Al Ta'leem (Education) Hospital in Basra in a different ambulance belonging to the Basra Republican Hospital. Although the group arrived at Al Ta'leem Hospital at around 2000, Mr Said was not treated until around midnight as the hospital was very busy.
- 15.37** Mr Said was then operated upon and a blood transfusion was required. Ali Abbas Said Finjan stated that his brother was still alive after that operation as he was moving his head. However, the doctor informed him that his brother's condition was poor because the treatment had been so delayed. Sadly, the operation was unsuccessful and Mr Said died at the hospital in the presence of his brother.
- 15.38** At 0900 on 3 August 2003, Ali Abbas Said and his brother took Mr Said's body to the mortuary where it stayed until midday. They then washed the body and transported it to Najaf for burial on the same day.<sup>216</sup>

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<sup>212</sup> Ibid

<sup>213</sup> MOD-83-0000086-Z paragraphs 2-3

<sup>214</sup> Ibid, paragraphs 4-5

<sup>215</sup> MOD-83-0000084-Z paragraphs 2-4

<sup>216</sup> Ibid, paragraphs 5-10



## SECTION 5: FINDINGS AND CONCLUSIONS

- 16.1** I find that Mr Said was shot in the right lumbar region by a bullet which struck and fractured vertebrae numbers 1, 2 and 3 causing internal bleeding. A fragment of the bullet also damaged the left lung causing internal bleeding in the left thoracic cavity.
- 16.2** He was taken by members of the British Forces to the hospital at Ad Dayr. From there his family took him to Al Jumhuriyya Hospital in Basra, and then to Al Ta'leem (Educational) Hospital in Basra. He arrived there at about 2100 hours, but was not treated until midnight. After an unsuccessful operation, Mr Said died. At 0900 on 3 August 2003, his body was taken to the mortuary and prepared for burial, which took place that same day.
- 16.3** The bullet that killed Mr Said, fired by SO09, was a standard form of ammunition used by the British Armed Forces and was not an explosive or fragmenting bullet.
- 16.4** There are differences in recollection and observation which appear from the accounts of SO08 and SO09. I have pointed them out in paragraphs 15.15 and 15.19 above. I would not expect their accounts to be entirely the same because they were each performing a role in fast-moving circumstances. I am satisfied that they have given as accurate an account as they felt able of what they observed in a short, fast moving, close physical encounter when tensions would have been running very high. In many important respects their accounts are consistent and complementary.
- 16.5** They both record a high degree of physical resistance by Mr Said against a number of attempts to place handcuffs on him and arrest him. They both recall a significant degree of force being unsuccessfully applied to Mr Said. The conflict and physical resistance from Mr Said is confirmed by the evidence of Hassan Al Ahmar, Mr Said's neighbour. He describes Mr. Said in a struggle with the soldiers and being on the ground when the soldiers tried to handcuff him. He recalls that Mr Said was resisting the soldiers when he was shot.
- 16.6** I can see no basis for treating SO08's lack of observation of the moves by Mr Said to place his hand on the rifle of SO09 and next his attempt to place them on SO08's pistol/holster, as contradicting SO09's account. On the contrary, SO09 being very close but nevertheless not so closely engaged with a struggle with Mr Said, it seems to me likely SO09 could and did see things which were not visible to SO08. Again, it seems distinctly possible that SO08's failure to deliver a full blow with his baton could have caused him to lose his balance, or appear to do so.
- 16.7** Tha'er Naji Said, a cousin of Mr Said describes Mr Said being calm in the presence of the soldiers and indicating to the soldiers that he would comply with what he wanted, but that the soldiers did not seem to understand this. His account of what the soldiers did does not materially differ from what SO08 and SO09 describe. I am satisfied that the impression that Mr Said was compliant amounts to a misapprehension because it is against the weight of the evidence which I have received and accepted.
- 16.8** I have had in mind when considering this episode that so many movements of the individuals will have been the subject of split-second observations. A small movement in any direction, a loss of balance, or a change of position would have been the subject of brief, impressionistic interpretations.



**16.9** The shot was fired by SO09 at or about the moment when an attempt by SO08 to hit Mr Said with a baton resulted in only the tip of the baton connecting. Three things occurred thereafter which caused SO09 to shoot Mr Said. They were SO08 being on the ground, the attempt by Mr Said to lay hands on SO09's rifle and an apparent attempt by Mr Said to lay hands on SO08's pistol/holster.

# Chapter IV: Observations on teaching and training

## SECTION 1: TEACHING AND TRAINING RELEVANT TO THE INVESTIGATION INTO THE DEATH OF MR ABDULLAH

### LOAC training

- 17.1** The Law of Armed Conflict (**‘LOAC’**) arises out of the regulation by international humanitarian law of the way in which armed conflict is used. The main purpose of LOAC is to protect combatants and non-combatants from unnecessary suffering and to safeguard the fundamental human rights of civilians and persons who are not, or are no longer, taking part in the conflict (such as prisoners of war, the wounded, sick, and shipwrecked).<sup>217</sup>
- 17.2** All soldiers undergo common training to bring them to a similar standard in basic military skills, further specialist training is delivered subject to the Regiment or Corps for which the individual soldier has been identified as a candidate. There are two phases in the training for recruits into the regular army: Phase 1 encompasses the Common Military Syllabus (Recruits) (**‘CMSR’**) and Phase 2 delivered by specialisation. CMSR covers the foundation skills of soldiery; in such aspects for example as survival and operation in a field environment, fitness, personal weapon training and battlefield first aid. Some introductory instruction in LOAC is a basic element of this training regime and this was the case before Mr Abdullah’s death.
- 17.3** All soldiers in the British Army are required to carry out Individual Training Directives (**‘ITDs’**), now known as Military Annual Training Tests (**‘MATTs’**). The relevant ITD in respect of LOAC was ITD(6) “The Law of Armed Conflict”. The Investigation has seen two iterations of this Directive, the September 1998 version of ITD(6) and the January 2003 version, current at the time of Op Telic 1 and 2. In addition, the Investigation has seen a document called “*Aide Memoire for Use in Armed Conflict*”. This document contained thirteen bullet point injunctions, including most relevant to the conduct central to the Investigation: “*Treat all civilians humanely*”.
- 17.4** The stated policy within ITD(6) was that “*All army personnel are to attend LOAC instruction annually*”. The Investigation heard evidence that annual LOAC training consisted mainly of the presentation of a video, with accompanying PowerPoint presentation, and possibly a question and answer session.

### Pre-deployment and in-theatre training

- 17.5** As well as annual and specialist training, the Army undertakes pre-deployment training (**‘PDT’**) tailored to the theatre of operations to which they are deployed. The Investigation heard evidence that whilst some PDT is carried out by and within infantry units, a package

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<sup>217</sup> JSP 383, The Joint Service Manual of the Law of Armed Conflict, 2004 edition, paragraph 1.8; MOD-83-0000141-Z

of training is also provided by the Operational Training Advisory Group ('**OPTAG**'). In recent years, OPTAG have provided packages of PDT for a number of theatres: Northern Ireland, Afghanistan, Sierra Leone, the Balkans, as well as Iraq.

- 17.6** Whether enough time was allowed to train and prepare the Army for Op Telic 1 is a question beyond the terms of reference of this Investigation. Nevertheless, it is right that I should record that there were significant pressures on PDT for Op Telic 1.
- 17.7** OPTAG training was not the only training that was provided. At Divisional Level, Lt Col Nicholas Mercer, the Legal Adviser to 1 (UK) Armd Division and his legal branch, provided in-theatre training on LOAC and the Rules of Engagement ('**ROE**'). Aide memoires were distributed at the same time entitled "*Operation Telic Aide Memoire on the Law of Armed Conflict*".<sup>218</sup>
- 17.8** Maj David Frend explained the rationale behind this training and gave a detailed description of the content of the LOAC briefings. He suggested that it became clear to senior officers and civilian officials within 1 (UK) Armd Division, NCHQ, PJHQ and the Ministry of Defence that there was a need to reinforce the LOAC training in the context of an armed conflict. This was because there was a concern that applying previous understandings based on the ROE in peacekeeping operations could be unnecessarily dangerous to troops engaged in what was full international conflict where LOAC applied. Frend referred, for example, to the focus on self-defence and the use of minimum force under the ROE in a peacekeeping role, as opposed to the fact that the pre-emptive targeting of positively identified enemy combatants was permissible during an armed conflict. Frend said, "*In short, one did not have to wait to be fired upon before one engaged a positively identified enemy position*".<sup>219</sup>
- 17.9** Since I am satisfied that there was no clear determination as to whether combat conditions had ended in May 2003, I have been particularly struck by the relevance of Frend's formulation of action by way of "*courageous restraint*", which he states (see paragraph 61 of his statement) as requiring a soldier "*putting [him]self at greater risk of death or injury by approaching suspicious activity, rather than treating suspicious activity as an immediate threat against which force could be used*".
- 17.10** My findings in connection with the existence of 'suspicious activity' on the part of civilians where there was an absence of an immediate threat to the soldiers, appear in Section 6 of Chapter 2 (in particular paragraphs 11.12, 11.20-11.21). In paragraph 3.6, I flagged up a likelihood of the need for attention to be given to the legal and practical consequences of the principle of 'courageous restraint'. My findings in these investigations can be taken as identifying a basis for developing future training.
- 17.11** I have decided that detailed enquiry and investigation on the issues which arise from the recognition of a principle of 'courageous restraint' are outside the remit of my investigations and my report. As I have already stated, it is clear to me that the members of the patrol from 3 PARA had little or no experience in dealing with the search and arrest of those suspected of being a threat to security or involved in the commission of a criminal offence in situations calling for courageous restraint. I am struck by the complexity to which the principle is likely to give rise. A variety of situations could arise in the future where soldiers will be required to act with restraint and only use such force as becomes necessary when instant judgements, calibrated on a graduated scale of

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<sup>218</sup> Exhibit DF/7 to Frend MOD-83-0000115-Z

<sup>219</sup> Frend MOD-83-0000115-Z, paragraphs 35-36

response, will justify them employing a higher level of force and a lower level of restraint. (See also the “ladder of response” in paragraph 17.18).

- 17.12** The training which soldiers receive is, as I have learned, extensive. I have no doubt that high standards of discipline and a high level of courage on the part of soldiers has been and remains the bedrock of the military tradition. But instant judgements which have to be made in the sort of circumstances I have had to consider appear to me to present a great challenge for soldiers in executing law and order functions in hostile and foreign theatres of operation.
- 17.13** Frend explained that a PowerPoint presentation on LOAC would be delivered, as part of that training, specifying the relevant principles and illustrating them with examples. In line with the intent expressed above, the presentation was designed to remind soldiers that armed conflict rather than peacekeeping principles applied. However, Frend also stated that the briefing reiterated that once the ground offensive was completed, resulting in a state of occupation, further guidance on the ROE applicable during the occupation would then be disseminated.
- 17.14** Frend stated that from around the end of February 2003 to the beginning of war-fighting operations on 19 March 2003, 1 (UK) Armd Division Legal Branch delivered a series of briefings to all frontline troops on the ROE for Op Telic 1 together with the PowerPoint presentation on LOAC referred to above. All the constituent units of 16 Air Assault Bde, including 3 PARA, received this brief and a copy of the aide-memoire on LOAC.<sup>220</sup>
- 17.15** All UK Armed Forces deployed on Op Telic 1 received on arrival in Kuwait, a copy of Card Alpha (known also as the ‘White Card’), which contained generic ROE for individual service personnel deployed on operations other than war. It reiterated the requirements that lethal force can only be used where there is an immediate threat to life and there is no other way of averting the threat without exposing the individual to a greater risk of death.
- 17.16** Frend explained that during the planning for the land offensive in Iraq it was considered that there was a real possibility that a large number of civilians would become displaced and that some may be encountered by UK Armed Forces in or around areas where they were operating. A particular concern was the presence of civilians on the Main Supply Routes (**MSRs**), i.e. the main roads throughout Iraq. Consequently, Frend said that as part of the ROE and LOAC briefing, the soldiers were given guidance on how to interact with civilians that they encountered. They were informed that civilians could not be targeted as military objectives (unless they were taking part in hostilities) and that they were to be treated humanely and fairly at all times.<sup>221</sup>

## Post-conflict training

- 17.17** By the beginning of April 2003, many locations within 1 (UK) Armd Division’s area of operations (**AOR**) were effectively under occupation and not in a state of war-fighting. The Investigation was told by Maj Frend that 1 (UK) Armd Division disseminated FRAGO 100 at around this time, which provided direction on the use of force and handling of detainees in the post-conflict stage.<sup>222</sup> Frend explained that by the time that FRAGO 100 was received by 16 Air Assault Bde, the Brigade AOR was Maysan Province. Frend

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<sup>220</sup> Frend MOD-83-0000115-Z paragraphs 43-44

<sup>221</sup> Ibid, paragraph 45

<sup>222</sup> Exhibit DF/2 to Frend MOD-83-0000115-Z

told the Investigation that 16 Air Assault Bde's mission was, effectively, to restore law and order, to assist in the re-establishment of the basic utilities and to encourage the development of self-administration and governance. He stated that the main threat to this mission was criminal conduct, for example looting. In addition, there was a specific problem related to the theft of copper wiring (primarily from electricity lines) and its subsequent smuggling. I have already given attention to the dangerous state of affairs in Maysan Province which, on the basis of all the evidence given to me, I am satisfied existed.

**17.18** Frend reviewed FRAGO 100 and produced his own "*Legal Aide-Memoire*" for the Brigade HQ and the Battle Group Commanders.<sup>223</sup> Frend explained that what was crucial was the more developed guidance for the use of minimum force in respect of dealings with the civilian population.<sup>224</sup> Frend sought to assist Battle Group Commanders by further illustrating the level of force that could be used dependent upon the situations that their soldiers may find themselves in. Frend referred to the graduated level of force as the "*ladder of response*", which he said is consistent with guidance that is given on the use of force in operational theatres such as Northern Ireland and the Balkans and so should have been familiar to all Battle Group Commanders and their soldiers. Frend explained that the concept of the minimum use of force necessary in the circumstances underpins the guidance and is derived from the English and Welsh domestic law principles of the self-defence and the concept that reasonable force may be used in the prevention of crime or the effecting of an arrest.<sup>225</sup>

**17.19** Frend stated that he gave each Battle Group commander a copy of the expanded aide-memoire. However, it was then up to each Battle Group commander as to how to cascade this information down through to his troops. Frend was unable to tell the Investigation whether any soldiers were walking around with the expanded aide-memoires or whether it was specifically briefed to them.<sup>226</sup> Pausing here: FRAGO 100 was disseminated in or around April 2003. It would then have taken some time to produce the aide-memoire and for this to have been passed to the Brigade HQ and the Battle Group Commanders. Given the timings involved, it is unlikely, in my opinion, that the information contained in FRAGO 100 and/or the aide-memoire would have been cascaded down through the troops prior to 11 May 2003. This would explain why none of the soldiers that I heard evidence from mentioned FRAGO 100 or the aide-memoire.

## VCP training

### Introduction

**17.20** I heard evidence from a variety of sources as to the training soldiers received in respect of conducting VCPs. Such training will certainly have included what action should be taken at the point at which a vehicle is stopped. Such action as is appropriate will vary according to the risks to which soldiers are exposed when carrying out the stop and search. However, two features of the evidence regarding this aspect of training stood out. Firstly, no VCP training was provided prior to deployment on Op Telic 1, nor was any VCP training provided in-theatre.<sup>227</sup> Instead, reliance was placed on soldiers' previous

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<sup>223</sup> Exhibit DF/1 to Frend MOD-83-0000115-Z

<sup>224</sup> Ibid, paragraphs 3-13

<sup>225</sup> Frend MOD-83-0000115-Z paragraph 51

<sup>226</sup> Ibid, paragraph 70

<sup>227</sup> See statement of David Hogan-Hern MOD-83-0000134-Z

training and experience of carrying out VCPs in Northern Ireland. Secondly, beyond being taught to use the minimum amount of force necessary in the circumstances, it does not appear that there was any specific training in the speedy handling of uncooperative occupants of a vehicle nor any training in any appropriate method of speedily getting them to the ground. This is despite it being generally accepted, both by some of the soldiers who gave evidence, and by, for example Lt Col Matthew Lowe,<sup>228</sup> that it was normal for a search to take place when occupants had been put to the ground.

### The evidence

- 17.21** Maj Andrew Jackson, Commanding Officer of C Coy of 3 PARA until early January 2003, told me that the only VCP training undertaken by C Coy was Northern Ireland focused and occurred during the Battalion's formal training package delivered in preparation for its tour as Northern Ireland Reinforcement Battalion ('NIRBAT'). This training package was conducted by or under the direction of the Northern Ireland Training Advisory Team ('NITAT'). Jackson stated that this training package included VCPs being taught and practised in both rural and urban environments. This training took place in September to November 2001, with the Battalion actually undertaking the role in December 2001 to July 2003, during which time regular refresher training was provided.<sup>229</sup>
- 17.22** Jackson explained that C Coy deployed to Northern Ireland on three occasions. On each occasion general refresher training occurred before that deployment. Given the passage of time Jackson could not be specific as to the exact content of the training, particularly as regards VCPs. He could not recall any training relating to VCPs in a war-fighting situation.<sup>230</sup>
- 17.23** Lt Col John Lorimer, Commanding Officer of 3 PARA until 18 April 2003, had overall responsibility for 3 PARA's preparation for and conduct of operations in Kuwait and Iraq. Lorimer told me that he could not remember any specific training 3 PARA received in relation to carrying out VCPs before leaving the United Kingdom, or whilst they were held in Kuwait before being deployed into Iraq.<sup>231</sup> He stated, however, that prior to deploying on Op Telic 1, the Battalion had served on operations in Northern Ireland and had conducted considerable training for such 'non-warfighting' activities, which would have included specific training for "VCP drills".<sup>232</sup>
- 17.24** Lt Col Matthew Lowe took over command of 3 PARA from Lorimer on 18 April 2003. He told me that he could not really say what training 3 PARA received prior to deployment to Iraq, as he was not the Commanding Officer at the time, but had he been the Commanding Officer he probably would not have directed that 3 PARA receive any VCP training, as VCPs are an internal security technique, and instead he would have focussed on war-fighting tactics. He stated, "*Battalions at the time were still broadly familiar with VCPs from Northern Ireland, so soldiers would have known tactically how to conduct a VCP*".<sup>233</sup>

<sup>228</sup> Lowe MOD-83-0000111-Z paragraph 14

<sup>229</sup> Jackson MOD-83-0000103-Z paragraphs 8-9

<sup>230</sup> Ibid, paragraph 7

<sup>231</sup> Lorimer MOD-83-0000011-Z paragraph 6

<sup>232</sup> Ibid

<sup>233</sup> Lowe MOD-83-0000111-Z paragraph 10



**17.25** Lowe explained that much of how a VCP would have been conducted would have depended on what was known about the vehicle and what intelligence there had been. He stated:

*“For example, if there had been intelligence that armed members of the Fedayeen were inside, the vehicle would have been treated in a certain way. If there was no intelligence, the car was not registered, or the occupants were teenagers then the level of force would be calibrated accordingly. If a vehicle had evaded a VCP then one would assume that they had something they did not wish to reveal.*

*In general, the vehicle would be stopped and the occupants asked to leave the vehicle, although I accept that the language barrier might have made things more difficult. As a soldier conducting a VCP, if you were looking for arms you might be concerned that they would be used against you. If the occupants didn't get out of the car, you would extract them, place them on the ground, either kneeling or lying down, and then search about their person, with someone else keeping guard. A separate group of soldiers would work their way through the car to obtain evidence of what the occupants are up to and their intent. You would try and do all this without force if possible as it makes things easier: during a ruckus it is easy to lose authority and one's ability to act coherently is affected. If a person doesn't want to get out of the vehicle or struggles outside the vehicle then one would try and restrain them in order to keep the situation in control with a minimum risk to one's own life. Training in regards to security in a non-warfighting phase always teaches soldiers to use the minimum force necessary. There was VCP training for operations in Northern Ireland, and VCPs were normally conducted by soldiers, although the Police Service in Northern Ireland (“PSNI”) and Royal Ulster Constabulary (“RUC”) would have conducted the checks following the stop of the vehicle”.<sup>234</sup>*

**17.26** Lowe told me that soldiers playing an internal security role, as they were in Northern Ireland, would have had basic control and restraint training separate from that relating to the conduct of VCPs.<sup>235</sup> This training would have involved such techniques as dealing with someone resisting arrest by twisting their thumb up behind their back, or taking them to the ground by using a boot to the back of the knee.

**17.27** I asked Lowe whether soldiers received training in removing resisting occupants from a vehicle. He told me that soldiers who are tasked with running VCPs should know and rehearse the associated drills for doing so, which include practising the mechanics and tactical detail of removing non-compliant occupants from vehicles with the minimum damage to both the soldier and occupant.<sup>236</sup> This chimes with what I was told by Frend, namely that soldiers have training throughout their careers on how to safely seek to remove someone from a vehicle.<sup>237</sup> Frend said that such training would form part of “normal military training”.<sup>238</sup> I note, however, that Lowe and Frend were not involved in the provision of this training and could, therefore, only speak in very general terms about this training.

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<sup>234</sup> Ibid, paragraph 13

<sup>235</sup> Ibid, paragraph 16

<sup>236</sup> Lowe MOD-83-0000145-Z

<sup>237</sup> Frend MOD-83-0000115-Z paragraph 79

<sup>238</sup> Frend MOD-83-0000119-Z paragraph 3

## Reinforcing LOAC in the context of armed conflict

- 17.28** Cpt Andrew Wareing joined 3 PARA as Ops Officer in September 2002. As Ops Officer Wareing was the Commanding Officer's principal staff officer responsible for operational matters. Wareing confirmed that there was no opportunity to conduct specific training for the "stability phase" and that pre-deployment training focussed on warfighting.<sup>239</sup> He did not believe that this placed the Army at a disadvantage for two reasons. Firstly, soldiers understood the difference between right and wrong and could be trusted to rely on previous training, use their initiative and judgment and make the right decision. Secondly, a number of soldiers in C Coy 3 PARA would have conducted previous tours in Northern Ireland. They would draw upon these experiences. *"In some respects operations in Northern Ireland were not dissimilar to stability operations in Iraq in terms of the requirement to conduct patrols, stop and search vehicles and generally prevent lawlessness"*.<sup>240</sup>
- 17.29** Wareing confirmed that how soldiers conducted a VCP would depend on the circumstances. He stated that soldiers are trained to use *"proportionate force"*, which might include wrestling someone to the floor.<sup>241</sup>
- 17.30** Maj Daniel Worthington was Coy Commander for C Coy between 6 January 2003 and 1 September 2003. Worthington told me that the majority of people in C Coy would have conducted VCPs many times in OPTAG training, as well as in Northern Ireland and Kosovo. *"However, tactical considerations layered on top of that, such as sighting and frequency of VCPs, would have been left to the discretion of the Patrol Commander"*.<sup>242</sup>
- 17.31** SO10 was the Commander of 8 Platoon ('8 PI') for the duration of their tour of Iraq. SO10's evidence was that before 8 PI arrived at Al Uzayr, he gave orders to the whole Platoon that part of the overall mission was the responsibility for carrying out vehicle patrols and conducting VCPs. This was because local villains, referred to as "Ali Baba", or people from Iran were conducting hijacking and robberies. There was no police in Al Uzayr at this time. SO10 stated that 8 PI's job was to try and introduce some stability into the area and regenerate the police force. VCPs were, therefore, conducted to search for persons attempting to smuggle large amounts of arms, cash or other contraband. SO10 stated, "A briefing about VCPs was given but not about how they were to be conducted. This was because all the Section Commanders had Northern Ireland experience and had all conducted numerous VCPs before".<sup>243</sup>
- 17.32** The Platoon Sgt for 8 PI, Kevin O'Brien, gave evidence to the Investigation. He told me that at least one VCP was carried out each day they were in Al Uzayr. How the VCP was set out on the ground, and how the Section was deployed whilst doing this, was the Section Commander's responsibility. He could not recall any official briefing but believed that Section Commanders were told to treat people with courtesy unless people were very aggressive or non-compliant.<sup>244</sup> He explained:

<sup>239</sup> Wareing MOD-83-0000095-Z paragraphs 5-7

<sup>240</sup> Ibid, paragraph 10

<sup>241</sup> Ibid, paragraphs 13-16

<sup>242</sup> Worthington MOD-83-0000067-Z paragraph 28

<sup>243</sup> SO10 MOD-83-0000105-Z paragraph 10

<sup>244</sup> O'Brien MOD-83-0000077-Z paragraph 24

*“As all of the Section Commanders in 8 Platoon, to my knowledge, had served in Northern Ireland, I believe that the VCPs were conducted in a similar way to those in Northern Ireland. In Northern Ireland we used to do a lot of operations where we learned how to conduct VCPs. However, after the Good Friday Agreement we all had less exposure to that sort of training. There may have been people in the Battalion in Iraq in 2003 who had not experienced that legacy Northern Ireland training. I assumed that Section Commanders in 8 Platoon know how to conduct VCPs properly as I believe they had been carrying them out in the Oil Fields and on tasking Camp Condor before I took over as Platoon Sergeant”.*<sup>245</sup>

**17.33** During the course of the Investigation the following members of 8PI C Section gave evidence of their experience of training and in particular VCP training:

- (1)** SO01, a Cpl and the Commander of C Section at the relevant time, stated that he had completed five tours of Northern Ireland. He told me that the Northern Ireland deployments were always structured and well resourced. The local Police assisted with the stopping and searching of vehicles. He could not recall being trained on how to stop and search vehicles in Iraq. He assumed that reliance was placed on the experience gained whilst working in Northern Ireland. However, the two places were very different. In Northern Ireland every car was searched thoroughly with Police assistance. In Iraq there was no police assistance and no specific instructions on what to search for or how to conduct the searches. Due to the passage of time SO01 told me that he could not recall receiving any briefings and instructions before going out on patrols. Generally instructions tended to be brief. For example, C Section would be asked to patrol a certain route but were not told how to do this, as it was assumed that they were all qualified and capable of carrying out such a task.<sup>246</sup>
- (2)** SO02, a private soldier attached to C Section as the driver of the WMIK, told me that he did one six-month tour of Northern Ireland and then two more three-month tours. His Northern Ireland training consisted of riot control, stop and search, vehicle and house searches and dealing with the general public. The training was both theoretical and practical.<sup>247</sup> He stated that Northern Ireland stop and search training taught him *“the limited circumstances in which reasonable force could be employed in order to conduct a search”*.<sup>248</sup> He felt that his Northern Ireland training was very effective.<sup>249</sup> He could not recall any training in respect of VCPs beyond that which he had previously received in Northern Ireland. He stated: *“I believe our training was that if someone who had been stopped at a VCP refused to get out of his vehicle or otherwise failed to cooperate with the search, he would be taken to his knees immediately because he would be assessed as posing a higher risk to us. As part of NI training I would have been taught to take a suspect to his knees but I cannot now remember the techniques that I learnt. I believe I would also have been taught that if someone refused to get out of a vehicle, then they should be taken out. My recollection is that if someone was to be taken out of a vehicle, it was deemed better to put them immediately to their knees for the search because they posed a higher risk to us. There may have been circumstances when a suspect*

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<sup>245</sup> Ibid, paragraph 26

<sup>246</sup> SO01 MOD-83-0000065-Z paragraphs 2-3

<sup>247</sup> SO02 MOD-83-0000063-Z paragraph 8

<sup>248</sup> Ibid, paragraph 6

<sup>249</sup> Ibid, paragraph 10

would have been asked to lie on the floor for the purposes of a search, but I cannot be certain about this".<sup>250</sup>

- (3) SO03, a private soldier, told me that between joining 3 PARA in January 2003 and deploying to Kuwait in February 2003, he did "some basic weapons training and received some basic briefings on Iraq".<sup>251</sup> He stated that unlike the other members of his Platoon he was "very inexperienced". He told me that the members of his Platoon who had served in Northern Ireland were very experienced in setting up and operating VCPs. He said that he had never received VCP training and that anything he learnt was by doing it in practice in-theatre on the advice of others.<sup>252</sup>
- (4) SO04, a private soldier and 2iC of C Section, told me that he could not recall receiving any training on stop and search procedures prior to deployment to Iraq and like many of the other soldiers he said that he was dependant on the training he had received in readiness for deployment in Northern Ireland.<sup>253</sup> He stated that there was no specific training in VCPs prior to deployment<sup>254</sup> and "any such skills were due to previous deployments in Northern Ireland".<sup>255</sup>
- (5) SO05, a private soldier and the GPMG gunner on the WMIK, recalled receiving some training on VCPs prior to deployment to Northern Ireland but could not recall any specifics.<sup>256</sup>
- (6) SO06, a private soldier and the Minimi gunner, explained that VCPs in Northern Ireland were usually carried out on foot and did not involve military vehicles.<sup>257</sup> He stated that, "The VCP procedure [for Northern Ireland] was taught to us by instructors at camp in Colchester and also reinforced during our exercises in Lydd. The Platoon became very efficient in undertaking VCPs and we completed them on numerous occasions. I do not recall ever completing any VCPs at Section level and do not recall being given any training as to how to undertake such stops with so few men".<sup>258</sup> He stated that VCPs in Iraq were very different from those in Northern Ireland. He explained that the reason for this was because VCPs in Iraq were carried out at Section level and so would only involve six or so soldiers, whereas VCPs in Northern Ireland were carried out at Platoon level and so would involve twenty to thirty soldiers.<sup>259</sup>

## Conclusions

- 17.34** I find that taken as a whole the evidence demonstrated the existence of gaps in the VCP training and in particular the handling of uncooperative occupants of vehicles stopped or chased during a VCP in prevailing dangerous and volatile conditions such as those in Maysan Province in Iraq in May 2003. The evidence gave the impression that soldiers were simply left to rely on their training in and experiences of conducting VCPs

<sup>250</sup> Ibid, paragraph 24

<sup>251</sup> SO03 MOD-83-0000066-Z page 1

<sup>252</sup> Ibid, page 2

<sup>253</sup> SO04 MOD-83-0000064-Z paragraph 3

<sup>254</sup> Ibid, paragraph 7

<sup>255</sup> Ibid, paragraph 12

<sup>256</sup> SO05 MOD-83-0000062-Z paragraph 10

<sup>257</sup> SO06 MOD-83-0000061-Z paragraph 24

<sup>258</sup> Ibid, paragraph 28

<sup>259</sup> Ibid, paragraph 97

in Northern Ireland. The problem with that is that VCPs in Northern Ireland were very different to VCPs in Iraq. The most striking differences:

- (a) VCPs in Northern Ireland were largely carried out on foot and so did not involve the use of military vehicles.
- (b) VCPs in Northern Ireland were conducted at Platoon level, rather than Section level, and so involved twenty to thirty soldiers, as opposed to six or seven.
- (c) VCPs in Northern Ireland involved the RUC who would assisted with the stop and search of vehicles.
- (d) There was no language barrier in Northern Ireland.
- (e) The terrain was different in Northern Ireland.
- (f) Soldiers in Northern Ireland were carrying out a peacekeeping role, as opposed to soldiers carrying out VCPs in Iraq who were in circumstances where they had reason to believe that they were exposed to having to deal with civilians in what, for practical purposes, was a warfighting situation.

**17.35** I do not, however, have any reason to conclude that these gaps in training were in any way a factor which was causative of the treatment inflicted on Mr Abdullah. The training received by the soldiers addressed the concept of using minimum force. The general training in LOAC would have also equipped the soldiers with the knowledge that they were required to treat civilians humanely. On the evidence, frequent if not daily patrols stopped and searched vehicles and their occupants by getting them to the ground to be searched. There is no evidence that any death or serious injury resulted from occupants of vehicles being placed to the ground in order to be searched.

**17.36** The special circumstances surrounding the military operation being undertaken in Maysan Province between the end of April and the beginning of June 2003 by 8 PI C Coy at Al Uzayr might, had there been time for preparation, and some considerable early foresight been available, have led to advance experience by training being given to soldiers of the risks, threats, and pressures they might have to operate under when acting in areas of complete lawlessness. But it would be speculative for me to suggest that such training would have prevented Mr Abdullah's death.

**17.37** I am thus left able to observe that in any future military action which might encounter similar conditions, attention should be given to the provision of focussed training which might serve to avoid a similar tragic death occurring.



## SECTION 2: TEACHING AND TRAINING RELEVANT TO THE INVESTIGATION INTO THE DEATH OF MR SAID

### Introduction

- 18.1** As a general point, I find that the soldiers involved in the Investigation into the death of Mr Said received the same general training as 3 PARA, including training in LOAC and ROE.<sup>260</sup> Accordingly, I do not see any need to repeat what is said above in respect of general training. I instead intend to deal with the specific training provided to members of Badger Squadron that is potentially relevant to the events leading to the shooting of Mr Said.

My overall conclusion is that I have nothing to say by way of comment about training arising out of the case of Mr Said.

### Quick cuff and baton training

- 18.2** SSgt David Smith provided a witness statement to the Investigation in which he explained that he was a Home Office qualified instructor in the use of quick cuffs and batons, having gained his qualification on a Lothian and Borders Officers' Safety Course in June 1999. Smith stated that he trained SO08 on 29 May 2003 in the use of quick cuffs and batons, as well as "*empty hand techniques*".<sup>261</sup>
- 18.3** Quick cuff training consisted of applying the hand cuffs in various positions, e.g. front palms forwards, front stacking, rear facing and rear stacking. Smith's students, including SO08, were also taught take down moves using the cuffs and safe removal techniques.
- 18.4** Smith stated that he reminded his students to use the "*force continuum*", which is a number of stages that can be used to subdue the suspect. These begin with the mere officer presence and ultimately end in lethal force. All NCOs are taught to start at the lowest level and work up. However, depending on the circumstances, they may elect to start along the continuum, e.g. if verbal reasoning has already been tried and failed they may move straight to primary control skills.<sup>262</sup>
- 18.5** Smith stated that students were also taught the authorised strike moves, which are:
- (i) weapon strike – this is a strong hand strike;
  - (ii) reactionary strike – this is if the user has missed his mark using a weapon strike, he would then use his baton on the return strike;
  - (iii) straight strike – this is where the user would clench their fist around the baton and strike out towards the target's stomach.
- 18.6** I was told that the three moves described above are all done with the baton in the closed position. There are further moves that are done in the same way but with the baton

<sup>260</sup> Halloran MOD-83-0000139-Z paragraphs 4-13

<sup>261</sup> Smith MOD-83-0000113-Z paragraph 4

<sup>262</sup> Ibid, paragraph 6



open. Baton users were also taught, during the use of force phase of training, which areas of the body they are allowed to strike and when. Smith referred me to a chart in order to show the strike areas in order of escalation (green to red).<sup>263</sup>

- 18.7** Smith confirmed that SO08 passed all of his training objectives on the use of the quick cuffs and baton.
- 18.8** Smith explained to me that the training he gave SO08 was the same as he was trained in, i.e. in accordance with the Lothian and Borders Officer Training Manual. He did not change any of the holds or techniques than those given in the training literature. He stated that the course was designed as a refresher, and not as a full training course. All students would have had more in depth use of force training during their initial training.
- 18.9** SO08 told me that he had received specialist Military Police training between January and June 1996 during which he received instruction on arrest and restraint and the use of force.<sup>264</sup>
- 18.10** SO08 confirmed that in late May / early June 2003 he attended a 3-week pre-deployment training course. This covered several aspects of military skills, as well as training in LOAC and RoE. It appears from training records that I have seen that SO09 underwent similar pre-deployment training.

## Conclusion

- 18.11** My findings in relation to the death of Mr Said do not raise any issue in connection with the training of Badger Squadron and particularly SO08 and SO09. But I would draw particular attention to my findings on the last moments before SO09 shot Mr Said.
- 18.12** Those who may be considering the practical application of the principle of “courageous restraint” may like to consider the facts because they seem to me to provide a good example of how subtle the calibrations can be on “the ladder of response”.
- 18.13** Whenever an incident such as that under investigation occurs it is always possible to reflect upon whether there were areas of training that had not been provided which could have been relevant to the tasks SO08 and SO09 were performing. In this regard it serves to repeat my earlier observations in respect of the training of 3 PARA, namely that if soldiers are to be expected to perform a policing / peacekeeping role in the future in highly dangerous, hostile and potentially life threatening situations, this must be something catered for in their training.

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<sup>263</sup> MOD-83-0000118-Z Smith exhibit DTS/2

<sup>264</sup> SO08 MOD-83-0000109-Z paragraph 4

## Chapter V: Future RMP investigations

- 19.1** The legal requirement for Article 2 investigations arising out of deaths in theatres of military operation gives rise to challenges for the RMP and considerable resource considerations for the military.
- 19.2** Because of the extent of the comment which had been made about the adequacy of the RMP investigations, in particular in the case of the death of Mr Abdullah, I received and considered detailed evidence which confirmed the lack of availability of personnel and support equipment for the RMP in Iraq in 2003, particularly up to July 2003. I draw attention to the details given by Lt Col Julia Parke-Robinson in her statement dated 16th February 2015.<sup>265</sup> Plainly the arrangements were unsatisfactory for the period covered by the two cases the subject of this consolidated report. I endeavoured to make further investigations into the letter dated the 28th May 2003 which is exhibited as JPR/2 in her statement.<sup>266</sup> Enquiries of Amnesty International disclose that they had no note or record of the meeting or any relevant events. I was unable to find any other evidence which was relevant to my enquiries.
- 19.3** The history of the investigations by the RMP in both the cases of Mr Abdullah and Mr Said, but in particular in connection with the case of Mr Abdullah, has been extensively reviewed by the Adjutant General. It will be remembered that the review by the Adjutant General was prompted by the observations of the judge at the Court Martial hearing. The Court Martial judge would not have been aware of the difficulties under which the RMP were operating at the time of Mr Abdullah's death.
- 19.4** My purpose in drawing attention to these matters in this report is to highlight that there will be a need for timely and detailed evidence to be obtained by the RMP in future cases. This will give rise to onerous inquiries and investigations being undertaken by the RMP as promptly as possible.

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<sup>265</sup> Parke-Robinson MOD-83-0000133-Z

<sup>266</sup> MOD-83-0000135-Z

# Appendix 1: Chronology of the Investigations

<b>2013</b>		
24th May	Judgment in the case of <i>R (Ali Zaki Mousa and others) and Secretary of State for Defence No. 2</i> concludes that where inquiries with approach based on a coroner's inquest are required to be compliant with the common law and Article 2 of the ECHR where IHAT did not bring prosecutions or prosecutions were discontinued.	Ali Zaki Mousa v Secretary of State for Defence (No 2) Judgment of 24 May 2013
2nd October	Judgment in the case of <i>R (Ali Zaki Mousa and others) and Secretary of State for Defence No. 2</i> sets out the parameters of the inquiries.	Ali Zaki Mousa v Secretary of State for Defence (No 2) Judgment of 02 October 2013
<b>2014</b>		
27th January	Sir George Newman appointed Inspector of fatality investigations, the first two include investigation into the death of Mr Abdullah.	Letter from Secretary of State for Defence Phillip Hammond dated 27th January 2014
27th March	Iraq Fatality Investigations press release in which Sir George Newman confirms his appointment as Inspector to conduct the first two investigations. Press release supplies background to and information about the investigations.	Press release dated 27th March 2014
14th April	Iraq Fatality Investigations website launched	<a href="http://www.iraq-judicial-investigations.org/index.aspx">http://www.iraq-judicial-investigations.org/index.aspx</a>
30th May	Procedures published on website	'Procedures for Iraq Fatality Investigations'  See IFI website for document
30th May	Further public statement announcing public hearing on 5th June 2014 and making observations in advance of the hearing.	Public Statement dated 30th May 2014
5th June	Opening Statement made at Inner London Crown Court.	'Opening Statement made at Inner London Crown Court on 5th June 2014'  See IFI website for document
15th July	Witness Guidance Notes published on website	'Witness Guidance Notes'  See IFI website for document
16th July	Sir George Newman makes Progress Statement No. 1 setting out the four sections for examination and making observations in regards to the soldiers giving evidence.	'Progress Statement No. 1 – 16 July 2014'  See IFI website for document

## Appendix 1: Chronology of the Investigations

18th July	Investigation Protocol: Legal Advice at Public Expense document published on website.	'Investigation Protocol: Legal Advice at Public Expense document published on website'  See IFI website for document
28th July	Public Interest Lawyers ("PIL") lodges claim form for Judicial Review regarding legal representation.	
29th July	Treasury Solicitors Department ("TSol") sends email to Mr Justice Leggatt on behalf of Sir George Newman setting out preliminary observations to the claim.	
30th July	PIL respond to TSol's emailed observations.	
31st July	Mr Justice Leggatt dismisses PIL's claim for Judicial Review.	
9th September	Decision by Sir George Newman in respect of the application for Legal Expenses for Fahad Abdullah Manea and Ali Abbass Said ("the Applicants") in favour of Zainab Al-Qurnawi of QC Law Firm.	'Legal Funding Decision – 9 September 2014'  See IFI website for document
22nd September	Progress Statement by Sir George Newman regarding the hearing on 26th September 2014 and urging family and witnesses in the case of Mr Abdullah to attend and participate.	'Progress Statement No. 2 – 22nd September 2014'  See IFI website for document
26th September	Hearing at Inner London Crown Court hearing evidence from pathologist Dr Nicholas Hunt and Dr Abdul Khaliq Abdal Rasool Badan, and pathologist Dr Razak via video link from Basrah, Iraq.	'Hearing on 26th September 2014'  See IFI website for document
6th October	Soldiers alleged to have been involved in the immediate circumstances surrounding the death of Mr Abdullah granted anonymity.	'Anonymity Ruling – 6th October 2014'  See IFI website for document
23rd October	Soldiers alleged to have been involved in the immediate circumstances surrounding the death of Mr Said granted anonymity.	'Anonymity Ruling – 23rd October 2014'  See IFI website for document
10th November	Hearing in the Rolls Building, London at which oral testimony of SO04 and SO06 is heard.	'Hearing on 10th November 2014 (Evidence of S006 and S004)'  See IFI website for document
11th November	Hearing in the Rolls Building at which oral testimony of SO03 is heard.	'Hearing on 11th November 2014 (Evidence of S003)'  See IFI website for document

## The Iraq Fatalities Investigation

17th November	Hearing in the Rolls Building at which oral testimony of SO02 is heard.	'Hearing on 17th November 2014 (Evidence of S002)'  See IFI website for document
18th November	Hearing in the Rolls Building at which oral testimony of SO05 and SO01 is heard.	'Hearing on 18th November 2014 (Evidence of S005 and S001)'  See IFI website for document
19th November	Hearing in the Rolls Building, London at which oral testimony of SO08 and forensic firearms examiner Franco Tomei.	'Hearing on 19th November 2014 (Evidence of Franco Tomei and S008)'  See IFI website for document
2nd December	Non-use undertaking from the Office of the Prosecutor in the International Criminal Court in relation to evidence given by soldiers alleged to have participated in the immediate circumstances leading to the death of Mr Abdullah.	'Undertaking from the Prosecutor'  See Appendix 10
15th December	Hearing in the Rolls Building at which oral testimony of Dalal Finjan Saddam and Athar Finjan Saddam is heard.	'Hearing on 15th December 2014 (Evidence of Dalal Finjan Saddam and Athar Finjan Saddam)'  See IFI website for document

## Appendix 2: Chronology of events relating to the circumstances surrounding the death of Mr Abdullah

Date	Event	Reference
<b>1999</b>		
1999	3 PARA VCP drills in Northern Ireland and Kosovo	Statement of Daniel Worthington, paragraph 27
<b>2001 – 2002</b>		
December 2001 – July 2002	Battalion (i.e. 3 PARA) serves on operations in Northern Ireland after training which included peacetime operations. VCP drills included.	<i>'and had conducted considerable training for such 'non-warfighting' activities. This would have included specific training for VCP drills.'</i> Statement of John Lorimer, paragraph 6
July 2001 – July 2002	Battalion VCP training for Northern Ireland	<i>'any VCP training conducted was Northern Ireland focused..'</i> Statement of Andrew Jackson, paragraph 6
September – November 2001	Battalion trains for NIRBAT and NITAT which includes VCPs taught and practised in both the rural and urban environments.	Statement of Andrew Jackson, paragraph 8
July 2002 – December 2002	3 PARA refreshing conventional infantry skills.	<i>'3 PARA as a whole were initially refreshing their conventional infantry skills after their time focused upon Northern Ireland but then became heavily involved in Op FRESCO to cover the firemen's strike in England... I cannot recall any training related to VCPs in a 'war-fighting situation during that period'.</i> Statement of Andrew Jackson, paragraph 8
<b>2001 – 2003</b>		
December 2001 – July 2003	Battalion undertakes role relating to NIRBAT and NITAT (regular refresher training mandated during this time). C Coy deploys to Northern Ireland on three occasions during this time, during which VCPs were required to be conducted regularly during the Coy's operational taskings.	Statement of Andrew Jackson, paragraph 8
<b>2002</b>		
January	President Bush refers to the regimes of Iran, Iraq and North Korea as an "axis of evil".	Baha Mousa Inquiry Report, page 3 (Vol I)
September	British Government publishes a dossier detailing Iraq's illegal weapons holdings and their potential for use.	Baha Mousa Inquiry Report, page 3 (Vol I)



## The Iraq Fatalities Investigation

Date	Event	Reference
December	3 PARA warned about OP TELIC	Statement of Matthew Lowe, paragraph 5
Christmas	8 PI informed that going on exercise in Brecon in January 2003	<i>'My recollection is that at Christmas 2002 we had a call from someone in the Battalion saying that we were going on exercise in Brecon in January 2003'</i> Statement of S006, paragraph 47
<b>2003</b>		
January	3 PARA deployed on exercise to the Brecon Beacons	Statement of S006, paragraph 49
January	S004's unit becomes aware that deployment to Iraq likely	Statement of S004 dated 20th September 2014, paragraph 7
January	3 PARA begins training for operations in Iraq	Statement of Andrew Wareing, paragraph 3
Early January	Coy and Bn commence pre-deployment training for Op Telic 1	Statement of Andrew Jackson, paragraph 3  Statement of S004, paragraph 7
6th January	Daniel Worthington begins employment as Coy Comd for C Coy as an Acting Major.	Statement of Daniel Worthington, paragraph 2
Beginning of February	HQ 1 (UK) Armd Div moves to Kuwait.	First statement of David Frend, paragraph 23
February	16 Air Assault Brigade's initial deployment to Kuwait.	Statement of John Lorimer, paragraph 3
February	Deployed to Iraq/Kuwait on Op Telic 1	Statement of S003 dated 23rd September 2014, paragraph 2
13th February	Daniel Worthington deployed on Op Telic with his unit.	Statement of Daniel Worthington, paragraph 2
14th February	S010 deploys on his unit to Iraq on Op TELIC	Statement of S010, paragraph 3
15th February	3 PARA deployed on OP TELIC	<i>'Between 15 Feb 2003 and 28 May 2003 I was deployed with 3 PARA, on OP TELIC..'</i> Statement of Kevin O'Brien, paragraph 3
15th February	Deployed to Iraq as part of Op Telic 1	Statement of S002 dated 11th September 2014, paragraph 11
16th February	S001 deployed to Kuwait	Statement of S001, paragraph 3
Late February	Arrive in Kuwait	Statement of S006, paragraph 54

Appendix 2: Chronology of events relating to the circumstances surrounding the death of Mr Abdullah

Date	Event	Reference
February/March	S004's unit arrives in Kuwait	Statement of S004 dated 20th September 2014, paragraph 7
18th March	Parliament approves "all means necessary" to ensure the elimination of Iraq's weapons of mass destruction.	Baha Mousa Inquiry Report, page 4 (Vol I)
19th March	Ultimatum given by President Bush to Saddam Hussein	Baha Mousa Inquiry Report, page 4 (Vol I)
	Beginning of war-fighting operations	Statement of David Frend dated 1st December 2014, paragraph 43
20th March	Land offensive starts in Iraq. British military effort code-named Operation Telic (Op Telic).	Baha Mousa Inquiry Report, page 4 (Vol I)
22nd March	S001 travels to Iraq	Statement of S001, paragraph 3
Beginning of April	Warfighting phase ends in relation to many locations within HQ 1 (UK) Armd Div's area of operations	<i>'Many locations within HQ 1 (UK) Armd Div's area of operations (AOR) were effectively under occupation'</i> Statement of David Frend dated 1st December 2014, paragraph 48
Beginning of April	FRAGO 100 disseminated providing direction on use of force in post-conflict stage	<i>'About this time that HQ 1 (UK) Armd Div disseminated FRAGO 100 which provided direction on the use of force and handling of detainees in the post-conflict stage (see DF2)'</i> Statement of David Frend dated 1st December 2014, paragraph 48
Mid-April	Maysan Province 16 Air Asslt Bde's area of operations.	<i>'By about 14 April 2004, when FRAGO 100 was received by HQ 16 Air Asslt Bde, the Brigade AOR was Maysan Province'</i> Statement of David Frend dated 1st December 2014, paragraph 49
18th April	Lt Col Matthew Lowe takes over from Lt Col John Lorimer as command of 16 Air Asslt Bde	Statement of John Lorimer, paragraph 3
April/May	8 PI deployed to Al Uzayr and sets up HQ in the old police station.	Statement of S010, para.s 4 - 8/  <i>'I believe 8 PI was deployed to Al Uzayr in the first week of May, around the 5th'</i> Statement of Kevin O'Brien, paragraph 5
1st May	Warfighting phase ends	Baha Mousa Inquiry Report, page 4 (Vol I)
	Warfighting phase ends	<i>'During the warfighting phase of operations prior to May 2003'</i> Statement of Kevin O'Brien, paragraph 7

## The Iraq Fatalities Investigation

Date	Event	Reference
Early May	Sgt O'Brien takes over from Sgt Stoves as 8 Platoon Sgt.	'As part of the handover/ takeover all kit and equipment held by the Platoon, not on personal issue, would have been checked, including ammunition' Statement of Kevin O'Brien, paragraph 36
<b>11th May</b>		
17.51	Log shows 'Veh avoided VCP'	Exhibit S010/1 (Statement of S010, paragraph 34)
18.10	'Checked 2x pax, nothing found let go'	Exhibit S010/1  (Statement of S010, paragraph 34)
22.25	Log shows D20 making its way back to base	Statement of Matt Lowe, paragraph 22
24th May	SO03 gives pre-prepared statement before interview	Statement of S003 dated 24th September 2004
	SO03 gives no comment interview	
	SO01, SO02, SO03, SO04, SO05, SO06 and SO07 cautioned and consented to a search and items used and worn during alleged incident seized by RMP.	Statement of Anthony Larkin dated 1st July 2004, paragraph 5
?	Iraqi civilians approached and reference DNA samples taken from all involved except Mr Abdullah (who had been buried within 24 hours of his death).	Statement of Anthony Larkin dated 1st July 2004, paragraph 6
?	Mr Abdullah's parents provided reference DNA samples which were used to generate a possible STR (DNA) profile of the deceased.	Statement of Anthony Larkin dated 1st July 2004, paragraph 7
29th/30th May	Daniel Worthington's deployment on Op TELIC ends.	Statement of Daniel Worthington, paragraph 2
31st May	16 Air Asslt Bde departs Iraq	Statement of David Frend dated 1st December 2014, paragraph 2
May/June	SO10's tour ends	Statement of S010, paragraph 3
17th June	Items used and worn during alleged incident received at Forensic Alliance from the SIB.	Statement of Anthony Larkin dated 1st July 2004, paragraph 8 and Appendix 1
7th August	Items used and worn during alleged incident received at Forensic Alliance from the SIB.	Statement of Anthony Larkin dated 1st July 2004, paragraph 8 and Appendix 1
13th November	SO01, SO04, SO05, interviewed by RMP – answer questions	Statement of S004 dated 20 <sup>th</sup> September 2014, paragraphs 24 – 27
	SO03, SO06 interviewed by RMP – no comment	

Appendix 2: Chronology of events relating to the circumstances surrounding the death of Mr Abdullah

Date	Event	Reference
1st December	SO02 interviewed by RMP – answers questions	Statement of S002 dated 11th September 2014, paragraph 27  Statement of S004 dated 20th September 2014, paragraph 28
<b>2004</b>		
24th May	SO03 second RMP interview – no comment interview	
25th May	SO01 second RMP interview – no comment interview	
	SO04 second RMP interview – no comment interview	
26th May	SO06 second RMP interview – no comment interview	
8th June	SO02 gives prepared statement before interview	Statement of SO04 dated 20th September 2014, paragraph 28
	SO02 second RMP interview – no comment interview	
22nd June	SO05 second RMP interview – answers questions	
1st July	<i>'..extremely strong scientific support for the assertion that the blood spot tested from the screw hole of the butt of the SA80 rifle, item [SO04/2], taken from S004, originated from a male child of Jasm IL MAHAMADAWI and Abdullah MANAA, rather than someone unrelated to them.'</i>	Statement of Anthony Larkin dated 1st July 2004, page 12
	<i>'There is evidence of impact spattered blood on the boots, item [SO03/6] taken from SO03. This blood has originated from an unknown female. The nature and distribution of the blood spots is what I would expect to see had these boots been involved in kicking a bleeding female when she was close to the ground, however I cannot exclude the possibility that SO03 was close to this female whilst she was being struck by another person when she was close to the ground'</i>	Statement of Anthony Larkin dated 1st July 2004, page 12
19th August	<i>'..extremely strong scientific support for the assertion that the blood spot tested from the rifle, item [SO04/2], originated from Nadheem Il MAHAMADAWI [Mr Abdullah]</i>	Statement of Anthony Larkin dated 19th August 2004, paragraph 28
<b>2005</b>		
14th March	Directions Hearing for Court Martial	
10th June	Further Directions Hearing for Court Martial	
30th June	<i>'..extremely strong scientific support for the assertion that the blood on the rifle butt [of SO04] originated from Nadheem Il Mahamadawi [Mr Abdullah]'</i>	Statement of Matthew Greenhalgh dated 30th June 2005, paragraph 12
29th July	Further Directions Hearing for Court Martial	
19th August	Bloodstain on rifle butt [SO04/2] <i>'4 million times more likely'</i> to have originated from offspring of Mr Abdullah's parents	Statement of Anthony Larkin dated 19th August 2005, paragraphs 4 – 6
3rd November	Court Martial – Not Guilty verdicts returned	

## Appendix 3: Chronology of events relating to the circumstances surrounding the death of Mr Said

Date	Event	Reference
<b>2002</b>		
	Card A – Guidance for Opening Fire 2002 ed.	Card A – Guidance for Opening Fire
<b>2003</b>		
January	Lt Halloran attends a training package prior to deploying on Op TELIC 1 to Iraq. Includes lectures on Law of Armed Conflict (“LOAC”), Rules of Engagement, Armoured Fighting Vehicle Recognition, Iraq Culture/Country brief, Nuclear Biological Chemical Weapons (NBC) Training and various other lectures.	Statement of Jonathan Halloran, paragraph 3
26th/27th February	Lt Halloran deploys to Iraq with his unit	Statement of Jonathan Halloran, paragraph 4
20th March	Land offensive starts in Iraq. British military effort code-named Operation Telic (Op Telic).	Baha Mousa Inquiry Report, page 4 (Vol I)
1st May	Warfighting phase officially ends in Iraq	Baha Mousa Inquiry Report, page 4 (Vol I)
2nd/3rd May	Lt Halloran returns to his unit in Germany for leave	Statement of Jonathan Halloran, paragraph 4
12th – 16th May	OPTAG training for 19 Mech Bde for those deploying on Op TELIC 2, centred on Catterick Garrison (including for 1 Kings)  Includes: – All Ranks Briefings – Internal Security Patrol Skills and Public Order Course – Op Telic Patrol Search Instructors Course	OPTAG OP TELIC TRAINING 19 (MECH) BDE – 3038
29th May	David Smith instructs SO08 in use of quick cuff and baton training and empty hand techniques (restraint) as part of Pre Deployment Training	Statement of David Smith, paragraph 4
	S008 and his Company attend three-week Pre-Deployment Training (“PDT”) course	Statement of S008, paragraph 5
Beginning of June	S008 attached to Badger Squadron	
16th June	Badger Squadron formed	Statement of Jason Williams, paragraph 2
About 16th June	Lt Halloran prepares for deployment to Iraq on Op TELIC 2.	Statement of Jonathan Halloran, paragraph 4
About 18th June	Lt Halloran completes the lectures at Lumsden Barracks.	Statement of Jonathan Halloran, paragraph 4

Appendix 3: Chronology of events relating to the circumstances surrounding the death of Mr Said

Date	Event	Reference
27th June	Badger Sqn, 2 RTR completes Op TELIC Pre-Deployment Training	OP TELIC PRE-DEPLOYMENT TRAINING CERTIFICATE (attaching Badger Nominal Roll)
	S008 arrives in Kuwait and undergoes one week's acclimatisation and in theatre training.	Statement of S008, paragraph 10
30th June	Major Williams and Advance Party deploys to Iraq to start a handover	Statement of Jason Williams, paragraph 2
4th July	SO08 moves to Iraq	Statement of S008, paragraph 10
5th July	SO08 deploys to 1 Kings Battle Group	Statement of S008, paragraph 11
6th July	SO08 deploys to the Iraqi Police Station at Ad Dayr	Statement of S008, paragraph 11
About 10th July	Main body of Badger Squadron joins Advance Party in Iraq	Statement of Jason Williams, paragraph 2
11th July	Three Troop Sergeant Patrick Burgess issues one hundred rounds of 5.56mm ball ammunition to SO09	Statement Patrick Burgess
1st August	SQMS Paul Everitt re-issues SO09 his SA80 A2 rifle, Butt No B44, Serial Number A342604	Statement of Paul Everitt, paragraph 2
<b>2nd August</b>		
Morning	"O" group meeting where Sqn Leader disseminates the orders for the day in a meeting	Statement of Cpl Gardner dated 12th July 2004, page 2
17.00	Cpl Gardner, Lt Halloran and SO09 depart the Hacienda	Statement of Cpl Gardner dated 5th August 2003, paragraph 4
Around 17.00	Gunshot heard	Statement of Hassan Al Ahmar, paragraph 3
17.30	1 Kings patrol collects SO08 from Ad Dayr police station to convey him to Al Shafi Police Station	Statement of S008 dated 12th November 2014, paragraph 14
17.30	Patrol led by Lt Halloran sets out from base with Cpl Gardner and SO09 in the rear as top cover, Cpl Gardner driving. Collect SO08 and proceed north up route six to Al Shafi Police Station.	Statement of Jonathan Halloran, paragraph 18
c. 18.00	About 2km south of the Police Station see six Iraqi men pushing cart by roadside and stop to investigate.	Statement of SO08, paragraph 15
	Lt Halloran orders Cpl Gardner to stop and reverse, 4 of the men run off. Everyone gets out of the vehicle	Statement of Jonathan Halloran, paragraph 20
	Cpl Gardner and SO09 ordered to cover the three men stood at rear of Landrover. SO08 goes over to cart.	Statement of Jonathan Halloran, paragraph 20
	SO08 calls Lt Halloran over to the cart and shows him ammunition round	Statement of Jonathan Halloran, paragraph 20
	Lt Halloran sends SO08 back to the Landrover and shouts to Cpl Gardner to arrest the three males	Statement of Jonathan Halloran, paragraph 21



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Date	Event	Reference
	Two males run towards the village followed by SO08 and SO09. Lt Halloran hears several shouts of 'Stop' before and after SO09 fires a warning shot into the air.	Statement of Jonathan Halloran, paragraph 21
	Lt Halloran sends Gardner after SO08 and SO09	Statement of Jonathan Halloran, paragraph 23
	SO08 runs back around the corner saying "Someone has been shot" or "He's shot him"	Statement of Jonathan Halloran, paragraph 23
	Lt Halloran orders SO08 to stay with vehicle and then goes to the courtyard where Cpl Gardner is covering one entrance whilst SO09 is covering the other.	Statement of Jonathan Halloran, paragraph 24
	Lt Halloran sends Cpl Gardner back to bring Landrover	Statement of Jonathan Halloran, paragraph 25
	3 mins later Landrover arrives with Cpl Gardner, SO08 and the two detainees	Statement of Jonathan Halloran, paragraph 25
	Vehicle with everyone (including the detainees and the injured male but minus the interpreter) in it leaves the area.	Statement of Jonathan Halloran, paragraph 27
	Drop injured male at Ad Dayr Hospital	Statement of Jonathan Halloran, paragraph 28
Around 18.00	Maj Williams informed of the incident	Statement of Jason Williams, paragraph 7
	Lt Halloran, Cpl Gardner, SO08 and SO09 together with the detainees after having dropped injured male to Ad Dayr Hospital drive to Ad Dayr Police Station	Statement of Jonathan Halloran, paragraph 28
18.15-18.30	Ali Abbas Said Finjan (brother of Mr Said) takes his brother to Al Jumhouriyya Hospital	Statement of Ali Abbas Said Finjan, paragraph 5
	At Ad Dayr Police Station Lt Halloran asks SO09 about the incident	Statement of Jonathan Halloran, paragraph 29
Around 20.00	Ali Abbas Said Finjan and brother take Mr Said to Al Ta'leem Hospital	Statement of Ali Abbas Said Finjan, paragraph 6
2nd/3rd August	Handwritten account given by SO09	
<b>3rd August</b>		
01:35	Mr Said dies.	Autopsy report (Attachment No.1) attached to Statement of Dr Razak dated 12th August 2014
09:00	Dr Razak receives dead body of Mr Said	Statement of Dr Razak dated 12 <sup>th</sup> August 2014, paragraph 46
09.00	Ali Abbas Said Finjan and his brother take body of Mr Said to the morgue	Statement of Ali Abbas Said Finjan, paragraph 8
12.00	Body of Mr Said washed and then transported to Najaf for burial	Statement of Ali Abbas Said Finjan, paragraph 8
	SIB seize clothing and weapons from SO08 and SO09	Statement of Jason Williams, paragraph 9
	Handwritten account given by SO09	Statement of SO09 dated 3 <sup>rd</sup> August 2003

Appendix 3: Chronology of events relating to the circumstances surrounding the death of Mr Said

Date	Event	Reference
<b>4th August</b>		
16.40	Sgt Kenneth Bamford compiles video footage of areas described by SO08 (Exhibit KB/2 – ‘Video footage of chase route through settlement Ad Dayr’)	Statement of Kenneth Bamford, paragraph 4
18:12	SO09 arrested and cautioned and his weapons, webbing and personal issue clothing seized	Statement of Phillip Hoffman, paragraph 3
<b>5th August</b>		
	Statement of Ammunition Technician Gary O’Donnell certifies a number of exhibits (including SO09’s rifle (PH/4) as well as 5.56 mm magazines (PH/4a – PH/4c)) free from explosive (FFE)	Statement of Gary O’Donnell, paragraph 3
12.40	Further items – helmet, desert boots and combat body armour seized from SO09.	Statement of Phillip Hoffman dated 16th October 2003
18:30	SO09 released from arrest	Statement of Phillip Hoffman, paragraph 6
19.30	SO08’s weapons and clothing seized	Statement of Phillip Hoffman, paragraph 7
6th August	Dr Razak performs post-mortem and produces pathology report	Statement of Dr Razak dated 12th August 2014, paragraph 9
	Sgt Bamford receives exhibits PH/1 – PH/14, CP/1 – CP/3 (includes SO09’s rifle, magazine, webbing, body armour and personal issue clothing) from Sgt Phillip Hoffman	Statement of Kenneth Bamford, paragraph 16
9th August	Dr Razak hands bullet fragments to Ad Dayr police	Statement of Dr Razak dated 12th August 2014, paragraph 12
21st August	Sgt Bamford receives NSF/2 – ‘Empty brass casing batch No:RG 02’ at Ad Dayr Police Station from Naji Said Finjan	Statement of Kenneth Bamford, paragraph 25
30th August	SQMS Paul Everitt hands to Sgt Bamford copy of the booking out sheet (PDE/1 – ‘Copy of weapons register, dated 31 Mar 98’) reflecting the signing out of SO09’s rifle on 1st August	Statement of Paul Everitt, paragraph 2
1st September	Peter Brookes receives PH/4 - Rifle – UN 93 A342604 (rifle of SO09), PH/8 - Rifle UN 91 A190388, AHA/2 – Bullet Fragments (fired from SO09’s rifle), and NSF/2 – Empty Brass Casing (fired from SO09’s rifle)	Statement of Peter Brookes dated 31st January 2005
10th October	SO09 interviewed under caution and answers questions	Record of Taped Interview (“ROTI”)
16th October	Statement of Phillip Hoffman	Statement of Phillip Hoffman dated 16th October 2003
<b>2004</b>		
27th July	SO08 interviewed	ROTI
28th July	SO08 further statement	Statement of SO08 dated 28th July 2004
7th September	Pre-prepared statement of SO09	Statement of SO09 dated 7th September 2004

## The Iraq Fatalities Investigation

<b>Date</b>	<b>Event</b>	<b>Reference</b>
7th September	Amended statement of SO09	
7th September	SO09 interviewed at Charing Cross Police Station at which pre-prepared statement read out. Charged	ROTI
29th December	SO09's legal team make application to dismiss charges in the Central Criminal Court case	
<b>2005</b>		
21st January	Peter Brookes takes possession of AMS/2 – 'Photographic Album of Ammunition Taken August 2003'	Statement of Peter Brookes dated 31st January 2005
23rd February	Central Criminal Court – Application to Dismiss/ Abuse of Process refused	
7th April	SO09's trial at the Central Criminal Court	
	SO08 is formally acquitted of murder after CPS offers no evidence	

# Appendix 4: List of persons named in the Investigations

## Military/ex-military personnel\*

Kenneth Bamford	Crime Scene Examiner with the RMP who investigated the incident on 2 <sup>nd</sup> August 2003 and produced exhibits including KB/5, a sketch plan marked by various witnesses showing respective positions of individuals present at the time of the shooting of Mr Said.
Patrick Burgess	Sgt with 3 Tp Badger Sqn. Responsible for issuing ammunition. Burgess states that on 11 July 2003 he issued one hundred rounds of 5.56mm ball ammunition to SO09.
Paul Everitt	SQMS of Badger Sqn who on 1 <sup>st</sup> August 2003 re-issued SO09 his SA80 A2 rifle.
Maj David Frend	Army Legal Services officer in Iraq. Legal adviser for 1 16 Air Asslt Bde in May 2003.
Sgt Phillip Hoffman	RMP officer who arrested SO09 at the Hacienda on 4 August 2003 and confiscated his weapons and clothing.
Major Andrew Jackson	Officer Commanding for C Coy of 3 PARA until early January 2003. His tour was expected to last until July 2003 but was cut short due to injury.
Lt Gen John Lorimer	Commanding Officer of 3 PARA in 16 Air Asslt Bde until 18 April 2003. Had overall responsibility for their preparation for and conduct of operations in Kuwait and Iraq until handing over to Brig Matthew Lowe.
Brig Matthew Lowe	Commanding Officer of 3 PARA in 16 Air Asslt Bde from 18 April 2003. Analysed and implemented the missions given to him by his commander, Brig Jacko Page.
Sgt Kevin O'Brien	RAF Sgt who in 2003 was on an exchange posting with C Coy 3 PARA. In May 2003 was appointed PI Sgt for 8 PI, C Coy stationed to Al Uzayr.
Gary O'Donnell	Class One Ammunition Technician responsible in August 2003 for inspecting and making safe munitions and certifying weaponry and ammunition as free from explosive (FFE). Inspected the ammunition and weaponry used by SO09 on 2 August 2003.
SSgt David Smith	RMP SSgt in 150 Pro Coy in August 2003. Home Office qualified instructor in the use of quick cuffs and batons who on 29 May 2003 took SO08 through the use of quick cuff and baton training and empty hand techniques (restraint) as part of Pre-Deployment Training.
Maj Andrew Wareing	Ops Officer for 3 PARA in May 2003. Principal staff officer responsible for operational matters who turned the verbal direction of the Commanding Officer into written direction to the Battalion Chain of Command. Also provided liaison between the unit HQ and the Brigade HQ.
Maj Jason Williams	In August 2003 was Badger Sqn Ldr with 2RTR.
Maj Daniel Worthington	In May 2003 was Coy Comd for C Coy as an Acting Major. Attended meetings in Al Uzayr with local leaders who requested a British Military presence there.

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<sup>267</sup>Ranks indicated are those at the relevant period and not the individual's current rank.

## Soldiers

SO01	Cpl and Junior Non Commissioned Officer. SO01 was Section Commander of the 8 PI, C Coy, 3 PARA patrol that stopped Mr Abdullah's vehicle on 11 May 2003.
SO02	Pte in SO01's section and driver of the WMIK.
SO03	Pte in SO01's section who travelled in the Pinzgauer on 11 May 2003.
SO04	Pte and 2ic to SO01. SO04 travelled in the Pinzgauer on 11 May 2003.
SO05	Pte and main gunner on the WMIK with control of the GPMG.
SO06	Pte and part of SO01's section on 11th May 2003. SO06 was the Mini-mi gunner travelling in the WMIK.
SO07	Pte in 8 PI.
SO08	Cpl and RMP officer of 1 KINGS who in August 2003 was deployed to the Iraqi Police Station at Ad Dayr.
SO09	Tpr who in August 2003 was part of 3 Tp, Badger Sqn, 2 RTR, 1 KINGS.
SO10	Between February and early June 2003 was Platoon Commander of 8 PI, C Coy, 3 PARA. In April 2003 SO10 was deployed with 8 PI to Al Uzayr in Maysan Province. Had radio contact with SO01's Section whilst it was on patrol on 11 May 2003.
Cpl Thomas 'Tam' Gardner	Part of Lt Halloran's Badger Sqn patrol on 2 August 2003 that picked SO08 up.
Lt Jonathan Halloran	Leader of the Badger Sqn patrol which included Cpl Gardner, SO08 and SO09 on 2 August 2003.

## Iraqi witnesses\*\*

Ali Abbas Said Finjan	Brother of Mr Said who took his brother to hospital after he was shot and was with him when he died.
Ali Abdullah Manea	Older brother of Mr Abdullah.
Abdullah Manaa	Father of Mr Abdullah.
Athar Finjan Saddam/ Athar II Mahamadawi	Driver of vehicle in which Mr Abdullah was travelling, and brother of Dalal Finjan Saddam.
Dalal Finjan Saddam/ Dalal II Mahamadawi	Wife of Issa Salas and sister of Athar Finjan.
Fahad Abdullah Manea	Younger brother of Mr Abdullah.
Hassan Barka Al Efta Al Ahmar	Friend and neighbour of Mr Said who states that he saw Mr Said being shot.
Issa Abdol Sadah Salas/ Issa Abdul Sadah Salas/ Issa Salas	Acquaintance of Mr Abdullah from the same tribe and husband of Dalal Finjan. States that he saw Mr Abdullah and Athar Finjan being beaten by British soldiers on 11 May 2003.
Jusm Bader/Jusm Badr Jusm Al Mohhadawi/ Jusm II Mahamadawi/ Jusm Badr II-Mahamadawi	Mother of Mr Abdullah who took him to hospital after he was shot.
Naji Saeedd Finjan/ Naji Said Finjan	Uncle of Mr Said and father of Tha'er Naji Saeed who states that he heard Mr Said being shot.
Tha'er Naji Saeed	Cousin of Mr Said and son of Naji Said Finjan who states that he saw Mr Said being shot.

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<sup>268</sup> The last name of Iraqi witnesses is often a tribal name and may not been used in the text of the Report. There may also be some slight variation in the spelling of Arabic names.

## Expert witnesses

Franco Tomei	Forensic scientist with the Metropolitan Police Service specialising in the examination of firearms, ammunition and related items.
Peter Brookes	Forensic scientist specialising in the examination of firearms, ammunition and related items. Brookes examined the rifle of SO09 (PH/4) as well as bullet fragments (AHA/2) and empty brass casing found (NSF/2) at the scene of Mr Said's shooting. Also examined the ammunition found at the roadside by Lt Halloran's patrol on the 2 August 2003.
Dr Nicholas Hunt	Home Office accredited pathologist providing expert medical opinion as a forensic pathologist in relation to the death of Mr Abdullah.
Said Abdul Razak Mahdi/ Dr Abdul Razak	Pathologist who received the body of Mr Said on 3 August 2003 and conducted post-mortem examination.
Dr Abdel Khaliq Abdel Rasool Badan / Dr Abdel Khaliq	Doctor who examined Mr Abdullah on 11 May 2003 when he was brought into his private clinic.
Anthony Brian Larkin	Forensic Scientist who examined clothing and weaponry belonging to the soldiers, as well as clothing of witnesses and Mr Abdullah for the purposes of DNA analysis.
Matthew Greenhalgh	Forensic scientist who compared DNA sample from butt of SO04's rifle against that of offspring of Mr Abdullah's parents.

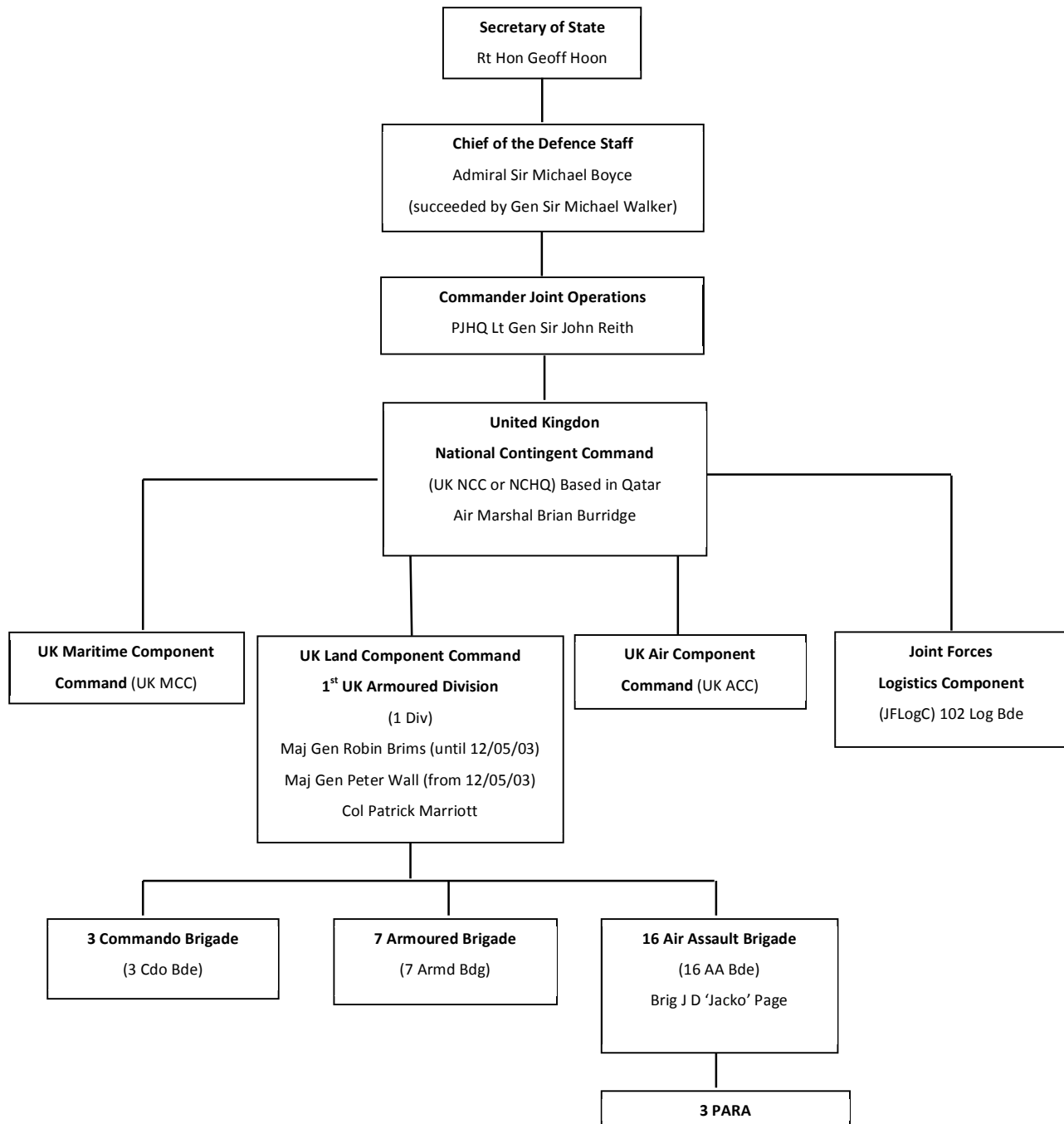
## Miscellaneous

Ali Najem	Iraqi Police Officer who took possession of items from Dr Abdul Razak after he examined Mr Said.
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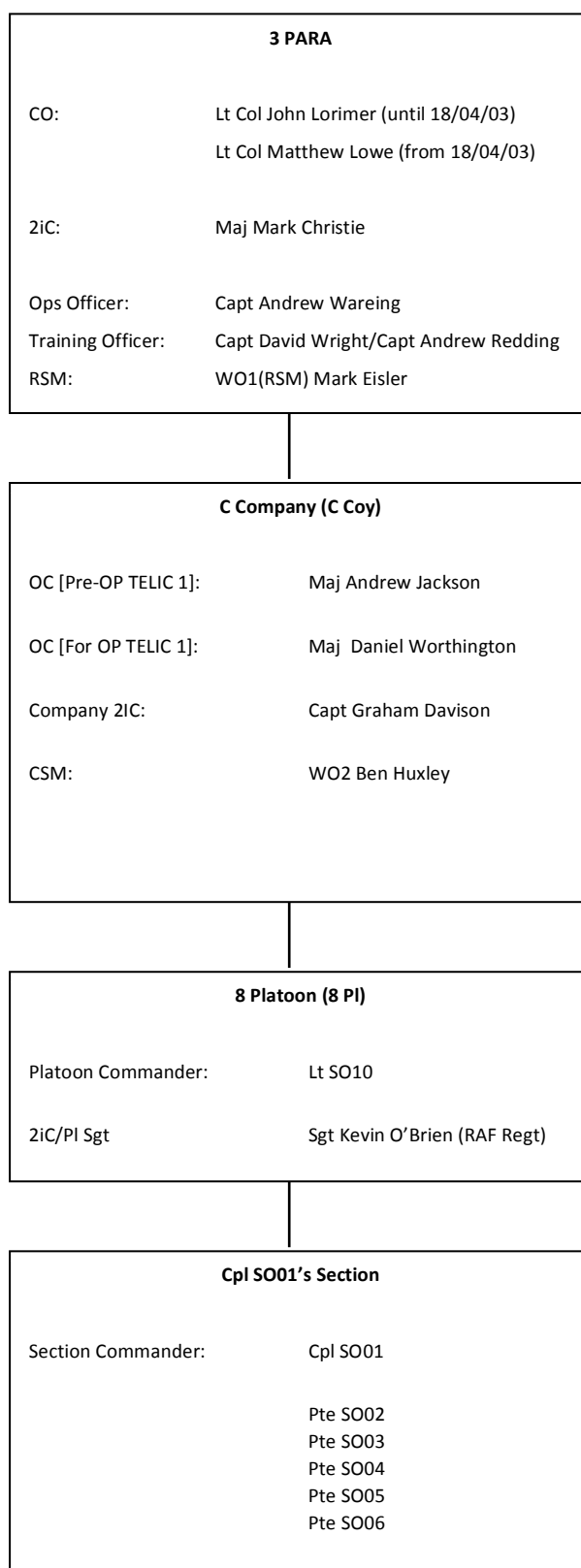


# Appendix 5: Chain of Command for 3 PARA

Simplified Chain of Command diagram (1): 3 PARA (February – May 2003)

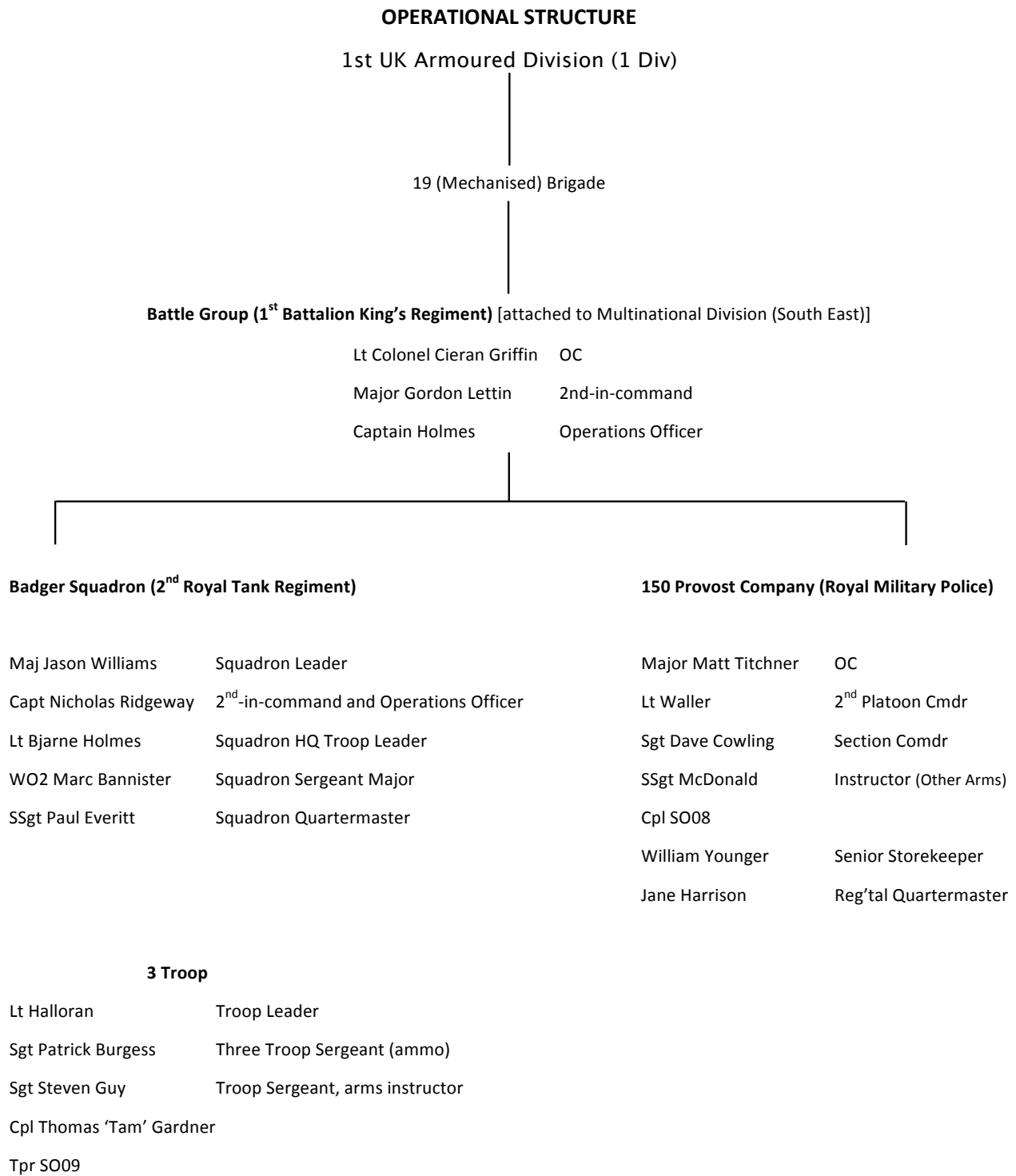


**Simplified Chain of Command diagram (2): 3 PARA (February – May 2003)**



# Appendix 6: Chain of Command for 2RTR

## Simplified Chain of Command diagram: 2 RTR



# Appendix 7: The undertaking provided by the Prosecutor of the International Criminal Court



**Cour  
Pénale  
Internationale**  
**International  
Criminal  
Court**

Le Bureau du Procureur  
The Office of the Prosecutor

Sir George Newman  
Inspector  
The Iraq Fatalities Investigation  
HQ London District  
Horse Guards  
London SW1A 2AX  
United Kingdom

*via the British Embassy in The Hague*

Ref.: 2014/042/FB/JCCD-du

Date: 2 December 2014

Dear Sir George,

I write in response to Ms Sarah Ramsey's letter dated 6 October 2014, requesting a non-use undertaking in relation to evidence given to your investigation by the soldiers alleged to have participated in the immediate circumstances leading to the deaths of two Iraqi nationals.

Following a careful legal assessment of your request, I have concluded that such an undertaking would not violate any of my obligations under the Rome Statute. In particular, I note that Rule 74 of the Rules of Procedure and Evidence ("RPE") of the International Criminal Court ("ICC") provides for the possibility of a similar undertaking to be provided in the context of proceedings before the ICC. Because Rule 74 of the RPE contains a specific mechanism allowing the ICC to provide a witness with an assurance of non-use of self-incriminating evidence in any subsequent prosecution before the ICC, I have determined that in the particular circumstances of the Iraq Fatality Investigations ("IFI"), an assurance of non-use of self-incriminating evidence would be in accordance with the object and purpose of this rule. At the same time, such an assurance could also make it more likely that information regarding the facts and circumstances of these two deaths which may be relevant to my Office's preliminary examination, and to any possible subsequent investigation and prosecution by my Office, could be brought to light.


Please therefore construe this letter as an assurance by my Office, that any self-incriminating evidence provided to the IFI by any of the soldiers alleged to have participated in the immediate

circumstances leading to the deaths of Mr Nadheem Abdullah in May 2003, and of Mr Hassan Abbad Said in August 2003, will not be used by my Office either directly or indirectly as incriminating evidence in any possible subsequent prosecution before the ICC of any soldier that provided that evidence. "Evidence" includes oral evidence, any written statement made by that person preparatory to giving evidence to the IFI or during the course of his or her testimony to the IFI, and any document or information produced to the IFI solely by that person.

Let me, however, clarify that the two incidents which form the subject of your investigations fall within the scope of my Office's preliminary examination. I am therefore unable to provide an assurance of non-prosecution in relation to those incidents. An assurance not to prosecute particular individuals would not be consistent with my statutory obligations, particularly at the preliminary examination stage, where there are as yet no individual suspects and the contours of my potential cases are only defined in very general terms. Nonetheless, I should recall that my prosecutorial policy, as a general rule, is to investigate and prosecute individuals who bear the greatest responsibility for the most serious crimes, the determination of which is based on the evidence that emerges in the course of an investigation. Thus, as a matter of prosecutorial discretion, I would normally select for prosecution those situated at the highest rather than the lowest echelons of responsibility.<sup>1</sup>

I hope that this letter will facilitate your efforts to investigate and establish the circumstances that led to these deaths, and that this assurance will help to provide the soldiers you wish to interview with additional clarity and assuage their concerns regarding prospects of being prosecuted before the ICC on the basis of any evidence they give before the IFI.

Yours sincerely,



Fatou Bensouda  
Prosecutor

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<sup>1</sup> See ICC Office of the Prosecutor, "Strategic plan June 2012-2015," 11 October 2013, at [http://www.icc-cpi.int/en\\_menus/icc/structure%20of%20the%20court/office%20of%20the%20prosecutor/reports%20and%20statements/statement/Documents/OTP%20Strategic%20Plan.pdf](http://www.icc-cpi.int/en_menus/icc/structure%20of%20the%20court/office%20of%20the%20prosecutor/reports%20and%20statements/statement/Documents/OTP%20Strategic%20Plan.pdf), pp. 13-14.



## Appendix 8: Daily Mail article dated 21 January 2015

<http://www.dailymail.co.uk/news/article-2919225/Cleared-UK-troops-face-war-crimes-trial-Prosecutors-Hague-refuse-grant-soldiers-immunity-fresh-charges.html>

### **Cleared UK troops could face a war crimes trial: Prosecutors in The Hague refuse to grant soldiers immunity from fresh charges**

- **Prosecutors at International Criminal Court refuse to grant troops immunity from possibility of new charges**
- **ICC warns it cannot assure soldiers won't be hauled before another judge**
- **Eight servicemen acquitted of murdering two Iraqis 'fall within scope' of fresh inquiry into claims UK forces tortured and abused prisoners, it said**
- **Sparks outrage that soldiers are being hounded by international authorities**

By [Ian Drury](#) and [Larisa Brown](#) for the Daily Mail

Published: 00:37, 21 January 2015 | Updated: 00:40, 21 January 2015

British soldiers cleared by UK courts of unlawfully killing Iraqi citizens face the ordeal of war crimes trials in the Hague.

Prosecutors at the International Criminal Court, which usually tries dictators who carry out genocide, have refused to grant the troops immunity from the possibility of fresh charges.

In a letter, the ICC warned it was 'unable to provide assurances' that the soldiers would not be hauled before another judge.



British soldiers cleared by UK courts of unlawfully killing Iraqi citizens face the ordeal of war crimes trials in the Hague



<http://www.dailymail.co.uk/news/article-2919225/Cleared-UK-troops-face-war-crimes-trial-Prosecutors-Hague-refuse-grant-soldiers-immunity-fresh-charges.html>

Eight servicemen acquitted a decade ago of murdering two Iraqis 'fall within the scope' of a fresh inquiry into claims UK forces tortured and abused prisoners, it said.

The ICC announced last May it had launched a 'preliminary examination' into claims of mistreatment by UK troops after being handed a dossier by Phil Shiner's Public Interest Lawyers.

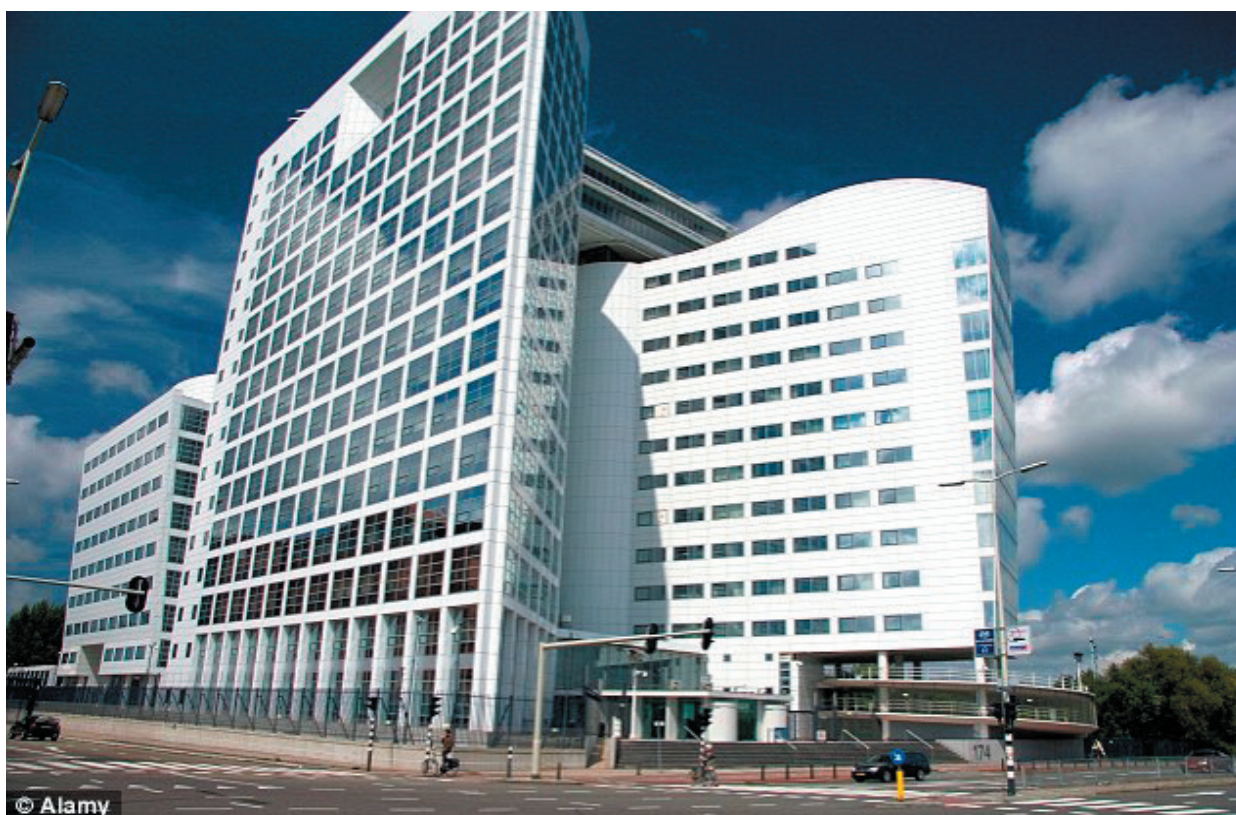
The legal aid-funded firm was criticised last month after the year-long Al Sweady Inquiry demolished its claims that soldiers murdered, tortured and mutilated Iraqi detainees in May 2004.

The latest twist provoked outrage that soldiers were being hounded by international authorities.

The ICC's letter was sent to Sir George Newman, chairman of an ongoing inquiry in London into the deaths of Naheem Abdullah, who died of injuries sustained at a road block in Maysan Province in May 2003, and Hassan Said, shot dead in August 2003.

Seven paratroopers were cleared of murdering Mr Abdullah in 2005. In a separate case, one soldier was acquitted of murdering Mr Said after the court ruled he acted in self-defence.

The new development raises the prospect of the troops facing a second trial in the Hague. Colonel Richard Kemp, who commanded British forces in Afghanistan, said the uncertainty was 'despicable'.



Prosecutors at the International Criminal Court (pictured), which usually tries dictators who carry out genocide, have refused to grant the troops immunity from the possibility of fresh charges

He said: 'It is an outrage that soldiers who we sent to fight for our country should face even the possibility of trial by the ICC.

'The British government ordered them to fight in Iraq. British courts have tried and cleared them of any alleged offence.

'These men and their families have already suffered more than enough stress.

<http://www.dailymail.co.uk/news/article-2919225/Cleared-UK-troops-face-war-crimes-trial-Prosecutors-Hague-refuse-grant-soldiers-immunity-fresh-charges.html>

'For the government to allow brave men who have volunteered to put their lives on the line to be hounded in this way is a national disgrace and a betrayal.'

Colonel Tim Collins, acclaimed for his rousing eve-of-battle speech in the Iraq War, said: 'This is a failure by the UK to simply put its best efforts into supporting its soldiers and represents a very poor show.'

'Often these right-on courts are quick to point fingers from very vulnerable glass houses.'

The ICC's examination into claims of abuse by UK troops is the first time it has investigated Britain for alleged war crimes.

The Government has said the UK would cooperate fully in any ICC investigation but 'completely rejected' the claim that UK forces were responsible for systematic abuse.

Read more: <http://www.dailymail.co.uk/news/article-2919225/Cleared-UK-troops-face-war-crimes-trial-Prosecutors-Hague-refuse-grant-soldiers-immunity-fresh-charges.html#ixzz3PvVrWurA>

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## Appendix 9: The IFI legal funding decision

### The Iraq Fatality Investigations

Inspector: Sir George Newman

Re: Mr Nadheem Abdullah (Deceased) and Mr Hassan Abbad Said (Deceased)

#### **Application for Legal Expenses for Fahad Abdullah Manea and Ali Abbass Said** **("the Applicants")**

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#### DECISION

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1. The Applicants, as the representatives of the families of each of the two deceased Iraqi civilians, have instructed two firms of lawyers to advise them and provide them with the legal support they require in connection with the two investigations I am currently appointed to carry out in my role as Inspector of the Iraq Fatality Investigations.
2. The two firms instructed by each Applicant are: Public Interest Lawyers Limited ("PIL"), a firm of solicitors having its offices at Eight Hylton Street, Birmingham and Qurnawi Legal Consultancy & Advocates (known as QC Law Firm) ("QC Law Firm") having its offices in Basrah, Iraq. The Applicants reside in Iraq in or near Basrah.
3. I have to decide whether funding for the legal expenses of the Applicants and witnesses in Iraq, who include family members, should be approved for both firms or one firm. If funding is to be limited to one firm I have to decide which of the two firms instructed can best serve the interests of the Applicants in these Investigations.
4. In a Public Statement dated 30<sup>th</sup> May 2014 and at a Public Hearing on the 5<sup>th</sup> June 2014 I stated that it was my intention to investigate whether there were any lawyers in Iraq who could provide assistance to the Applicants. It seemed likely that PIL would have connections with lawyers in Iraq and I invited the firm to

inform me of any law firms which might be able to provide legal services to the families and the witnesses.

5. PIL were unable to assist and informed me that its communications with its clients did not take place through lawyers but through a non-English speaking “agent”, who had no knowledge of English law, and that all its communications with Iraq take place through an interpreter. PIL responded to my request to make out its case for funding approval to be given to it rather than funding to be given to a firm of lawyers in Iraq. I received a detailed response from PIL by a letter dated 11<sup>th</sup> June 2014. I have taken it, the contents of the Statement of Facts in support of the Applicants’ application to apply for judicial review and PIL’s written application for funding dated 6<sup>th</sup> August 2014 into account in reaching my conclusion on these Applications.
  
6. PIL’s letter identified a number of factors to which it was said consideration should be given when deciding how effective participation in the Investigations could be achieved for the families and witnesses. These factors were later listed and relied upon in the Statement of Facts lodged in support of the Applicants’ application to apply for judicial review and in PIL’s application for funding dated 6<sup>th</sup> August 2014. In the main the factors appear to me to be relevant and to express the following propositions :
  - 6.1 The Applicants should have access to the facts and have a clear understanding of the function and purpose of the Investigations and a clear understanding of the role the families and the witnesses should take up in the inquiry processes.
  
  - 6.2 So far as possible steps should be taken to avoid logistical difficulties for the witnesses and families and so as to reduce the emotional strain and tension which is likely to be present.
  
  - 6.3 There should be lawyers with a sufficient understanding of the English court system, sufficient knowledge and experience of English court procedure and a capability to understand the unique processes which the Divisional Court has mapped for these Investigations. Further the lawyers

should be available to the Applicants to explain fully the roles the families and witnesses are to play and should be available to approach me in respect of any application it was felt should be made.

- 6.4 Regard should be had to safety considerations affecting travel for the families from their homes in or near Basrah.
- 6.5 Consideration must be given to the difficulties which will arise from the use of the website for publishing reports and information because of a continuing need to translate written material.
7. PIL informed me of some of the details of the service they would provide to the Applicants by a letter dated 25<sup>th</sup> June 2014. These details, although stated to be subject to some flexibility, appeared to me to fall short of what I had hoped would be available. In particular there would be no direct communication in Arabic with the Applicants by a lawyer, no professional would be available locally charged with an obligation to serve the Applicants and PIL would be dependent on the quality of its advice being tendered by an interpreter with no knowledge of English law to an agent with no knowledge of English law. I have no doubt about the competency of PIL, which has great experience and has able partners and solicitors but the means of communication, language barriers and a lack of direct contact with the families and witnesses from a professional lawyer, who could be available when needed, fell short of what I wished to achieve and was not what I was prepared to confirm without more inquiry being made in Iraq.
8. As a result I informed PIL that active steps were being taken to secure the availability of an Iraqi lawyer to assist the families and witnesses. In a Progress Statement dated 16<sup>th</sup> July 2014 I referred to my concerns about the logistical difficulties which could arise and my concern to learn of the experience of the Abdullah family when attending at the Court Martial proceedings in 2005. This, as was emphasized by PIL, had been a distressing event. I reiterated my concern that the family should have a clear understanding of what the Investigations were about and what they were not about. For example by the time of my first correspondence with PIL, some months after they had been instructed, I was concerned to learn that the Said family had refused to have any contact with the

Investigations because they believed that it was connected with IHAT. The family declined to engage unless it was through PIL or Mr Abu Jamal.

9. By the time of the Progress Statement I was able to report that “*appropriate and qualified lawyers*” had been instructed to approach the Applicants and I expressed a hope that they would be able to work together. Until the Applicants had been able to consider their position and the lawyers in question had met them and the meeting had resulted in instructions being given and accepted by the lawyers there could be no decision on the best way forward. Mr Justice Leggatt (“the Judge”) so found and dismissed the Applicants’ application for permission for judicial review.
10. After that decision, and in my absence abroad, QC Law Firm, informed Sarah Ramsey, my assistant, that the Applicants had been seen and that both families had given written signed instructions for the firm to act for them in connection with the Investigations.
11. QC Law Firm was founded in January 2014 by Zainab Al–Quarnawi (“ZAL”). She is assisted by Mrs. Souad Nasser.
12. ZAL was educated in Iraq and graduated from Al Mamoun College in Baghdad with a B.A. in English literature in 1994. Between 1995 and 1999 she studied Law at the Lebanese University in Beirut. Between January 2000 and July 2002 she took a Foundation Course for an LLM, receiving a commendation, at the London School of Economics and thereafter obtained a Post Graduate Diploma in English law at BPP Law School, London. From September 2002 to July 2004 she did a post graduate Legal Practice Course at BPP Law achieving distinctions in civil litigation, criminal litigation, conveyancing, business law and business and solicitors’ accounts. Her aggregate marking was 70% and she received a commendation.
13. Her studies at BPP Law School were part time because in January 2000 she commenced employment, as a legal assistant, at Bower Cotton (Solicitors) of 36, Whitefriars Street, London. She was legal assistant to a senior partner in the commercial litigation and company departments and was involved in very large



civil actions, commodity litigation, shipping, insurance, media litigation, arbitration and issues relating to Middle Eastern laws.

14. In October 2002 she was admitted as a member of the Iraqi Bar Association. In November 2002 she joined Clyde & Co, in London, as a trainee solicitor where she gained wide experience in contentious and non contentious matters. Her work included drafting pleadings, witness statements, instructions to counsel and correspondence. The litigation was high profile and complex and required a thorough knowledge of procedure and English law. The non contentious matters involved advising on oil agreements, banking and joint venture agreements.
15. In April she was admitted to practise as a solicitor in England and Wales and she remained with Clyde & Co. as a solicitor acting in contentious and non contentious matters. She handled commercial litigation in the High Court in commercial cases as well as defamation and libel cases. In 2007 she was seconded to JP Morgan Chase in London where she worked on complex agreements in connection with oil and finance transactions.
16. In July 2008 she commenced as a director in a private enterprise firm, advising on a wide range of legal matters. She left in March 2011 to become Legal Counsel, Middle East and North Africa, for Shell EP International Limited Dubai. Between 2012 and 2014 she was Senior Associate for Clyde & Co., Dubai, leaving in January 2014 to found QC Law Firm.
17. Her associate, Mrs Nasser, graduated from Baghdad University with a degree in law. Between 1974 and 1984 she worked within the judiciary in Iraq both as an assistant and in training the judiciary. From 1984 she served as Attorney General for prosecutions in Basrah Courts, as a judge assigned to the Basrah Misdemeanor Court and in 2003 she became a judge of the First Degree, being the highest judicial level. She was the first female judge in Basrah. She sat as a judge in the Criminal Court of Basrah and retired from public service, joining QC Law as a Legal consultant in 2014.

### Conclusion

18. I regret that it was not made clear to the Judge that an Iraqi lawyer was not being sought in order to provide advice on Iraqi law. Nor when the search commenced was it settled that, if an Iraqi lawyer was located and had obtained instructions, exclusive funding would be ordered in favour of the Iraqi lawyer. There remained the possibility that despite improved, professional, direct support being available in Iraq there would still be a need for a lawyer having knowledge of English law and procedure to be available as well. The Judge noted the position, stating: *“I note that the Progress Statement addresses only the ability of the Iraqi lawyers to communicate with the claimants and does not suggest that they will have the knowledge of the relevant UK law and procedure needed in order to provide effective representation and advice to the claimants regarding the nature of and the procedures for the Investigations or to suggest issues on behalf of the claimants that the Inspector should examine as part of his investigation”*.
19. I am satisfied that the education, training, experience, qualifications and professional standing of ZAL demonstrate that she has sufficient knowledge of English law, procedure and practice to be able to provide the necessary support for the Applicants. She has worked on English law matters of complexity and has had first hand experience of litigation in the High Court and in the less formal procedure of arbitration. Her grasp of English is impeccable. Her ability to understand the *“uniqueness”* of these Investigations is, in my judgment, well within her proven intellectual and legal achievements.
20. Mrs. Nasser can, in addition, bring her distinguished career and skills as a judge in criminal investigations to bear upon the factual inquiries which it may be relevant to pursue.
21. I am clear that the direct communications which can take place in Iraq, in Arabic, with lawyers who are nearby in Basrah is a matter to be given weight, not simply because of its obvious advantages for the Applicants but for the advantages and assistance it provides to me in the effective running of the Investigations allowing confidence to exist that all the statements and communications, witness notes and disclosed material on the website will be instantly considered, understood and accurately conveyed to the Applicants.

22. A critical time for the families and witnesses will be when listening to or answering questions via a video link or Skype. ZAL will be available, with her colleague to assist. ZAL will be able to address me and inform me on any issues as they arise.
23. In summary and for convenience by reference to the points made by PIL at pages 2 and 3 of their written application for funding dated 6<sup>th</sup> August 2014:

*23.1 Dangers of not fully experiencing proceedings and an inability of being in direct contact in the course of a hearing.*

I have no doubt that the arrangements that will be put in place by QC Law Firm will be the best possible arrangements to avoid this risk.

*23.2 Legal complexity.*

At present I do not envisage any points of legal complexity arising but in the light of the qualifications of ZAL I have no doubt that she has the competence and ability to identify and deal with points of legal complexity.

*23.3 Access to a process that will provide clarification of the facts.*

The arrangements proposed for direct contact with ZAL and her colleague, in my judgment, provide the best opportunity for these aims to be met.

*23.4 Access to a process where family members will understand clearly the function, purpose and methods of the Investigations and have confidence that they are able to play a role within them.*

As stated above, the arrangements proposed for direct contact with ZAL and her colleague, in my judgment, provide the best opportunity for these aims to be met.

*23.5 Access to a process that is safe and unhindered by logistical complexity.*

I regard the geographical proximity of ZAL in Basrah to the Applicants who live in or near to Basrah to be of great importance and the best arrangement that could exist in the difficult circumstances prevailing in Iraq.

*23.6 Access to representatives who can explain fully the context of the Investigations and the families' roles within them.*

Under the arrangements which I have decided should be funded there will simply not be contact with a representative but contact with a highly trained, Arab speaking, admitted solicitor with great experience, who will be available throughout the process and in particular on any occasion when there is a video link or Skype link to the families.

*23.7 Access to representatives who can adequately and efficiently communicate the families' desire for engagement in the Investigations.*

For reasons which sufficiently appear ZAL can provide and assist in this objective.

*23.8 Access to representatives who have sufficient understanding of the Investigations, legal issues that arise and the UK Court system.*

I consider it to be of great importance and to be a great advantage to the Applicants that they will receive their advice and assistance directly from an Arab speaking lawyer fully qualified in English law rather than from solicitors in London who have had to communicate through an interpreter to their agent who speaks no English and has no knowledge of English law.

*23.9 Access to relevant background documentation so as to pursue lines of enquiry.*

The fluency in English and competency in English law of ZAL to read and understand all materials put on the Investigations' website is of great

importance not just to the Applicants but it will also be conducive to the effective and speedy process of these Investigations.

24. For the above reasons I have decided that no purpose would be served by the approval of funding to lawyers in London as well as to QC Law Firm. In my judgment the balance falls clearly in favour of funding approval being given to QC Law Firm. Should a need arise for legal assistance in London to be available it is well within ZAL's ability to instruct an appropriate firm or counsel.

**Sir George Newman**

**9<sup>th</sup> September 2014**

# Appendix 10: The undertaking provided by the Attorney General, Director of Public Prosecutions and the Director of Service Prosecutions



Attorney  
General's  
Office

Attorney General's Office  
20 Victoria Street  
London  
SW1H 0NF

T +44 (0)20 7271 2412

[www.gov.uk/ago](http://www.gov.uk/ago)

Sir George Newman  
Inspector  
The Iraq Fatalities Investigation  
HQ London District  
Horse Guards  
London  
SW1A 2AX

4<sup>th</sup> August 2014

*Dear Sir George*

Thank you for your letter of 14<sup>th</sup> May, addressed to the Attorney General, seeking an undertaking limiting the use of any evidence given by a witness to the Investigation in any future criminal investigation or prosecution.

The Attorney General has considered your request in consultation with the Director of Public Prosecutions and the Director Service Prosecutions. With their agreement, and on the basis that an undertaking is needed in the following terms in order to allow you to carry out your Investigation, the Attorney General provides the following undertaking:

*This is an undertaking in respect of any person who provides evidence to the Iraq Fatalities Investigations (IFI) relating to a matter within its terms of reference. "Evidence" includes oral evidence, any written statement made by that person preparatory to giving evidence to the IFI or during the course of his or her testimony to the IFI, and any document or information produced to the IFI solely by that person.*

*No evidence a person may give before the IFI, nor any evidence as defined above, will be used in evidence against that person in any criminal proceeding save that this undertaking does not apply to any proceedings in which it is alleged that a person has wilfully misled the IFI or conspired with others so to do.*

*It is further undertaken that in any criminal proceedings brought against any person who provides evidence, as defined above, to the IFI, no reliance will be placed on evidence which is obtained during an investigation as a result of the provision by that person of evidence to the IFI. This undertaking does not preclude the use of information and/or evidence identified independently of the evidence provided by that person to the IFI.*

The Attorney General is happy for you to use this letter to draw attention to the undertaking in any way you find convenient.

*Yours sincerely,  
Kevin McGinty*

Kevin McGinty  
Deputy Legal Secretary  
[kevin.mcginnty@attorneygeneral.gsi.gov.uk](mailto:kevin.mcginnty@attorneygeneral.gsi.gov.uk)



# Appendix 11: The IFI anonymity ruling in the case of Mr Abdullah

HQ London District | Horse Guards | Whitehall | London SW1A 2AX

## **In the matter of an investigation into the death of Mr Nadheem Abdullah**

Inspector: Sir George Newman

### **Anonymity Ruling**

1. I have been asked by the soldiers alleged to have been involved in the immediate circumstances surrounding the death of Mr. Nadheem Abdullah to allow them to give their evidence, both written and oral, anonymously.
2. The reasons advanced for the request are:
  - i. The terms of reference specifically contemplate that as a general principle anonymity will be available where appropriate;
  - ii. That such a course is consistent with the aim of the inquiry which is to carry out an effective investigation into all the facts and not to concern itself with individual or collective culpability;
  - iii. That such an order will not interfere with or in any way substantially prejudice the objects of the investigation;
  - iv. That the identities of all the soldiers have already been publicised and are, in that sense, in the public domain but that the exposure was many years ago, all have the benefit of not guilty verdicts flowing from that exposure, their lives have moved on since those acquittals, and each has the benefit of an undertaking from the Attorney-General and the Army Prosecuting Authority in connection with the evidence they propose to give in these investigations;
  - v. That fresh public exposure in the media and otherwise may give rise to risks to themselves and their families and adverse public criticism;
  - vi. That in the circumstances it would be disproportionate and unfair for them to have to give their evidence under conditions in which the investigation reveals their identity.

3. Against this I have weighed whether the family will by the grant of anonymity be deprived of a legitimate expectation that the investigation into the facts would include the disclosure of the identities of all the soldiers. The family have informed me that they object to the grant of anonymity as they anticipated that the identities of the soldiers would be revealed to them in these investigations. But the reasons which have been advanced to me by the soldiers, in my judgment, are overwhelming and point to the balance being in favour of the grant of anonymity.
  
4. Members of the family attended the court martial and some gave evidence as witnesses. The identities of the soldiers were at that time made known to them or at the very least were being capable of being ascertained by them. The trial took place in public and each of the soldiers and their families were exposed to serious allegations which were made against them. Repetition in these investigations and consequent fresh exposure will serve no sufficient strong purpose and the families' desire for repetition cannot outweigh all the factors I have listed which are in favour of it being granted.

I so order.

SIR GEORGE NEWMAN

6 October 2014

# Appendix 12: The IFI anonymity ruling in the case of Mr Said

HQ London District | Horse Guards | Whitehall | London SW1A 2AX

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

Inspector: Sir George Newman

### **Anonymity Ruling**

1. I have been asked by the soldiers alleged to have been involved in the immediate circumstances surrounding the death of Mr. Hassan Abbas Said to allow them to give their evidence, both written and oral, anonymously.
2. The reasons advanced for the request are:
  - i. The terms of reference specifically contemplate that as a general principle anonymity will be available where appropriate;
  - ii. That such a course is consistent with the aim of the inquiry which is to carry out an effective investigation into all the facts and not to concern itself with individual or collective culpability;
  - iii. That such an order will not interfere with or in any way substantially prejudice the objects of the investigation;
  - iv. That the identities of the soldiers have already been publicised and are, in that sense, in the public domain but that the exposure was many years ago; a not guilty verdict flowed from that exposure; their lives have moved on since those acquittals; and each has the benefit of an undertaking from the Attorney-General and the Army Prosecuting Authority in connection with the evidence they propose to give in these investigations;
  - v. That fresh public exposure in the media and otherwise may give rise to risks to themselves and their families and adverse public criticism;
  - vi. That in the circumstances it would be disproportionate and unfair for them to have to give their evidence under conditions in which the investigation reveals their identity.

3. Against this I have weighed whether the family will by the grant of anonymity be deprived of a legitimate expectation that the investigation into the facts would include the disclosure of the identities of all the soldiers. The family have informed me that they object to the grant of anonymity as they anticipated that the identities of the soldiers would be revealed to them in these investigations. But the reasons which have been advanced to me by the soldiers, in my judgment, are overwhelming and point to the balance being in favour of the grant of anonymity.
4. The trial took place in public and the soldiers involved and their families were exposed to serious allegations. Repetition in these investigations and consequent fresh exposure will serve no sufficient strong purpose and the family's desire for repetition cannot outweigh all the factors I have listed which are in favour of it being granted.

I so order.

SIR GEORGE NEWMAN

23 October 2014

## Appendix 13: The IFI ruling on whether to compel SO09 to give evidence

### **Ruling by the Inspector on whether to compel SO09 to give evidence**

*Promulgated at an oral hearing on 11 November 2014<sup>1</sup>*

THE INSPECTOR: Thank you. Ms Al Qurnawi, I am now, quite slowly, going to dictate to you all, the present position that I have taken in relation to SO09. Okay?

MS AL QURNAWI: Okay.

THE INSPECTOR: Outstanding Matters

You have received, so far, a summary which is based upon a number of lengthy statements which SO09 made for the purpose of the criminal proceedings.

(Would you like to translate from now on.)

The position so far as SO09 is concerned, is that, despite repeated requests from me, he has made a number of very hostile and uncooperative responses.

He has, at one stage, informed me that he has nothing more to say than he had already said in the statements.

I am, therefore, in a position where I have had to decide whether to compel him to give evidence to me.

There are a number of reasons which have led me to a conclusion, subject to hearing from you, making any point to me in response.

My conclusion is as follows: my task is to find the facts. I have studied, as has my team, the evidence given by SO08, which you have now all heard, and I have compared it with the evidence given by SO09, which has been summarised for your benefit.

I am satisfied that, so far as the facts are concerned, there is no difference between the account given by SO08 and SO09. The only difference is in the area which is not for my investigation, namely the extent of the threat which was perceived from the facts, which led SO09 to shoot.

---

<sup>1</sup> See IFI 11/11/14 pp. 36-38

Since the facts are as clear as they are, and even if I could force SO09 to come here, I do not believe that he would say anything more than he says he's already said.

In order to force him to come, there would have to be an application to the High Court, and that will take time. That could take some time, namely a number of weeks, if not months, to get a final result.

I do not want to delay my findings by taking a step which seems to me, not capable of adding to the clear picture that is already presented to me by the evidence of SO08.

The position is, therefore, that -- by all means come back to me with any observation or representation that you wish me to take account of, but I trust from what I have said, that you understand why I am minded to do what I have said.

Thank you.

MS AL QURNAWI: Thank you. Do you want our response, Sir George, now, or would you want us to come back to you? If you want it now, I could have a word with the client.

THE INSPECTOR: Yes, by all means have a word with the clients.

MS AL QURNAWI: Yes. Okay. Just a second.

THE INSPECTOR: Thank you.

*(Pause)*

MS AL QURNAWI: Sir George?

THE INSPECTOR: Yes.

MS AL QURNAWI: Can you hear me? We agree with your conclusion and we are happy for you to rely on the written statement of SO09, without the need for you to make an application for the court to force him to come and give oral evidence.



## Appendix 14: Undated letter from S009


MOD-83-0000124-Z

Sir

Unless new evidence has been found I have no further information I wish to disclose regarding this matter. Further contact will be ignored

Kindest Regards

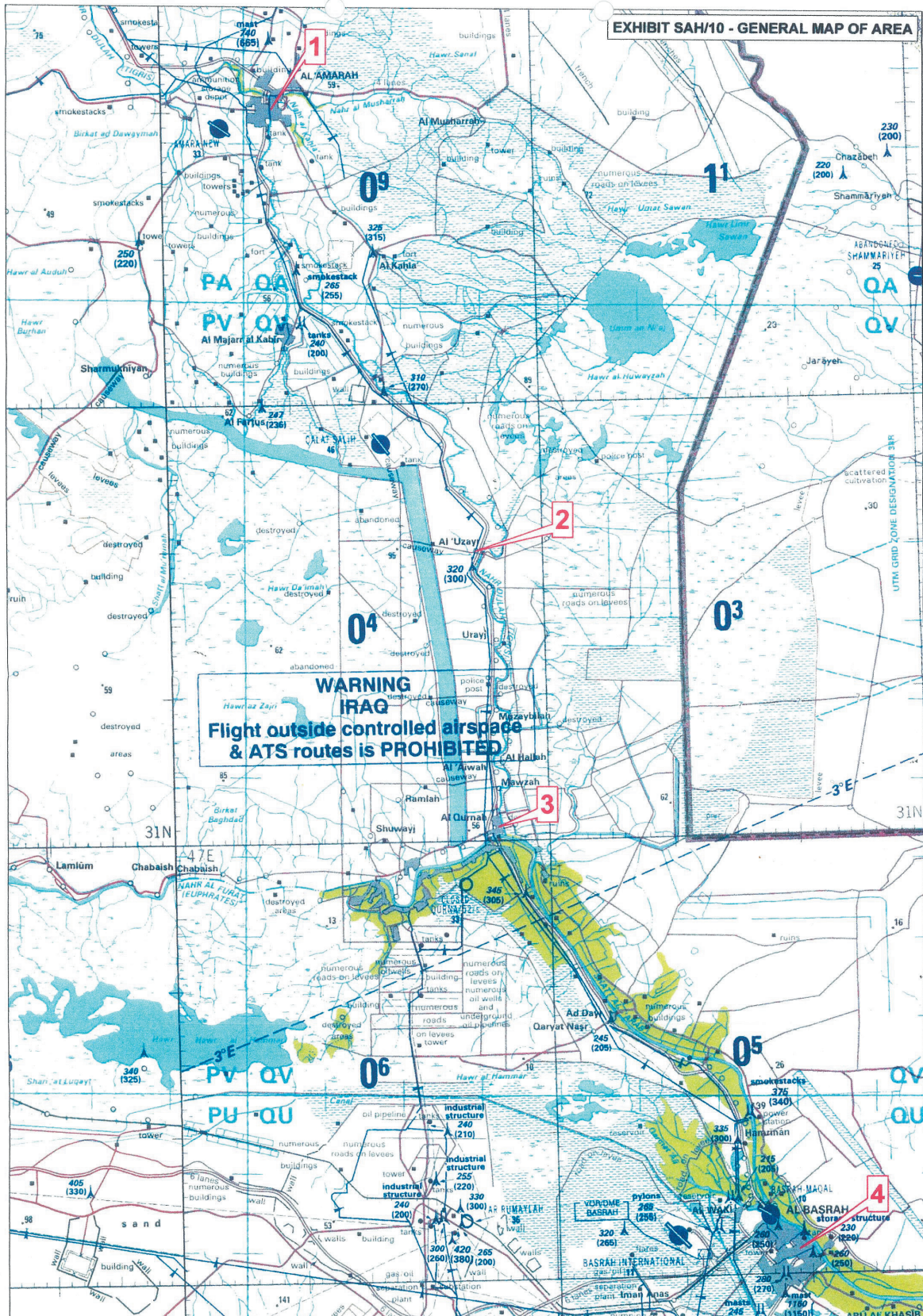
S009

A large black rectangular redaction box covers the signature area of the letter, obscuring the name and any handwritten notes.

# Appendix 15: Maps relating to the case of Mr Abdullah

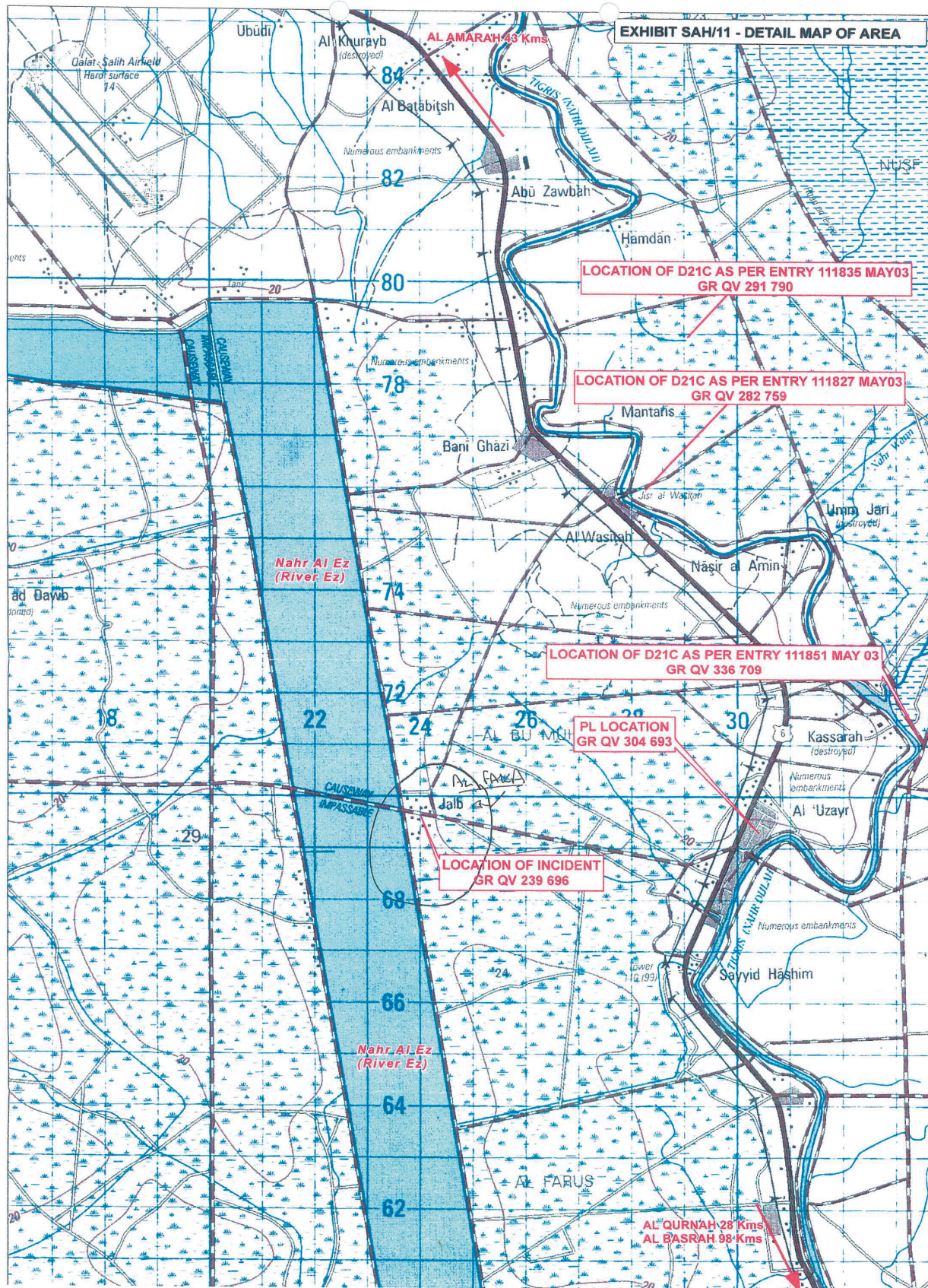
Please see page 140 for key to marked locations

MOD-83-0000143-Z





MOD-83-0000144-Z





MOD-83-0000123-Z

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OFFICER ONLY**

**MOD Form 266A/B**

Case No: 64658/05



**SERVICE POLICE  
WITNESS STATEMENT**

(CJ Act 1967, s9; MC Act 1980, ss5A (3a) and 5B; MC Rules 1981, r70)

Statement of: Sean Andrew HENDY

Rank/Status: Capt

Age if under 18: Over 18 (if over 18 insert 'over 18') Occupation: HM Forces (Army)

This statement (consisting of 2 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have willfully stated in it anything which I know to be false or do not believe to be true.

Signature:

Date: 8 Jul 05

I am Capt SA Hendy, AGC (RMP), currently serving as OC 37 Sect SIB (UK) RMP, Goojerat Bks, Colchester, Essex.

On Mon 13 Oct 03 I received from Maj MR Downie AGC (RMP), a casefile, marked with the CCRIO number 64658/03. Contained within the casefile were numerous items included within which, were three DV tapes, marked as follows:

SR1/1 Samira Reshag

KL/1 Karima Lafta.

They were 1 x DV tape, and 2 x DV tapes respectively. I do not believe that at that time, these items were listed on any property receipt and it was assumed that they formed part of the unused material.

During a review of the casefile in Mar 05, these items were retrieved from the casefile and were placed in exhibit bags by Sgt Hoffmann RMP (SIB), and marked as follows:

SR/1/1 1 x DV tape relating to video interview of Samira Reshag.

KL/1 2 x DV tape relating to video interview of Karima Lafta.

On Fri 27 May 05, I subsequently received SR/1/1 and KL/1 back from TV and I, PTSU. Rousillon Bks, Chichester, via courier and retained them in my possession. I have signed the exhibit labels

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3000

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Case No: 64658/03

Continuation of statement of: Sean Andrew HENDY

About 1200 hrs on Thur 23 Jun 05, whilst in the SIB offices at Goojerat Bks, I received the following item from Sgt Cooper AJ of my unit, to which an exhibit label was attached marked as follows:

MTC/1 9 x Map Series K643 Sheet No: 5452, 9 x Map Series K643 Sheet No: 5453, 9 x Map Series K653 Sheet No: 5553 for Al Qurnah, Al Amarah and Shomariyeh, Iraq, respectively.

I have signed the exhibit label.

On Thurs 7 Jul 05, using digital maps of Iraq I compiled the following two items to which I attached exhibit labels which I have marked as follows:

SAH/10 General Map of Area.

SAH/11 Detail Map of Area.

I have signed the exhibit labels.

On Exhibit SAH/10 I have marked several locations using the following key:

- 1 – Al – Amarah
- 2 – Al Uzayr
- 3 – Al – Qurnah
- 4 – Al Basrah

On Exhibit SAH/11 I have marked a number of locations as per their respective grid references as follows:

- 1 - Incident location GR QV 239696
- 2 - PI Location GR QV 304 693 (this is as per a statement of S010)
- 3 - Location of D21C as per entry 111827 May 03 (taken from Exhibit S010/1)
- 4 - Location of D21C as per entry 111835 May 03 (taken from Exhibit S010/1)
- 5 - Location of D21C as per entry 111851 May 03 (taken from Exhibit S010/1)

Also marked on Exhibit SAH/11 are the directions and approximate distances to Al Amarah, Al Qurnah, and Al Basrah.

Exhibits SR/1/1, KL/1, MTC/1, SAH/10, SAH/11, SAH/12, SAH/13, I now produce.

Si [REDACTED] Y

RMP

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# Appendix 16: Photographs in the case of Mr Abdullah

MOD-83-0000125-Z

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CCRIO No: 64658/03

SUBJECT: ALLEGED MURDER

SECTION 9 OF THE CRIMINAL JUSTICE ACT 1967

Exhibit:- CAB/PS/3

This is exhibit CAB/PS/3 which is referred to by the person or person of whom the name(s) and signature(s) appear below.

Name: CA BROWN

Signature



## INDEX TO PHOTOGRAPHS

1. View of road from Nahar Al'Ez to Al Uzayr.
2. View of road from Al Uzayr to Nahar Al'Ez.
3. View of indicated road scene from road within Al Faka settlement.
4. View of scene looking into Al Faka settlement.







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*road of alleged inc*

3.

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# Appendix 17: Photographs of a Pinzgauer and WMIK

MOD-83-0000122-Z

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CCRIO No: 64658/03


SUBJECT: ALLEGED MURDER

SECTION 9 OF THE CRIMINAL JUSTICE ACT 1967

Exhibit:- RT/5

This is Exhibit RT/5 which is referred to by the person or person of whom the name(s) and signature(s) appear below.

Name: R TOLMIE

Signature: 

## INDEX TO PHOTOGRAPHS

1. Photograph depicting ¾ view of an MOD (A) Pinz Gauer.
2. Photograph depicting ¾ view of an MOD (A) Pinz Gauer.
3. Photograph depicting ¾ view of an MOD (A) WMIK.
4. Photograph depicting ¾ view of an MOD (A) WMIK.







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3



4

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# Appendix 18: The 8PI radio log

MOD-83-0000112-Z

Date 30/04/03 Own Call Sign D20 Frequency

Time	To	Call From	N.R. No.	Text	Date/Time Group	Si Stre
17:00				Get Egan on Duty		
17:00				INFO ONLY PTE DOUGLAS ON DUTY		
17:30	∅	D20	HIF	RCK OK		
17:38	∅	D20	HIF	RCK OK		
18:13	∅	D20	VHF	RCK N-1-		
18:28	∅	D20	HIF	RCK OK		
18:50				INFO ONLY Get Egan on Duty		
18:55	∅	D20	VHF	RCK N-1-		
18:60	∅	D20	HIF	RCK N-1-		
19:04	∅	D20	VHF	RCK OK		
20:46	D20	∅		RCK OK		
23:10	02∅	∅		NIPPLE - SWAT PASSWORD BLACK - RIPPING PASSWORD		
21:00				INFO ONLY PTE DOUGLAS ON DUTY		
01:03	∅	D20	HIF	RCK OK		
02:00	∅	D20	HIF	RCK OK		
02:30	∅	D20	HIF	RCK OK		
03:30	∅	D20	HIF	RCK OK		
04:40	∅	D20	HIF	RCK OK		
03:00	∅	D20		Get Egan on Duty		
03:03	∅	D20	HIF	RCK OK		
03:30	D20	∅	HIF	RCK OK		
06:00	D20	∅	HIF	RCK OK		

FREQUENCY CHANGE



Date		Own Call Sign		Frequency			
Time	To	Call From	N.R. No.		Text	Date/Time Group	Sig. Strength
0630	Ø	D20			RCK OK		
0700	INFO	ONLY			S002		
0715	Ø	D20			Request 2x 351 & 2x 350 Radio Batteries		
0800	D20	Ø			Rck OK		
0812	INFO	ONLY			UCPL VELLA ON Duty		
0845	D20	Ø			RCK OK. Ø requires all signal equipment serial numbers of WINIK ASAP. WINIK has no signal equipment.		
0850	Ø	D20					
0900	INFO	ONLY			S007		
0930	D20	Ø			ON DUTY. RCK OK.		
1003	INFO	ONLY			BAR WRIGHT now on duty		
1132	INFO	ONLY			DKE BARUARD ON DUTY.		
1232	Ø	D20	H/F		RCK OK.		
1300	INFO	ONLY			CPL WRIGHT ON DUTY.		
1303	D20	Ø			SEND GPS OF OUR LOCATION		
1312	D20	Ø			CO WILL ARRIVE IN 30 MINS		
1315	INFO	ONLY			PIG TATAM ON DUTY		
1340	Ø	D20			RCK OK.		
1343	INFO	ONLY			EXACT AMMO AND ANCI'S STATE FOR M23B.		
1410	Ø	D20			REQUESTING SLOPS WITH INTERPRETOR TO WITH WEAPONS		
1445							
1437	INFO	ONLY			PIG DOUGLAS ON DUTY		
1508	Ø	D20			before RCK OK		
1555	INFO	ONLY			SAT EGIN ON DUTY		
1550	D20	Ø			RCK OK		
1620	Ø	D20			REPORT ARRIVAL OF INTELL + INTER.		
1650	Ø	D20	VHF		INFORMED Ø THAT SIMIC TEAM LEAVING FOR THE LOCATION.		
1730	INFO	ONLY			S002		
1735	Ø	D20	VHF		ON DUTY RCK OK		
1800	D20	Ø			RCK OK		
1900	INFO	ONLY			UCPL VELLA ON Duty.		
1915	Ø	D20	VHF		RCK OK		
1918	Ø	D20	VHF		RCK OK		
1950	D20	Ø	VHF		RCK OK		

Date		Own Call Sign		Frequency		Date/Time Group	Sig Strength
Time	To	From	N.R. No.	Text			
1954	D20	Ø	VHF	RCK OK.			
1959	D20	Ø	HF	RCK OK.			
2030	INFO	ONLY		S007 [REDACTED] ON DUTY			
21.00	Ø	D20	<del>HF</del>	RCK OK.			
21.15	Ø	D20	HF	RCK OK			
21.33	Ø	D20	VHF	RCK OK			
2134	D20	Ø	HF	RCK OK			
2205	INFO	ONLY		CR2 WELLS ON DUTY			
2330	INFO	ONLY		PTE BARNARD ON DUTY.			
0240	Ø	D20	HF	RCK OK.			
0255	INFO	ONLY		PTE DOUGLAS ON DUTY			
0300	Ø	D20	HF	RCK OK			
0355	Ø	D20	HF	RCK OK			
0400	INFO	ONLY		391 ESTON ON DUTY			
0502	Ø	D20	HF	RCK OK			
0505	Ø	D20	VHF	RCK OK			
0530	INFO	ONLY		S002 [REDACTED] ON DUTY			
0540	D20	Ø	VHF	RCK OK			
0545	D20	Ø	HF	RCK OK changed RCK			
0615	D20	Ø	VHF	RCK DIFFICULT			
0615	D20	Ø	HF	RCK DIFFICULT.			
0620	Ø	D20	VHF	RCK OK			
0620	Ø	D20	HF	RCK OK			
0625	D20	Ø	HF	PASSWORD (NEW)			
				BURROW			
				WICKER			
				BOXES			
0700	INFO	ONLY		L/PL VELLA ON DUTY			
0700	Ø	D20	HF	RCK OK			
0700	Ø	D20	VHF	RCK OK			
0745	D20	Ø	VHF	RCK OK			
0746	D20	Ø	HF	RCK OK			
0800	INFO	ONLY		S007 [REDACTED] ON DUTY			
0825	D20	Ø	HF	CHANGE HANDSET ON OTHER			
				MEANS			
0826	Ø	D20	VHF	RCK OK			
0838	D20	Ø	VHF	RCK OK			
0900	INFO	ONLY		CR WELLS ON DUTY			
0959	INFO	ONLY		PTE BARNARD ON DUTY.			

Date		Own Call Sign		Frequency			
Time	To	Call From	N.R. No.	Text	Date/Time Group	Sig. Strength	
1035	D20	Ø	VHF	ØA ON ROUTE			
1100	INFO	ONLY		PTE TATAM ON DUTY.			
1100	D20	Ø	ACK	Complete			
1100	INFO	ONLY		M23B SNIPER LOC closed down			
1154	INFO	ONLY		PTE DOUGLAS ON DUTY			
1214	D20	Ø		CALL WHITE CIV ROUTE to your location (MESSAGE PASSED)			
1100	D20	Ø		351 BATS TO BE EXCHANGED EVERY MORNING ONE 4 UNIC			
1100	INFO	ONLY		SAT ERAN ON DUTY			
1130	D20	Ø		D22 RETURNING TO THIS LOCATION			
1430	INFO	ONLY		S002 [REDACTED] ON DUTY			
1431	D20	Ø	VHF	ØA ON			
1435	Ø	D20	VHF	ACK OK			
1500	INFO	ONLY		LCPL VELLA on Duty.			
1630	INFO	ONLY		S007 [REDACTED] ON DUTY.			
1710	Ø	D20	HF	ACK OK.			
1713	Ø	D20	VHF	HAS 33A left your location			
	D20	Ø		33A has left this location.			
1755	INFO	ONLY		ØA WEIGHT ON DUTY			
1830	D20	Ø		REF WATER PIPES FOR LOCATION			
1930	INFO	ONLY		PTE TATAM ON DUTY.			
1930	D20	Ø		ACK OK.			
1945	INFO	ONLY		2X CIV CAS THIS LOC.			
1950	Ø	D20		INFORMED OF 2X CAS. GUNSHOT. call Sign DEPLOYED ONTO GROUND.			
2005	Ø	D20		INFORMED 2X CAS ON ROUTE TO 16 MED REG			
2010	INFO	ONLY		BATT CHANGE.			
2015	D20	Ø		MAKE SURE WE USE HF AS PRIME MEANS.			
2045	D20	Ø		REF CAS TO D20A.			



Date 2.05.03 Own Call Sign D20 Frequency \_\_\_\_\_

Time	To	Call From	N.R. No.	Text	Date/Time Group	Sig. Strength
2125	D23C	D20		S.T. REP.		
2135	D20	Ø		check D23C WAS RNING		
2150	INFO	ONLY		TOTALS LOCATION		
2145	INFO	ONLY		D23C BACK IN THIS LOCATION		
2230	Ø	D20		RCK complete		
2205	FOR INFO ONLY			Sgt Egan ON DUTY		
2212	M23B	D20		RETURN TO LOCATION FOR 2230		
2330	INFO	ONLY		S002 [REDACTED] ON DUTY		
2331	Ø	D20	VHF	RCK OK		
2335	Ø	D20	HF	RCK OK		
<u>3.05.03</u>						
0100	Ø	D20	VHF	R/C OK		
0100	Ø	D20	HF	R/C OK		
0130	INFO	ONLY		WAL VELIA ON DUTY		
0234	Ø	D20	VHF	RCK OK		
0235	Ø	D20	VHF	RCK OK		
0300	INFO	ONLY		S007 [REDACTED] ON DUTY		
0354	D20	Ø	VHF	RCK OK		
0430	INFO	ONLY		CP. LUKAS ON DUTY		
0510	D20	Ø	VHF	R/C OK		
0600	INFO	ONLY		PTE TATAM ON DUTY		
0610	Ø	D20		RCK COMPLETE		
0610	Ø	D20		MESSAGE FOR PTE LAWRENCE		
0700	INFO	ONLY		MTB DALLAS ON DUTY		
0700	Ø	D20		RCK OK		
0855	INFO ONLY			Sgt Egan ON DUTY		
0900	Ø	D20		RCK OK		
0929	M23B	D20		REF 1 X PAX IN GREEN UNIFORM HEADING TOWARDS OUR LOCATION		
0945	D20	Ø		D22A LEAVING IN F45 TO OUR LOCATION		
1030	INFO	ONLY		S002 [REDACTED] ON DUTY		
1031	Ø	D20	HF	RCK NOTICE HEARD		
1035	Ø	D20	HF	RCK NOTICE HEARD		
1050	D20	Ø	HF	REMINDED FOR COMPANY PLAT		
1052	Ø	D20	HF	D22A LEAVING OUR LOCATION		
1115	D20	Ø	HF	D22A NOW OUT OF LOCATION		

Date		Own Call Sign		Frequency			
Time	To	From	N.R. No.		Text	Date/Time Group	Sig. Strength
1140	D20	Ø	HF		D23A leaving Ø location to come to this location		
1145	D20	Ø	HF		Ø request for 23B hand Desert about 3M to 23A to then bring smock back to Ø		
1200	INFO ONLY				L/CPL VELLA ON Duty		
1201	D20	Ø	HF		Guns on Education ready for pickup at Ø location		
1238	D20	Ø	HF		Ref 23A picking up Desert smocks to return them to Ø loc.		
1250	D20	Ø	HF		RCK OK		
1416	Ø	20B	HF		RCK OK. Can you get L5936 arrip down to this loc with CIA Run for access of Desert Smock.		
1430	22C	D20	HF		RCK OK		
1430	Ø	D20	HF		strip - responding to possible sighting of illegal VCP on RT-6 towards h/ something.		
1458	INFO ONLY				CP WELLS ON Duty		
15:01	D20	Ø			NO INFO ON VCP		
1759	INFO ONLY				PTE DUNCAN ON DUTY		
1800	Ø	D20			RCK on off		
18:55	D22C	D20	HF		RCK OK		
18:58	D20	D22	HF		VCP AT 30027326		
1921	D20	D22	HF		VCP collapsed		
1924	INFO ONLY			Sgt Egan	ON DUTY		
1925	D20	Ø			Request 220		
1930	D20	D22			Get up VCP AT Grid 296657		
1942	D20	D22			Classified VCP heading back to Dislocation		
1950	D20	D22			Arrived back at Dislocation		
2100	Ø	D20			RCK OK		
2100	INFO ONLY			S002	ON Duty		
2230	INFO ONLY			S007	ON Duty		



Date		Own Call Sign		Frequency		
Time	To	Call From	N.R. No.	Text	Date/Time Group	Str
0019	Ø	020	VHF	RCK OK		
0045	Ø	020	VHF	RCK OK		
0118	Ø	020	VHF	RCK OK		
0133	INFO	ONLY		PTE TATAM ON DUTY.		
0145	Ø	D20	VHF	RADIO check complete.		
0225	D20	Ø	VHF	RCK complete.		
0300	Ø	D20	VHF	RCK complete.		
0400	Ø	D20	VHF	RCK complete.		
0430	INFO	ONLY		PTE DOUGLAS ON DUTY		
0512	Ø	D20	VHF	RCK OK		
0530	INFO	ONLY		SAT EARN ON DUTY		
0700	Ø	D20		RCK OK		
0736	D20	Ø		RCK D20 ON DUTY MEAN!		
0737	D20	Ø		CHECK LAST		
0828	D20	Ø		RCK OK		
0855	INFO	ONLY		HCP VELLA ON DUTY		
0910	Ø	D20		RCK OK		
0934	Ø	M20/B		Confirm that zap C9336 has been raised for dental appointment		
0957	Ø	D20		RCK unworkable		
0958	D20	Ø				
1005	Ø	D20	VHF	RCK OK. Pinapplepod gone down.		
1007	D20	Ø	VHF	Replacement pod being sent.		
1018	D20	Ø	VHF	confirm no <del>pod</del> on the pod		
1020	Ø	D20	VHF	serial no 1044		
1038	D20	Ø		confirm reg no of WMIK		
1039	Ø	D20		Reg no 12 37 AA		
1127	Ø	D20		RCK OK		
1158	D20	Ø		RCK Difficult		
1200	INFO	ONLY		CR WRIGHT ON DUTY		
1201	D20	Ø		RCK DIFFICULTY		
1222	Ø	D20		RCK NOTHING HEARD.		
1500	INFO	ONLY		PTE DOUGLAS ON DUTY		
1505	Ø	D20		RCK VHF		
1515	INFO	ONLY		S002 [REDACTED] ON DUTY		
1605	INFO	ONLY		PTE DOUGLAS ON DUTY		

2/1/11

4/03		Own Call Sign	020	Frequency		
To	Call From	N.R. No.			Date/Time Group	Sig. Strength
Ø	D20			RCK VWD		
				Ø call here US are call here there		
INFO	only			S002		
Ø	D20			RCK difficult		
INFO ONLY				RTE DILLONAS ON DUTY		
Ø	D20	HF		STRENGTH 1		
Ø	D20	HF		STRENGTH 1		
INFO ONLY				WELL VELLA ON DUTY		
D20	Ø			RCK strength 2		
Ø	D20			to confirm what cadre Lejbard is on.		
D20	Ø			Antitanks cadre		
D20	Ø			RCK strength 3		
Ø	D20	HF		RCK difficult		
Ø	D20	VHF		RCK OK		
Ø	D20	HF		RCK difficult		
D20	Ø	VHF		change to night frequency		
Ø	D20	VHF		RCK strength 3		
D20	Ø	VHF		RCK		
INFO ONLY				M235 COLLAPSING LOCATION		
INFO ONLY				D23D BACK IN THIS LOC		
2316	Ø	D20	VHF	RCK OK		
0001	Ø	D20	VHF	RCK OK		
0100	Ø	D20	VHF	RCK OK		
0130	INFO ONLY			RTE DILLONAS ON DUTY		
0155	D20	Ø	HF	STRENGTH 4		
0155	D20	Ø	VHF	STRENGTH 4		
0244	D20	Ø	VHF	RCK OK		
0300	INFO ONLY			Ø on duty		
0400	Ø	D20	VHF	RCK OK		
0401	Ø	D20	HF	RCK OK		
0419	D20	Ø	HF	RCK OK		
0430	INFO ONLY			S002		
0515	Ø	D20		RCK OK		



Date 5.5.03 Own Call Sign D20 Frequency \_\_\_\_\_

Time	To	Call From	N.R. No.	Text	Date/Time Group	St
INFO	ONLY			LICPL VELLA ON Duty		
0600	Ø	D20	VHF	RCK OK		
0600	Ø	D20	HF	RCK Difficult.		
0705	Ø	D20	VHF	RCK OK		
0709	Ø	D20	VHF	Changing HF Freq. to 085170		
0710	Ø	D20	HF	RCK Unworkable		
0730	INFO	ONLY		CPA ALBERT ON DUTY		
0800	D20	Ø	VHF	BIN PHOTOGRAPHER TO BE READY TO MOVE. Will Be Picked UP		
0900	D20	D220		RCK. Could HEAR D220 HE COULD NOT RECEIVE/HEAR !!		
0912	D20	D220		RCK. SAME AS ABOVE		
0936	D20	Ø	VHF	BIN PHOTOGRAPHER'S LEFT JOURNAL WILL BE PICKED UP/RETURNED VIA RESUPPLY ROUTE		
1028	INFO	ONLY		PTE DOUGLAS ON DUTY		
1034	Ø	D20	VHF	RCK OK		
1104	Ø	D20	VHF	RCK OK		
1155	INFO	ONLY		SACEMAN ON DUTY		
1236	Ø	D20		230 AT OUR LOCATION		
1251	Ø	D20		234 LEFT OUR LOCATION FOR Ø		
1335	D20	Ø		MESSAGE TO BE AWAITED - UNRECORDED		
1340	Ø	D20		REF REQUEST MESSAGE. SACSEM WHITE TIGHTS (AND CRUSE)		
1425	D20	Ø		RCK OK		
1500	INFO	ONLY		LICPL VELLA ON Duty		
1500	Ø	D20	VHF	RCK OK		
1630	INFO	ONLY		PTE TATAM ON DUTY.		
1700	Ø	D20		RCK OK		
1730	Ø	D20		D230 NOW IN THIS LOCATION		
1800	Ø	D20		RCK OK		
1823	Ø	D20		RCK OK		
1830	D20	Ø		D230 C RCK OK		
1833	Ø	D20		Ø REQUESTING NAMES FOR LIC MAXIMES COURSE		
1927	INFO	ONLY		PTE DOUGLAS ON DUTY		

5/5/03 Own Call Sign D20 Frequency \_\_\_\_\_

Time	To	Call From	N.R. No.	Text	Date/Time Group	Sig. Strength
0041	0	D20	VHF	RCK OK		
0041	D23C	D20	VHF	RCK OK		
0044	D23C	D20	VHF	LOC STAT 261775 collapse at 21:15 (VCP)		
				INFO ONLY HE UP BUT VERY WEAK		
	D20	D23C	UHF	D23C ON WAY BACK TO ARE LOCATION		
	INFO ONLY			S002 [REDACTED] ON DUTY		
	0	D20	VHF	RCK OK		
	0	D20	HF	RCK OK		
	D20	0	VHF	From higher formation. Endorst MTG for all police chiefs, at 10.00hrs on the 7th May at the Sports Stadium Alamara. All provision Police chiefs in 3 paras Ao should attend. Companies should provide their police chiefs with transport to and from the event.		
0005	INFO ONLY			INFO ONLY [REDACTED] ON DUTY		
0005	0	D20	HF	RCK Nothing heard.		
0005	0	D20	VHF	RCK strength 5.		
0100	0	D20	HF	RCK Difficult.		
0100	0	D20	VHF	RCK OK		
0130	INFO ONLY			S007 [REDACTED] ON DUTY		
0130	0	D20	VHF	RCK OK		
0432	INFO ONLY			PTE DOUGLAS ON DUTY		
0445	0	D20	VHF	RCK OK		
0531	INFO ONLY			CHANGING PART ON DUTY		
0531	0	D20	HF	RCK OK		
0558	INFO ONLY			[REDACTED] ON DUTY		
0640	0	D20	VHF	RCK OK		

Date 6th MAY Own Call Sign \_\_\_\_\_ Frequency \_\_\_\_\_

Time	To	Call From	N.R. No.	Text	Date/Time Group	St. Str.
0645	Ø	D20	NF	RCK NH-		
07:01	D20	M23B		Rck OK		
0730	INFO	ONLY		<del>Rck OK</del> S002 on Duty		
0734	D20	Ø		Rck OK		
0850	Ø	D20		Rck OK.		
0900	INFO	ONLY		LICPL VELLA on Duty		
1000	Ø	D20	VHF	RCK OK		
1026	WFO	ONLY		PTE TATAM ON Duty.		
1049	D20	Ø		D23A leaving Ø to this location.		
11:07	WFO	only		M23B closed Down		
1113	Ø	D20		D23A now in this location		
1118	WFO	ONLY		D21C Back in this location		
11:30	D20	Ø		SAT Phones to be		
1143	Ø	D20		with draws		
1143	Ø	D20		informed of SAT change		
1146	WFO	only		PRR SAT change.		
1146	Ø	D20		Rck OK.		
1300	Ø	D20		Rck OK.		
1329	INFO	ONLY		PTE DUNGLAS ON DUTY		
1406	Ø	D20	NF	STRENGTH 1		
1406	Ø	D20	VHF	STRENGTH 5		
14:14	D23C	D20	VHF	RCK nothing heard.		
14:20	D23C	D20	VHF	RCK OK		
14:25	Ø	D20	VHF	3 BATS needed at our location		
14:46						
14:46	INFO	ONLY		NF turned off due to BATT power		
1500	WFO	ONLY		SERGEANT ON DUTY		
1600	Ø	D20		Rck OK		
17:19	INFO	ONLY		PTE DUNGLAS ON DUTY		
1750	INFO	ONLY		LICPL VELLA on Duty		
1750	Ø	D20	VHF	RCK OK		
1820	D20	Ø		Could you find out the name of Pte Lawrence's newborn?		
1821	Ø	D20		It is [redacted]		



MAY		Own Call Sign	Frequency			
To	Call From	N.R. No.	Text	Date/Time Group	Sig. Strength	
0	D20		alshari minuted 308	050	0	2055
070	D23C		Contact. SMUG out	0507	0	2055
D20	D23C		contact. 1x enemy vehicle	0507	0	2100
			1x enemy fax			
			returning to this loc in 5 mins			1405
0	D20		2015 needs to continue training		0	2105
			for police chiefs meeting.		0	2105
0			Ref last msg. port out.		0	2105
			can change the satphones		0	2105
			but not use them on any account			
070	0		Have radio on 0650	0701	0	2100
0	D20		get c/s on ground. Confirm at later stage.	0701	0	2010
			4H	0701	0	2010
0	D20A		D23C's have ref to multication.	0701	0	0410
			During patrol while lost comms	0701	0	1410
			they had a contact. No casualties	0701	0	2110
			and back in my location.			
			Compiling incident report to follow.			
0	D20		Incident rep sent			
0	INFO	ONLY	CR WRIGHT ON DUTY			
038	D20	D23C	RCE UNDECEASUS			
040	D20	D22C	Loc Spot W/AD OUT.			
			GD 532682 crossroads			
			moving onto RT6 at CR 30370			
			then back down RT6 to this loc.			
1945	D20	0	0330 RV WITH D21A.			
2013	D20	0	REF RANGE IN CONTACT.			
2017	0	D20A	1000 m.			
2020	D20	D22C	UNDECEASUS W/ADTS FROM C/S W/AD	0701	0	2020
2021	D20	D22C	ETA THIS LOC 0507	0701	0	2020
2022	0	D20A	REF RANGE (TNG 100 OF 100)	0701	0	2020
2025	D20	0	SURF TO 0507	0701	0	2020
2040	0	D20	RECON. NOISE AT			
2045	D20	0	TRAC ON ENEMY AND (RF)			
2100	0	D20	RCE + NOTHING HEARD			
2130	0	D20	RCE + NOTHING HEARD.	0	050	1551
2144	D20	0	W/AD LEAVING 0 ETACOMMS			

PINPOINT OF S CASUALTIES LEADY  
TO LOC 30370

Date 7th MAY 03 Own Call Sign \_\_\_\_\_ Frequency \_\_\_\_\_

Time	To	Call From	N.R. No.	Text	Date/Time Group	Sig Strength
2203	Ø	D20		RCK NOTHING HEARD		
2208	D20	D20C		REF TIMEZ DENNIS & ILLUM		
2212	D20B	D20C		FINE DRIVE WITHIN D20C		
2241	INFO ONLY			ME Douglas on duty		
2242	Ø	D20 VHF		RCK OK		
2242	Ø	D20 HF		RCK NO RESPONSE		
2300	Ø	D20 HF		RCK NOTHING HEARD		
0033	Ø	D20 HF		RCK OK STRENGTH 3		
				TO Ø STRENGTH 5 TO ME		
0045	INFO ONLY			STRENGTH ON DUTY		
0108	Ø	D20 VHF		RCK OK		
0109	Ø	D20 HF		RCK OK		
0140	D20	Ø	VHF	RCK OK		
0141	D20	Ø	HF	RCK OK		
0142	D20	Ø	VHF	STRENGTH 5 TO ME		
0300	INFO ONLY			LICEL VELLA ON DUTY		
0300	Ø	D20 VHF		RCK OK		
0430	INFO ONLY			PTE TITAM ON DUTY		
0530	Ø	D20		RCK OK		
0700	INFO ONLY			ME Douglas on duty		
0721	Ø	D20 HF		changed to day format		
				STRENGTH 1 TO Ø		
0721	Ø	D20 VHF		RCK OK		
0732	Ø	D20 VHF		turned off other masts		
0759	Ø	D20 VHF		D20C left are LOC to RV		
0900	INFO ONLY			STRENGTH ON DUTY		
0908	Ø	D20 VHF		RCK OK		
0935	D20	Ø	VHF	R44 will be at our location IN F430		
1035	INFO ONLY			LICEL VELLA ON DUTY		
1036	Ø	D20 HF		RCK OK		
1049	Ø	D20 VHF		R44 will be at our location		
1210	Ø	D20 HF		inform R44 what R44 US		
				is transitioning through Calais		
				Galabano returns to base location		
				configures 60mins		
1221	D20	Ø		message passed to R102		
1330	INFO ONLY			STRENGTH ON DUTY		

7th MAY 03 08:00 AM  
 7th MAY 03 08:00 AM

		7th MAY		Own Call Sign	Frequency		
Time	To	Call From	N.R. No.		Text	Date/Time Group	Sig. Strength
1905	D20	φ	VHF		RCK OK		
1906	D20	φ			RCK		
1907	φ	D20			RCK NOTHING HEARD		
1908	D20	φ			RCK OK		
1909	D20	φ			RCK OK		
1910	D20	φ			RCK OK		
1911	D20	φ			CS From 10 to assist		
					INFO ONLY DOUGLAS ON DUTY		
1912	φ	φ	VHF		DIOB ON ROUTE		
1913	D20	φ	VHF		D22C TO STAY ABOVE 68 W		
1914	D20	D20	VHF		RCK OK		
	INFO	ONLY	VHF		BEGAN ON DUTY		
1915	D20	D10	"		RCK OK		
1916	D20	23A	"		SUNRAY TO RETURN WITH LAST NIGHT'S PATROL REPORT		
1917	D20	D10	"		RCK DIFFICULT (DIO CANOT RECEIVE ME)		
1918	D20	D22C	"		RCK DIFFICULT		
1919	D20	D22C	"		4X PAX - 1X VEH - BAG OF MONEY - 1X AK47		
1920	φ	D20A	"		INFORMED OF ABOVE		
1921	D20A	D10	"		6X PAX 1X NISSAN NAV - STOPPED - SPEED TRAP		
1922	D20	D10	"		1X PAX WITH WORN RAN AWAY - SEARCHING OTHERS		
1923	---	---	"		AND FOR 1X PAX		
1924	1912	φ	D20A	"	REF D22C GR QV 332691 - D22C TO LOCATION WITH		
1925	---	---	"		4X PAX - 1X BAG OF MONEY - 1X AK47		
1926	1915	D10	D20A	"	SET REF - TELEPHONE SPAXS		
1927	1917	D20	D10	"	REQUEST TO MOVE BETWEEN A/C		
1928	1920	D20	φ	"	INFO REF D22C PAT ON TO HM		
1929	1921	D20	D10	"	INFORM D22A THAT ANOTHER VEH TRIP TO SPEED TRAP VEH STOPPED		
1930	1925	D20	D10	"	DIFFICULT W-H		
1931	1926	INFO	ONLY		CHANGED BATTERY		
1932	1934	INFO	ONLY		LOPC VEH		
1933	1935	φ	D20	VHF	RCK		
1934	1936	φ	D20	H F	RCK NH		
1935	2010	D20	D10	VHF	SITREPs chased 3-4 vehicles		
					shots fired, vehicles got away		
					no casualties friendly or en		



Date 8th MAY Own Call Sign \_\_\_\_\_ Frequency \_\_\_\_\_

Time	To	Call From	N.R. No.	Text	Date/Time Group	Sig Str
2050	0	D20A	VHF	Sitrep - Ref D11C VCP tasking as at 1930 GR QV 308685. Stopped 1 vehicle. During inspection 3 Nissan pickups stopped short 200m of VCP, turned round & fled. D11C sent sitrep that they were giving chase. Chase lasted 30 mins during which time <sup>they</sup> lost comms. D11C fired wing shots to stop vehicles but to no avail. At 1950 at GR QV 320750 D11C was shot at from the flank as it sped through town. At 0100 GR QV 30848214 D11C stopped chase due to split C/S & lost comms. End of msg. D11C leaving this location back to base to update sitrep with 22A.		
2205	0	D20	VHF	RCK NH (Night time freq)		
2205	0	D20	VHF	RCK strength 3.		
2230	INFO	ONLY		PTE TATTAM ON DUTY		
2230	0	D20		RCK OK.		
2308	INFO	ONLY		M23B closed Down		
2330	0	D20		RCK OK.		
0025	D20	0		RCK could receive BUT NOT TRANSMIT. TRIED BOTH SETS		
0051	0	D20		RCK <del>OK</del> STILL NO COMS		
0113	0	D20		RCK STILL NO COMS.		
0143	0	D20		RCK COMS NOW BACK ON. 0 had to TAKE MAST DOWN DUE TO STORM.		
0156	INFO	ONLY		PTE Douglas on		
0210	0	D20		RCK OK		
0354	0	D20	VHF	RCK OK		
0400	INFO	ONLY		84: ESCAN ON DUTY		

Date: 8th MAY Own Call Sign: \_\_\_\_\_ Frequency: \_\_\_\_\_

Time	To	Call From	N.R. No.	Text	Date/Time Group	Sig. Strength
0502	Ø	D20		Rck OK		
0600	INFO	ONLY		S002 [redacted] on Duty		
0601	Ø	D20	VHF	Rck OK		
0730	Ø	D20	VHF	Rck OK		
0757	INFO	ONLY		UCPL VELA ON DUTY		
0758	Ø	D20	VHF	Rck OK		
0809	D20	Ø	VHF	Rck OK strength 5		
0920	D20	Ø	VHF	R44 c/s and higher formation coming to D20A location fig 30-60 mins		
0950	D20	Ø		inform 14 c/s Drugs Depot in AL AMARA CR on 029249 Gain more details of interpreter		
1002	Ø	D20	VHF	Ref last Name [redacted] POB - [redacted] Add - [redacted] OCC - [redacted] Status - single. Long - Arabic and some English.		
1002	Info	ONLY		CL WRIGHT ON DUTY		
1051	Ø	D20B		REF VEHICLES COME FOR ADMIN & FRESH		
1129	D20	D20C		Rck OK		
1211	D20	Ø		WHEN AT Ø LOC FOR FRESH CAN BE TAKEN UP.		
1212	Ø	D20A		ADMIN VEH LEFT APPROX 30MINS EARLY c/s NOT WITH VEH.		
1235	D20	Ø		Rck OK		
1329	D20	D20C		ETA 2MINS		
1354	D20	Ø		Rck Ø NOT RECEIVING		
1356	Ø	D20		Rck OK		
1357	Ø	D20A		REF TIMINGS TOMORROW		
1358	INFO	ONLY		REF DUNGLAS ON DUTY		
1502	D20C	D20	VHF	Rck OK		
1510	Ø	D20		Rck nothing heard		
1518	Ø	D20	VHF	Rck weak, distorted		
1600	INFO	ONLY		Sgt EBAN ON DUTY		
1615	Ø	D20	HF	Rck NOTHING HEARD		
1616	Ø	D20	VHF	Rck NOTHING HEARD		
1645	Ø	D20	VHF	Rck NOTHING HEARD (BOSTON ON DUTY)		
1646	Ø	D20	HF	Rck " "		

Date 8th MAY 03 Own Call Sign \_\_\_\_\_ Frequency \_\_\_\_\_

Time	To	Call From	N.R. No.	Text	Date/Time Group	St
1447		INFO ONLY		BE AWARE BAT BATTER CONNECTION		
17.00	Ø	D2Ø		Rck OK		
17.31	D2C	D2Ø		No Comms (amp?)		
17.55	INFO	ONLY		Contact D21C <del>THU</del> D1Ø		
18.00	INFO	ONLY		L/CPL VELLA on Duty		
18.01	D2Ø	D1Ø		stopped 2x vehicles searching them now.		
1806	D2Ø	D1ØB		vehicles released, nothing found. lots of cirpop building up. Driving round then making their way back to original location to carry out tasking.		
1827	Ø	D2Ø		Any info on what time our REP is coming down?		
1826	D2Ø	Ø		No news as yet. Leave 0530am tom.		
1830	Ø	D2Ø		Can u find out the timings?		
1836	D2Ø	Ø		Not giving timings even insecure net		
1845	D2Ø	1ØB		confirm snipers heard any shots?		
1845	1ØB	<del>D2Ø</del>		Snipers heard 1 shot from west.		
1845	D2Ø	1ØB		is 1ØA e/s Airborne?		
1846	D1Ø	Ø		1ØA sunray delayed in being airborne		
1848	1ØB	D2Ø		msg passed		
1806	D2Ø	1ØB		Rck Difficult		
1924	D2Ø	1ØB		on way back to this location now		
1927	D2Ø	1ØB		Back in location now		
1948	Ø	D2Ø		1ØB C/s leaving now to Ø location		
2055	Ø	D2Ø		Rck OK.		
2148	Ø	D2Ø		Rck just workable.		
22.17	Ø	D2Ø	HF	Rck OK also BAT change.		
22.17	Ø	D2Ø		Change of call sign		
				To Q44.		
22.18	Q44	Ø		Rck Ø		
				OK Ø		
				OK - 1 -		
2308	Ø	Q44		Rck Ø		
0019	Q44	Ø		Rck Ø.		
0105	Ø	Q44		Rck Ø		
0106	Ø	Q44	HF	Rck Ø		
0142	Q44	Ø		Rck Ø 5		



Date 9 MAY Own Call Sign \_\_\_\_\_ Frequency \_\_\_\_\_

Time	To	Call From	N.R. No.	Text	Date/Time Group	Sig. Strength
0314	Ø	Q44		Rck WORKABLE		
0325	Q44	Ø		Oilc ON ROUTE TO YOUR LOC (K) R-1-		
0400	Q44	Ø		Rck OK		
0428	Ø	Q44		YOUR ASSETS R ON ROUTE TO YOUR LOC (K) R-1-		
0526	Ø	Q44		Rck OK		
0715	Q44	Ø		Fm on HF Cancel		
0851	Ø	Q44		Rck N heard out		
1010	Q44	Ø		- - -		
	Ø	Q44		You are diff over		
	Q44	Ø		R out		
1058	Ø	Q44		Rck N HEARD OUT		
1240	Ø	Q44		R CK OK OVER DIFF BUT WORKABLE ROUT		
1345	LOG INFO			HF BATT CHANGE		
1351	Q44	Ø		<del>CAN U INFORM</del> SEND ME A SITREP ON HAND OVER (K) R-1-		
1429	INFO ONLY			SENT EGAN ON DUTY		
1440	Ø	D20	HF	RCK WORKING HARD		
1441	D20	Ø	VAF	Rck (DIFFICULT)		

Date 9 MAY 03 Own Call Sign \_\_\_\_\_ Frequency \_\_\_\_\_

Time	To	Call From	N.R. No.	Text	Date/Time Group	S
1600	INFO	ONLY		L/CPL VELLA ON DUTY		
1600	Ø	D20	HF	RCK N-H		
1600	Ø	D20	VHF	RCK Difficult		
1635	Ø	D20	VHF	RCK N-H		
1703	Ø	D20	VHF	RCK Difficult.		
1737	Ø	D20	VHF	RCK N-H		
1737	Ø	D20	HF	RCK N-H		
1800	INFO	ONLY		PTE TATAM.		
1800	Ø	D20	HF	Radio check no coms		
1900	Ø	D20	HF	RCK OK		
2000	D20	Ø	HF	RCK OK		
2100	D20	M23B	PRR	CLOSING OP.		
2100	Ø	D20	HF	RCK OK		
2200	INFO	ONLY		PTE DOUGLAS ON DUTY		
2232	D20	Ø	VHF	RCK OK		
2559	INFO	ONLY		Sgt Egan ON DUTY		
0001	Ø	D20	VHF	RCK OK		
0002	Ø	D20	HF	RCK NO COMMS		
0101	Ø	D20	VHF	RCK OK		
0200	INFO	ONLY		CPL WAHNS ON DUTY		
0222	LOG	M20	VHF	BATTERY CHANGED		
0223	Ø	D20	VHF	RCK OK.		
0235	D20	Ø	VHF	RCK OK		
0313	Ø	D20	VHF	RCK OK		
0426	Ø	D20	VHF	RCK OK		
0515	D20	Ø	VHF	RCK Difficult but workable		
0518	D20	Ø	VHF	TRY RCK USING OTHER MEANS		
0520	Ø	D20	HF	RCK (TRIED SWAPPING BATTERY) N-H		
0523	Ø	D20	HF	RCK (SWAPPED BACK TO ORIGINAL) N-H		
0625	D20	Ø	VHF	REF. STABE MEANS - FOLD UNAVAILABLE		
0600	INFO	ONLY	<del>WTF</del>	S002 [REDACTED] ON DUTY		
0635	Ø	D20	VHF	RCK OK		
0710	Ø	D20	VHF	RCK OK		
0800	INFO	ONLY		L/CPL VELLA ON DUTY		
0800	Ø	D20	VHF	RCK OK		
0828	D20	Ø	VHF	Have we got the keys 4 4 tones		
0829	Ø	D20		No. They were driven back.		
0834	Ø	D20	HF	RCK VERY Difficult		
0834	D20	Ø	VHF	RCK strength 3		

~M

Date 10 MAY Own Call Sign D20 Frequency \_\_\_\_\_

Time	To	Call From	N.R. No.	Text	Date/Time Group	Sig. Strength
1000	INFO ONLY			DOUGLAS ON DUTY		
1100	Ø	D20	VHF	RCK OK		
1200	INFO ONLY			Sgt EARN ON DUTY		
1207	Ø	D20	VHF	RCK OK		
1240	D20	Ø	VHF	Ø to 203 (SPW03)		
1320	Ø	D20	VHF	Rck Noting Heard		
1337	Ø	D20	VHF	Rck OK		
1357	INFO ONLY			Lt COL VELLA ON DUTY		
1407	Ø	D20	VHF	RCK OK		
1408	D20	Ø	HF	VERY WEAK RCK		
1425	Ø	D20	HF	RCK N-H		
1500	Ø	D20	VHF	RCK N-H		
1500	Ø	D20	VHF	RCK OK		
1605	INFO ONLY			CP HRIGHT ON DUTY		
1630	D20	Ø	VHF	RCK (COUNCIL HEAR & Ø - THEY NEED NOT RECEIVE)		
1635	Ø	D20	VHF	RCK N-H		
1700	D20	D20C	VHF	RCK (COUNCIL HEAR & Ø - NOT RECEIVE)		
1712	D20	Ø	VHF	RCK DIFFICULT BUT RECEIVABLE		
1715	D20C	D20	VHF	RCK N-H		
1729	D20C	D20	VHF	RCK N-H		
1800	INFO ONLY			23A IN THIS LOCATION		
1837	D20	Ø	VHF	RCK N-H		
1900	Ø	D20	VHF	23A NO LEAVING THIS LOCAT		
1957	INFO ONLY			DOUGLAS ON DUTY		
1958	Ø	D20	VHF	RCK OK		
2200	INFO ONLY			Sgt EARN ON DUTY		
2210	Ø	D20	VHF	RCK OK		
2310	Ø	D20	VHF	RCK OK		
0001	INFO ONLY			Lt COL VELLA ON DUTY		
0050	Ø	D20	VHF	RCK OK		
0200	INFO ONLY			PTE TATAM ON DUTY		
0210	D20	Ø	VHF	RCK OK		
0210	Ø	D20	HF	NO COMMS.		
0310	D20	Ø	VHF	RCK OK		
0550	Ø	D20	VHF	RCK OK		
0600	INFO ONLY			S002 [REDACTED] on duty		
0700	Ø	D20	VHF	RCK OK		
0730	D20	Ø	VHF	RCK OK		



Date 11-5-05 Own Call Sign \_\_\_\_\_ Frequency \_\_\_\_\_

Time	To	Call From	N.R. No.	Text	Date/Time Group
0740	D20	Ø	VHF	REX DIFFICULT	
0750	Ø	D20	VHF	REX OK	
0755	INFO ONLY			RCK OK	
				DOUGLAS ON DUTY	
10:00	INFO ONLY			BATES ON DUTY.	
10:01	Ø	D2Ø	VHF	REX OK	
10:20	D2Ø	Ø	VHF	RCK OK	
10:21	D2Ø	Ø	VHF	D2ØB	
10:32	D2Ø	Ø	VHF	SENDING DOWN PAPERWORK TO CONTACT SIGN-SEW BACK - 2	
11:12	D2Ø	D22C	VHF	BACK AT ONE LOCATION	
11:57	INFO ONLY			L/LPL VELLA ON DUTY.	
11:57	Ø	D20	VHF	RCK OK.	
12:26	Ø	20B	VHF	Is it possible to have a pay parade on 64 run?	
12:28	20B	Ø	VHF	YES. Later on.	
13:36	Ø	D20	VHF	RCK-Ø reads D20 difficult. D20 " Ø strength 5.	
13:59	INFO ONLY			CPL WRIGHT ON DUTY.	
14:40	Ø	D2Ø	VHF	RCK N-H	
14:42	D2Ø	Ø	VHF	RCK (COULD HEAR Ø-Ø COULD NOT HEAR US)	
14:51	Ø	D20	VHF	RCK Difficult at Ø CLEAR HERE	
15:02	D2Ø	Ø	VHF	Ø - Difficult, N-H	
16:14	Ø	D2Ø	VHF	RCK OK	
16:54	D2Ø	D21C	VHF	RCK <del>Ø</del> (COULD HEAR C/S C/S COULD NOT HEAR)	
17:19	D2Ø	D21C	VHF	REX SAME AS ABOVE.	
17:22	D2Ø	D21C	VHF	RCK SAME AS ABOVE.	
17:24	D2Ø	Ø	VHF	D35A DELAYED AWAITING P/CARDS	
17:25	D2Ø	D21C	VHF	RCK (HEAR C/S N-H)	
17:26	D21C	D2Ø	VHF	RCK N-H	
17:29	D2Ø	D21C	VHF	RCK (HEAR C/S N-H)	
17:30	D2Ø	D21C	VHF	RCK - 11	
17:46	Ø	D20A	VHF	REF 2x 351 BATTERIES	
17:51	D2Ø	D21C	VHF	VEH AVOIDED VEP	
17:56	INFO ONLY			DOUGLAS ON DUTY	
18:05	D2Ø	D21C	VHF	RCK OK	
18:10	D2Ø	D21C	VHF	checked 2 x Pax nothing found let go.	

Date 11-5-05 Own Call Sign D20 Frequency \_\_\_\_\_

Time	To	Call From	N.R. No.	Text	Date/Time Group	Sig. Strength
1827	D20	D21C	VHF	LOC STAT 282759		
1835	D20	D21C	-11	LOC STAT 291790		
1851	D20	D20	-11	Rck ok LOC STAT 336709		
2005		INFO ONLY	VHF	Sgt. EGAN ON DUTY		
2006	∅	D20	"	Rck OK		
2041	D23C	D20	"	Rck OK		
2047	D20	∅	"	Rck OK		
2100	D20	D23C	"	Rck OK		
2110	D20	M23B	"	Rck (difficult)		
2120	D20	M23B	"	Rck OK (Good Comm)		
2122	D20	D23C	"	Rck OK		
2124	D20	D23C	"	Rck (D23C Good) D20 weak.		
2125	D20	D23C	"	Rck OK		
2127	D20	D23C	"	Can D20 relay to M23B-		
2200	INFO	ONLY	"	L/CP VELLA ON DUTY		
2254	D23C	D20	VHF	Locstat.		
2255	D20	D23C	VHF	Making way back to base		
2302	D20	D23C	VHF	Back in this location fig 10 mins		
2318	D20	D23C	VHF	Rck OK.		
0001	INFO	ONLY	-	PTE TATAM ON DUTY		
0030	∅	D20	VHF	Rck OK		
0250	D20	∅	VHF	Rck OK		
0400	INFO	ONLY		DOUGLAS ON DUTY		
0410	D20	∅	VHF	Rck OK		
0412	D20	∅	HF	Rck OK		
0538	∅	D20	VHF	Rck OK		
0700	INFO	ONLY		S002		
0700	∅	D20	VHF	Rck OK		
0710	∅	D20	VHF	Rck OK - nothing heard		
0747	D20	∅	VHF	Rck OK		
0755	INFO	ONLY		Rck OK		
0812	D20	∅	VHF	Sgt. EGAN ON DUTY		
0820	D20	D21	VHF	33D ON ROUTE.		
0821	D20	∅	VHF	Rck OK		
0820	D20	∅	VHF	Rck OK		
0950	INFO	ONLY		D20B HAVE CALL SIGN ON CALL FOR TASKING		
1000	D20	C		L/CP VELLA ON DUTY		
1041	∅	D20		Rck OK		

D20 to 0. Difficult

Date 12-05-03 Own Call Sign D20 Frequency \_\_\_\_\_

Time	To:	Call From	N.R. No.	Text	Date/Time Group
1151	Ø	D20	VHF	RCK. Ø reads D20 difficult D20 " Ø OK	
11:55	INFO	ONLY		CPZ WEIGHT ON DUTY	
13:13	Ø	D20	VHF	RCK N-H.	
13:22	Ø			CHANGED BATTERY	
13:23	Ø	D20	VHF	RCK N-H	
13:46	D20	Ø	VHF	RCK D20 READS Ø OK Ø NOT RECEIVING D20	
14:36	Ø	D20	VHF	RCK N-H	
15:32	D20	Ø	VHF	RCK D20 READS Ø WITH DIFFICULTY	
15:56	INFO ONLY			DOUGLAS ON DUTY	
16:02	Ø	D20	VHF	RCK very weak	
16:02	INFO ONLY			checked batt power (ok)	
17:58	INFO ONLY			SUTEGAN ON DUTY	
17:54	Ø	D20		RCK OK	
19:00	Ø	D20		RCK OK	
20:00	Ø	D20		RCK N-H	
20:18	Ø	D20		RCK OK	
20:50	D20	Ø		Fetch your Sunray.	
21:33	Ø	D20	VHF	RCK OK	
22:00	INFO ONLY			PTE TATAM	
22:45	Ø	D20		RCK OK	
23:45	Ø	D20		RCK OK.	
01:30	Ø	D20		RCK OK	
01:56	INFO ONLY			DOUGLAS ON DUTY	
02:17	Ø	D20	VHF	RCK OK	
04:00	INFO ONLY		V	SUTEGAN ON DUTY	
04:01	Ø	D20	VHF	RCK OK	
04:50	D20	Ø	VHF	RCK OK	
06:00	INFO ONLY		VHF	S002 [REDACTED] ON DUTY	
06:00	Ø	D20	VHF	RCK OK	
06:55	D20	Ø	VHF	RCK OK.	
07:54	INFO ONLY			LICEL VELLA ON DUTY	
07:55	Ø	D20	VHF	RCK OK	
08:55	Ø	D20	VHF	RCK OK	
10:00	D20	Ø	VHF	RCK OK.	
10:02	D20	Ø		Ø DISCONNECT WITH GO DOWN TO ACCOUNTS SERVICE MENUS AND REMOVE ANTENNA FROM ROOF AT SOME TIME TODAY.	



Date: 13/05/03 Own Call Sign: \_\_\_\_\_ Frequency: \_\_\_\_\_

Time	To	Call From	N.R. No.	Text	Date/Time Group	Sig. Strength
10:04	INFO	ONLY		CPIC WEIGHTS ON DUTY		
10:10	D20	Ø		R33 ØA IN 60MINS AT THIS LOC		
10:15	D20	D20B		LOADING FOR D20A		
10:25	D20	Ø		RCK OK		
10:26	D20	Ø		RCK COULD HEAR Ø NH		
10:33	D20	Ø		WILL BEING SECURED MEANS D20A		
10:35	D20	D20C		REF T.T. MOVE TO SPORTS AREA		
10:36	D20	Ø		RCK N-H		
10:40	D20	D20C		REF D20C TRANSMISSION		
10:41	D20	D20B		ETA LOC 10MINS		
10:45	D20	Ø		SNIPER OP OBSERVING LOCUS MOVING BELTED ARMED FROM 3A:17H PARTY BUILDING ROOF		
10:45	D20	Ø		RCK OK		
11:20	D20	Ø		LOOKING FOR D20A THEN D20B		
11:35	D20	Ø		D21A AT Ø LOC (LEAVING FOR THIS LOC)		
11:36	D20	Ø		REF VOICE PROCEDURES ON NET		
11:48	Ø	D20B		INFO D21A REF LAST (Ø Ø Ø Ø)		
11:50	D20B	Ø		REF FUNERAL		
11:59	Ø	D20B		REF ABOVE		
12:09	D20B	D30		REF - - -		
12:20	Ø	D21A		RCK OK		
	D20	Ø	SEL	Locals have approached main strategic patrol, attacked and killed a child E of AULZAIN small village all pax be prepared for any combats from locals or paramilitary		
13:10	D20	Ø		D21A HAVE LEFT LOC	TXS	RXS
13:30	D20	Ø		RCK OK		
13:55	INFO	ONLY		Ø Ø Ø Ø Ø ON DUTY		
13:56	Ø	D20	VHF	Ø Ø Ø Ø		
13:25	D20	Ø	VHF	Ø Ø Ø Ø Ø OFFICER ON DUTY		
15:56	Ø	D20	VHF	RCK nothing heard out		
15:59	Ø	D20	-1-	RCK nothing heard		
16:00	INFO	ONLY		Ø Ø Ø Ø Ø ON DUTY		
16:06	Ø	D20		RCK NOTHING HEARD		
16:12	Ø	D20		RCK NOTHING HEARD		

Date 13.05.03 Own Call Sign D20 Frequency

Time	To	Call From	N.R. No.	Text	Date/Time Group
1635	Ø	D20		Rck NOTHING HEARD	
1650	Ø	D20		Rck NOTHING HEARD	
1700	D20	Ø		Rck OK STATION 4	
1704	D20	D22c		Rck OK	
1702	Ø	D20		Ø HAS PROBS WITH SECURE MEANS	
1706	D20	Ø		UNWORKABLE	
1707	D20	Ø		Rck OK	
1747	D20	D22c		Rck OK	
1750	D20	D22c		SET UP VCP.	
1757	INFO ONLY			U/CP VIELLA ON DUTY	
1758	Ø	D20		Rck OK	
1813	D20	D22c		Locstat. VCP at Grid 292 663.	
1907	D20	D22c VHF		Time on task 15 mins. Locstat. GR 308712	
1913	D20	D22c		Time on task 10 mins then back to this location	
1940	D20	Ø		Back in loc. fig 2 mins.	
1950	D20	Ø		Rck OK	
2000	INFO ONLY			Police chief + Escort	
2055	Ø	D20		RVAT GR QA 073001	
2103	D20	Ø		0930.	
2155	D20	Ø		PTE TATAM.	
2200	D20	Ø		Rck OK	
2226	Ø	D20		Rck UNWORKABLE.	
2315	D20	Ø		could not make out message Due to white noise, still unworkable.	
0011	INFO ONLY			Rck OK	
0046	Ø	D20 VHF		DANGLAS ON DUTY	
0020	INFO ONLY			Rck OK	
0205	Ø	D20 VHF		Sgt Egan on duty.	
0315	Ø	D20 VHF		Rck OK	
0400	INFO ONLY			Rck OK	
0500	Ø	D20 VHF		U/CP VIELLA ON DUTY.	
0600	INFO ONLY			Rck OK	
0700	INFO ONLY			S002 [redacted] on duty	
0800	Ø	D20		Rck nothing heard	
0900	Ø	D20		Rck difficult	

14 05 03.		Own Call Sign		D20	Frequency		
Time	To	Call From	N.R. No.	Text	Date/Time Group	Sig. Strength	
	D20	φ	✓ VAF	RCK OK			
	INFO	5724		CT2 LIGHT ON DUTY			
	D20	φ	VAF	RCK WITH DIFFICULTY BOTH WAYS			
	D20	φ	VHF	φ WILL TRY WITH MINOR TO UNDER			
	D20	φ		CHANGE TO ALT FREQ			
	D20	φ		CHANGE RADIO TO SECURE			
	D20	φ		CHANGE BACK TO 38.025			
	D20	φ		CHANGE TO ALT FREQ			
	D20	φ		RCK φ CLEAR NH HIS END			
	D20	φ		RCK IN CLEAR SAME AS ABOVE			
	D20	φ		RCK — — — — —			
	D20	φ		RCK — — — — —			
	D20	φ		RCK (SECURE) φ CLEAR NH HIS END			
	D20	φ		RCK (SENDING IN CLEAR) φ OK NH HIS END			
	D20	D23C		RCK OK			
	φ	D20B		RCK N-H			
	φ	D20B		RCK N-H			
	D20	D23C		ON R/FB AT POLICE STATION			
	φ	D20B		RCK N-H			
	D23C	D20B		INFO R/S ADVISE RT OF DELAY			
	D23C	D20B		RETURN TO THIS LOC			
	D20A	D20B		NH			
	D23C	D20		NH			
0919	φ	B20B		N/H			
0917	φ	D20		RCK N/H			
0929	φ	D20		CHANGED FREQ RCK N/H			
0930	φ	D20		RCK N/H			
1109	φ	D20A		RCK N/H			
1139	φ	D20		RCK N/H			
1158	φ	D20		RCK NH			
1200	φ	D20		RCK NH			
1212	INFO ONLY			DOUGLAS ON DUTY			
1212	φ	D20	VHF	RCK N/H			
1250	φ	D20		DEL TO ARE LOCATION			
1326	INFO ONLY			ON F2 Strength 5-40			
1355	INFO ONLY			SENTINEL ON DUTY			
1400	φ	D20		RCK OK			
1515	φ	D20		RCK OK			



Date 14-05-03 Own Call Sign D20 Frequency VH

Time	To	Call From	N.R. No.	Text	Date/Time Group
1550	INFO	ONLY		W/CPA VELLA ON Duty	
1552	0	D20	VHF	RCK OK	
1645	D20	0		Tasking: = 2km Sth of this location possible hostage situation. Send mobile C/s. Report back sitreps.	
1702	D23C	D20	VHF	RCK OK	
1709	D20	0		23A & 33A coming to this location	
1715	D23C	D20		Send sitrep.	
1716	D23C	D20		N-H.	
1731	D20	D23C		looking bad. back in your loc	
1734	0	D20		sitreps. C/s went 8km south but did not see anything.	
1742	D20	23C		RCK strength 5	
1850	0	D20		REF BROKEN VEHICLE.	
1800	INFO	ONLY		PTE TATAM ON DUTY	
1835	D20	0		LAD informed about	
1855	D20	0		vehicle on way to the location	
1855	D20	0		REF VEHICLES	
1857	D20	0		REF VEHICLES call sign	
1957	INFO	ONLY		coming to night to fix them	
1958	D20	0		CPL WRIGHT ON DUTY	
20:05	D20	0		RCK OK. SRENGTAS	
20:06	0	D20A		REF SRENGTAS INFORM WHEN ARRIVE	
20:20	0	D20R		LAD HAVE ARRIVED (TAKIM HYMIC)	
21:04	0	D20		REF REPLACEMENT. VEH FOR WYMIC	
21:45	0	D20		RCK OK (SRENGTAS)	
				RCK OK	
2200	INFO	ONLY		DEGLAS ON DUTY	
2200	INFO	ONLY		Supers / front gate RCK OK	
22:05	0	D20	VHF	RCK OK	
2310	D20	0	VHF	Power cable on Road	
2349	0	D20	VHF	down AV321811	
0001	INFO	ONLY		SET ERAN ON DUTY	
0040	D20	0		RCK OK	
0048	D20	0		RCK OK SRS	
0142	0	D20		RCK OK	

Date 15/05/03 Own Call Sign D20 Frequency \_\_\_\_\_

Time	To	Call From	N.R. No.	Text	Date/Time Group	Sig. Strength
0200	INFO	ONLY		PTE TATAM ON DUTY		
0216	D20	0	VHF	RCK OK		
0450	D20	0	VHF	RCK OK		
0530	D20	0	VHF	RCK OK		
0600	INFO	ONLY		S002		
0601	0	D20	VHF	[REDACTED] ON DUTY		
0640	0	D20	VHF	changed Batterie / rck ok		
0730	D20	0	VHF	RCK OK		
0755	INFO	ONLY		CH LIGHT ON DUTY		
0756	D20	0	VHF	RCK OK SENEATHS		
0820	0	D20	VHF	D20A HAS LEFT LOC RCK 0		
0859	D20	0	VHF	RCK OK (SENEATHS)		
0935	0	D20	VHF	RCK OK		
0936	INFO	ONLY		DOUGLAS ON DUTY		
0958	0	D20	VHF	RCK OK SENEATHS		
1130	D20	D20	VHF	Report shooting at each other called went out on the ground, swept area. No pax or weapons found. Pax seen going into a village. D20c gave chase. Swept area again for weapons. then returned to area location.		
1200	INFO	ONLY		SEANON DUTY		
1208	12c	D20		12c/D20c/M23B-3 dismounted by loc of shooting		
1212	0	D20		RCK OK		
1248	D20	12c		CALL SIGNS LOCATED 1x20mm MORTAR DASH 762MS No # RPK - CONTINUING SEARCH GRID TO FOLLOW (JLB) WILL RETURN WITH WPNS (QV289 68A)		
1255	0	D20		INFORMED 0 OF ABOVE		
1316	D20	0		REQUESTED INFO ON ABOVE (NO CHANGE)		
1332	12c	D20		REQUEST ST REP		
1335	0	D20		4th RUN REQUESTED 2x351 - 1xPHONE - BATTERIES		
1340	D20	0		ASST ENGS RETURN TO MOIN FOR 18.00 WITH ALL ASST ENGS KIT		
1345	D20	12c		RETURNING TO LOC FROM GRID QV289 68C WITH 1x DUCHA 2x BOLS 2x AKS (1x160mm) - 12.7 rounds		



Date 150503 Own Call Sign D20 Frequency 56.400

Time	To	Call From	N.R. No.	Text	Date/Time Group
14.00	INFO	ONLY		S002 [REDACTED] ON DUTY	
16.00	INFO	ONLY		PIE SAWYER ON DUTY	
16.02	INFO	ONLY		RADIO CHECK	
16.50	D20	0		0 REQUESTING D20 FOR ADMIN RUN.	
18.00	INFO	ONLY		SGT HUBLEY ON DUTY	
18.00	0	D20		RADIO CHECK OK	
18.40	D20	0		MESSAGE FOR D20B.	
				MESSAGE PASSED.	
19.30	0	D20		LOCALS HAVE REQUEST HELP WITH DAM THAT HAS KURST ITS BANKS.	
19.32	D20	0		NEEDS TO KNOW IF LIVE IS AT RISK.	
19.35	D22C	D20		RADIO CHECK OK, ON ROUTE TO DAM, LOC STAT TO FOLLOW	
19.50	D20	D22C		ON ROUTE TO DAM PICKING UP 1x PAX ON ROUTE. WILL SEND SIT REP ONCE AT DAM.	
19.59	INFO	ONLY		DOUGLAS ON DUTY	
-11-	D20	0	VHF	RCK OK	
20.15	0/D20	D220	VHF	D22C require plant at there location passed up to 2200 awaiting ETA	
21.25				Bush at 40 23367161 passed up to 2200 awaiting decision from higher	
22.00	INFO	ONLY		SGT EMMON ON DUTY	
22.05	0	D20		REF 224-	
22.10	D26	D22C		RV - WITH D21 + 351 BATTERY AND 224 call SIGN ON ROUTE 6 CALS 278 755	
22.35	D20	D22C		RCK OK	
22.45	0	26B		REQUEST TOMORROW ADMIN RUN (CONC)	
23.30	D20	0		22C OK - ANY MORE INFO ON REF N	

13c

Date: 15.05.03      Own Call Sign: D20      Frequency: 56.400 MHz

Time	To	Call From	N.R. No.	Text	Date/Time Group	Sig. Strength
2341	D20	D20C		RETURNING TO THIS LOCATION		
2350	D20	D20C		RET-ON ITS WAY BACK TO (RELAYED) TO ( )		
2359		SGT O'BRIEN ON DUTY				
0030	Ø	D20	RIC	OK		
0110	Ø	D20	RIC	OK		
0150	Ø	D20	RIC	OK		
0200	INFO	ONLY		RADIO CHECK OK.		
0201	Ø	D20		SGT HAWLEY ON DUTY		
0204	Ø	Ø		RADIO CHECK OK.		
0200	INFO	ONLY		PIE SAINEY ON DUTY		
0200	INFO	D20		RADIO CHECK OK.		
0200	INFO	ONLY	S002	on DUTY		
0200	Ø	D20	VHF	REK OK		
0250	D20	Ø	VHF	REK OK		
0255	Ø	D20A	VHF	request 2x 351 Batteries for replen. confirm more manpower is coming down to this location and get run to come to us		
0728	D20	Ø	VHF	DISC IS ON ITS WAY to this location. After VCS among the way		
0803	INFO	ONLY		DEGLAS ON DUTY		
0804	Ø	D20	VHF	REK OK		
10.00	INFO	ONLY		SGT SAINEY ON DUTY		
10.05	Ø	D20	VHF	REK OK		
10.35	D20	Ø	VHF	REWEAR R33 D-VISIT TO INVESTIGATE ALLEGATIONS of MIA		
1121	Ø	D20	VHF	turned COMMS off due to batt power. 100% report in every 30 mins		
1216	INFO	ONLY		FRESH BATT ON		
1250	Ø	20		SGT O'BRIEN ON DUTY		
1300	20	Ø		REQUEST SOME INFO ON YOUR INTERPRETER		
				1. The time and date he was taken up to brigade		
				2. If the interpreter can remember who processed		

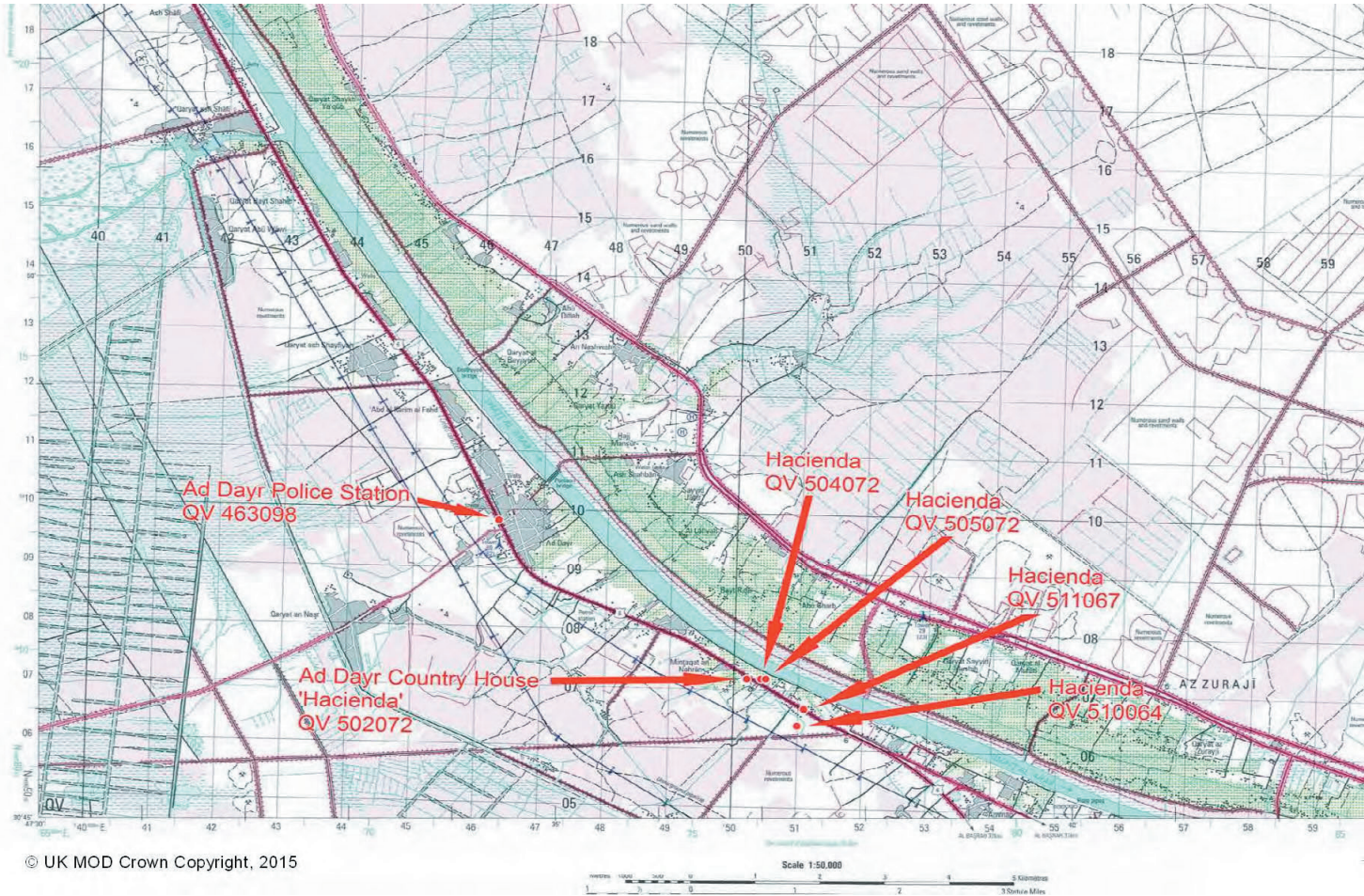
Date 16/5/03 Own Call Sign D20 Frequency 56400 MHz

Time	To	Call From	N.R. No.	Text	Date/Time Group
				him at brigade?	
1430	Ø	D20		R/C OK	
1400	INFO	ONLY		PTE SAINTY ON DUTY	
1410	D20	D22A		REQUESTING INFO ON RIVER BREACH.	
1415	D22A	D20		REF: RIVER BREACH, INFORMED D22A THAT LOCAL INT INDICATES THE BREACH WAS DELIBERATE.	
1420	D20	D22A		REF LAST: D22A REQUESTS NAMES + LOCATIONS + GRIDS OF LOCAL INT ON THIS MATTER.	
1425	D22A	D20		INFORMED D22A THAT INFO WAS NOT AVAILABLE AT THIS TIME AND THAT D20 WAS IN THE PROCESS OF GAINING IT.	
1427	D20	D22A		D22A REQUEST INFO WHEN	
				161437 MAY 03 LOGBOOK HANDLED	
				TCO RMP CAGSICM	
				S010	
				[REDACTED]	



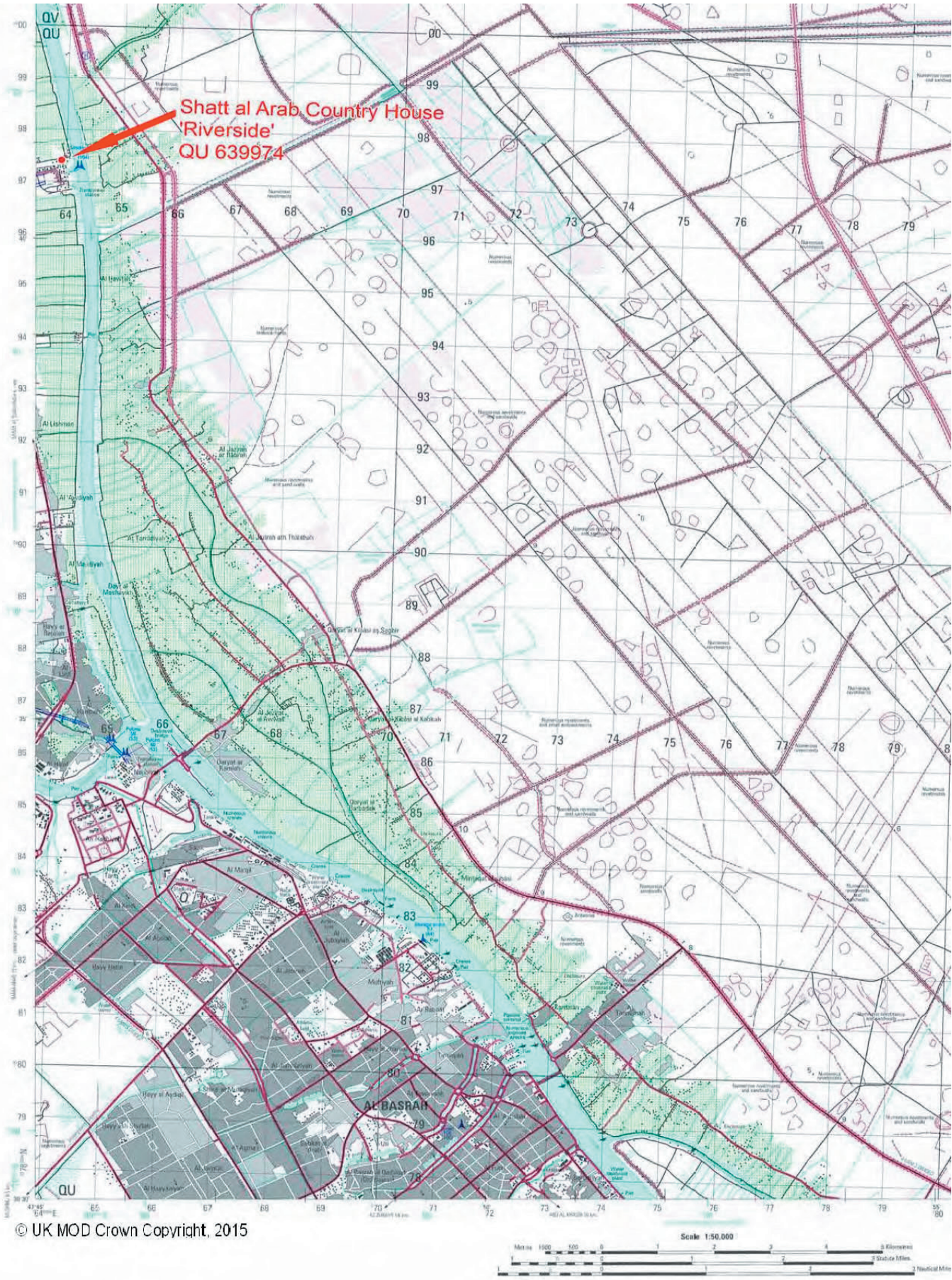
# Appendix 19: Maps relating to the case of Mr Said

MOD-83-0000136-Z





MOD-83-0000137-Z





## Appendix 20: Photographs of ammunition in the case of Mr Said

MOD-83-0000015-Z























# Appendix 21: Satellite photograph showing chase route in the case of Mr Said

MOD-83-0000130-Z





MOD-83-0000131-Z



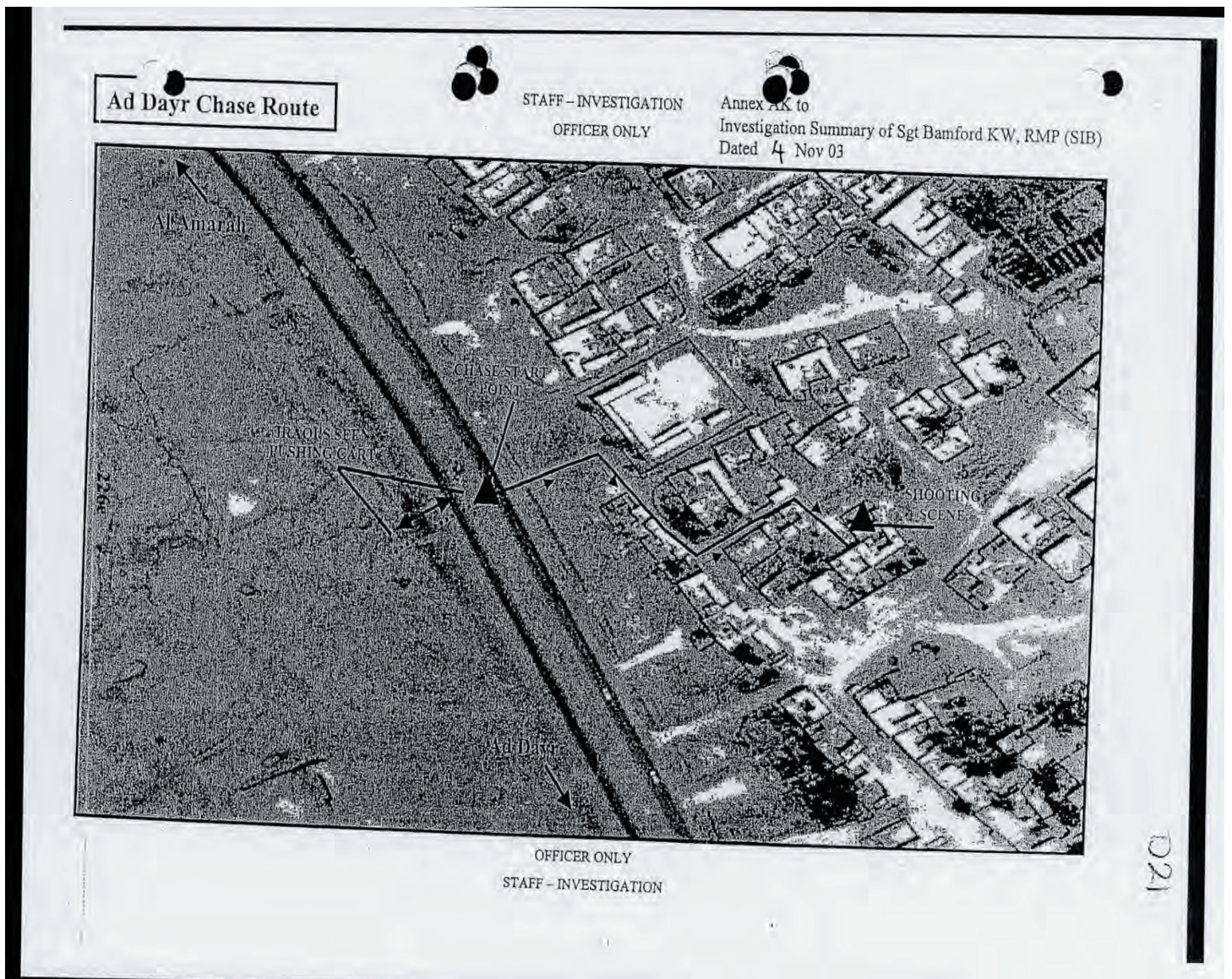
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PR9 Imagery, Sortie 39A RAF 1486, frame 201.

Produced by Geographic Support Group, HQ MND(SE).  
Task No. 912\_204



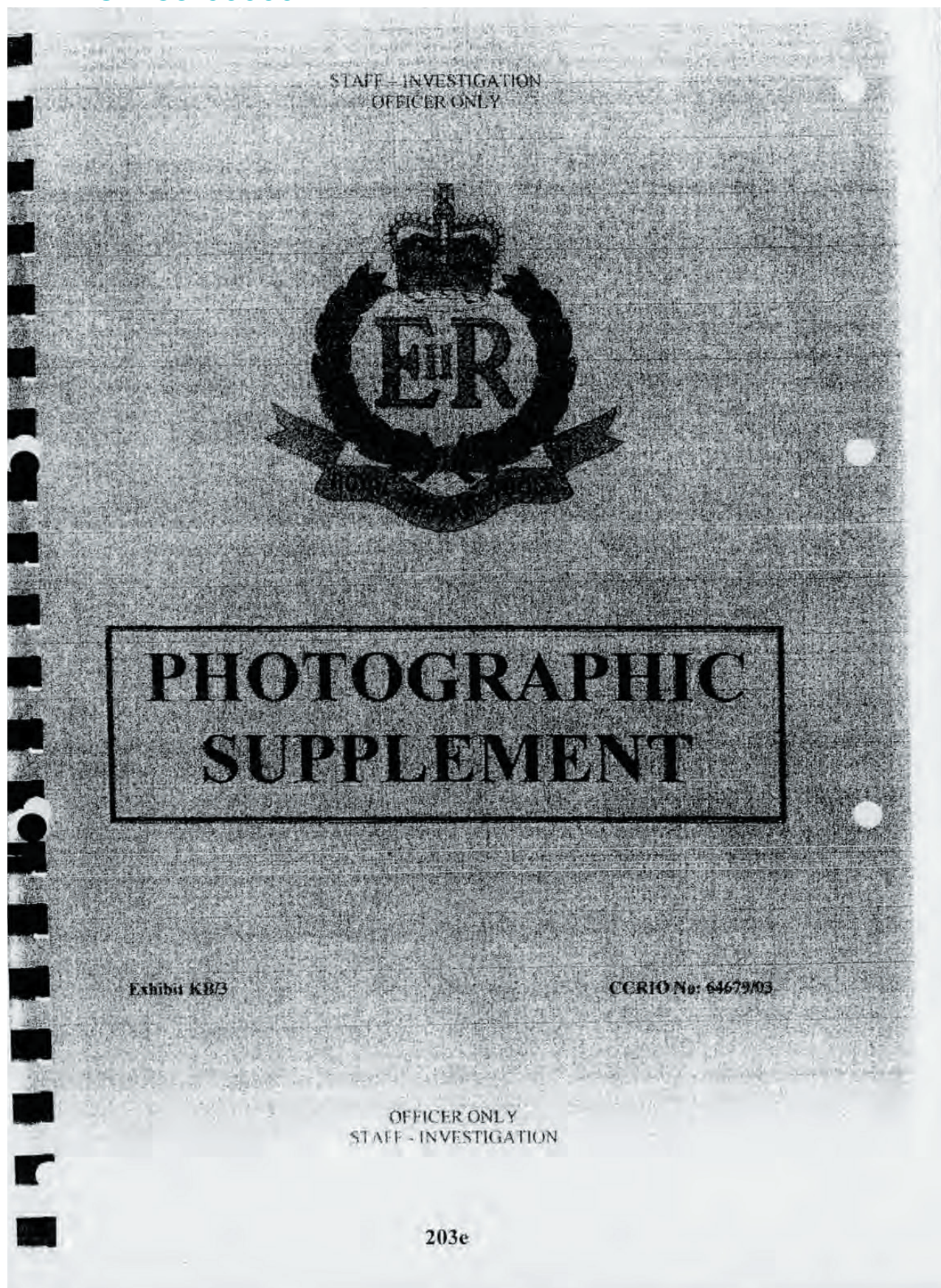
MOD-83-0000132-Z





## Appendix 22: Photographs of the house in the case of Mr Said

MOD-83-000012-Z





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CR/100/10-348/77

SECTION 9 OF THE CRIMINAL JUSTICE ACT 1967

Exhibit Photographs

This exhibit consists of photographs which are referred to by the person or persons of whom the names and signatures appear below

Name Sgt Burford J.W.

Signature



INDEX TO PHOTOGRAPHS

- 1 View depicting 1/3 view of courtyard and wall where alleged shooting took place
- 2 View depicting 1/3 view of courtyard
- 3 View depicting 1/3 view of courtyard
- 4 View depicting 1/3 view of courtyard
- 5 View depicting close up of wall where alleged shooting took place showing apparent blood staining
- 6 View depicting close up of wall showing apparent blood staining
- 7 View depicting close up of wall showing apparent blood staining

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