



MOD-83-0000111-A

Witness Name: Brigadier Matthew Lowe

Statement No.: 1

Exhibits: None

Dated:

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

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**WITNESS STATEMENT OF  
BRIGADIER MATTHEW LOWE**

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I, Brigadier Matthew Lowe, will say as follows:-

1. I am making this statement for the purposes of the investigation into the death of Mr Nadheem Abdullah.
2. In May 2003 I was the Commanding Officer of 3 PARA in 16 Air Assault Brigade. My commander was Jacko Page. Brigadier Page would have given me a mission, phrased in military terminology and including tactical glossaries. I would then analyse the mission and construct my plan as to how I would carry out the mission in my area of operations, which was north of Basrah and south of Al-Amarah. I would allocate tasks to my sub-commanders, following up to see what had been done after having given my instructions. I used a variety of techniques to see whether or not they had been carried out, including back-orders, visits to subordinates, communications over the radio net, and periodic one-to-one meetings with my sub-commanders.
3. Sometimes I met people face-to-face, and sometimes by radio. C Company's ('Coy') area of operations was not particularly troublesome. It went past my headquarters. I tended to have radio conferences and would pull Coy commanders in if orders were changed.

4. The incident which is currently being investigated by the Inspector was the first allegation of a beating or murder I had heard. This was in my first 4 or 6 weeks in command of the unit. I wanted to know what had happened. This is one of only two incidents that stand out in my memory, the other being when a soldier killed himself by negligently discharging a weapon. I do not remember any other incidents where the civilian population came into contact with 3 PARA with negative results.

## **Background**

5. With regards to 3 PARA, it had been warned about OP TELIC in December 2002. I did not take command until April 2003. The Army anticipated preparing for a warfighting operation that could include aspects of Nuclear, Biological and Chemical ("NBC") warfare. 3 PARA therefore prepared with an emphasis on warfighting techniques including collective fire and manoeuvre, the application of kinetic force, and specialised clothing to counter the NBC threat.
6. OPTAG training did take place for 3 PARA. It was felt that the training was too procedural and "tick-box", with too much of a focus on Tactics, Techniques and Procedures ("TTPs"). However OPTAG had little warning to prepare 3 PARA and limited understanding of the scope of the ops in initial theatre entry and after the warfighting concluded.
7. 3 PARA was in Basrah south and Al-Amara north. The operation was significant because the road running through, known as 'Route 6', goes on to Baghdad, which was a supply route for coalition forces, so it was very important in terms of enabling our movement. Secondly, the route was close to the Iranian border. [REDACTED]  
[REDACTED]  
[REDACTED] It was a very long open border, with limited controls.
8. The instructions we received from Brigade HQ tried to emphasise the fact that we should allow such Iraqi police and local council members as remained after the warfighting phase had ended to exercise their local authority, and that we should stay out of villages unless asked to assist. We were also told that where possible we should try to understand the rhythm of life at that time of year in that part of Iraq. It was very hot and there was a conspicuous absence of air conditioning. Provided that we kept the main road free for coalition forces to move along, the remainder of our task was to build up a picture of the local area. We should only get involved when a request for assistance came from the local population.

9. I do not remember making a decision to place a platoon in Al Uzayr or discussing this matter with Major Daniel Worthington. If the local council in Al Uzayr had asked us to do so then I would have agreed. It is difficult to describe the nature of the threat to the civilian population and soldiers at that time because of the transition from the warfighting phase. There were a number of different threats facing our soldiers, the first being the possibility of remnants of the forces of the Baathist regime or the Fedayeen who might attack us or interfere with our movement. The second threat came from the nature of the way that tribes in villages conducted themselves. Because of the tribal system in Southern Iraq and the religious differences between Southern and Central Iraq there existed a degree of local self-governance which sometimes involved heavy weaponry and firefights between villages. We didn't understand this feuding, and a lot of it could have been tribal. There was also a natural element of smuggling, which was usually accompanied by armed force. Finally, there were threats from religiously and strategically inspired groupings. We picked up that people were coming in from Iran late at night, and we would see that they were in possession of AK-47s and money. There were early signs of Shia-based groupings who wanted control of the area. There was a vacuum of law and order in that area at that time.

### **Training**

10. There was pre-deployment training, but with regards to OPTAG/Non-OPTAG training and VCP training I cannot answer with any certainty because I wasn't 3 PARA's CO at the time. If I had been the Commanding Officer at that stage I probably would not have directed that 3 PARA receive any VCP training pre-deployment to Iraq, because the task 3 PARA was being asked to do was to go out and conduct warfighting. I would therefore have focussed on warfighting tactics, whereas VCPs are an internal security technique. Battalions at that time were still broadly familiar with VCPs from Northern Ireland, so soldiers would have known tactically how to conduct a VCP. I would probably have said that soldiers could conduct VCPs with confidence.
11. However, no soldier is trained as a policeman. Soldiers are issued with rules of engagement regarding when they can or cannot open fire, the importance of life, and self-defence. Even if we were trained in law-enforcement tasks, we would not have known whether to implement English or Iraqi law. It is more accurate to say that, after the warfighting phase in Iraq ended, we were trying to stay focussed on the level of order that enabled movement up and down Route 6. This was a level of order that local councils wanted, rather than policing as such.
12. As to how VCPs should have been conducted, I would have expected a Commander to lead patrols. A Cpl would normally command a patrol of more than 4 men and a patrol of

more than 10 would be commanded by a Sgt or Subaltern. It would really depend upon the task conducted and the available resources.

13. So 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. 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.
  
14. 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 of Northern Ireland ("PSNI") and Royal Ulster Constabulary ("RUC") would have conducted the checks following the stop of the vehicle.
  
15. Ideally, and if it were myself conducting a VCP, I would have done it on a bit of road out of sight of traffic, with the vehicle slowed down (unless there was some kinetic threat), and I would have positioned force at either end of the VCP. Caltraps might have been used, as well as blocks, and depending on the level of threat at the time I might have used signs in the local language saying something along the lines of 'Stop, VCP, Identification required'-if I had such signs to hand.

16. I accept that more training could have been conducted. As Battalion Commanding Officer I could have given direction for training on VCPs, and Coys could also have given training on VCPs. However, I do not think that Techniques, Tactics and Procedures ('TTPs') in relation to VCPs were the issue with regards to the incident at the centre of this investigation. From memory, what is said to have happened in the incident is said to have occurred when Mr. Abdullah was out of the vehicle. I therefore do not think that the way in which VCPs were conducted is relevant to the issue of how Mr. Abdullah died. What is at issue is what happened to him after he got out of the vehicle.
17. If soldiers are playing an internal security role as they were in Northern Ireland in the 1970s and 1980s then they would have had basic control and restraint training separate from that relating to the conduct of VCPs. The 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. It's not a high level of martial arts training we're talking about, but an application of sufficient physical force to achieve control. It is not comparable to the training received by members of the Prison Service.
18. It is likely that authoritative action would have been taken by soldiers if an individual in a vehicle was physically resisting. However, in the aftermath of a war, when law and order had evaporated and a country is being occupied by foreign soldiers, I as a civilian would be trying to show soldiers that I presented no threat and was friendly, compliant and helpful.
19. I have been asked by the Inspector whether any training was provided to 3 PARA in respect of cultural sensitivities. I do not recall training with regards to cultural sensitivities, specifically with regards to the possibility that an Iraqi man might well find it an affront to his dignity to be searched in the presence of women or family, and that it may not be in his culture to give in in such circumstances, and accordingly might become aggressive. The main focus of a VCP would be to establish control and so it would be necessary to indicate to the individual that they should get out of the vehicle. The soldier would say "get out", and if the individual did not comply then the soldier would escalate the situation.
20. I wouldn't overstate the notion that any particular Battalion has a 'hard' culture. However, paratroopers would want to be in control of a situation. If an individual resisted then force would be applied. If an individual were resisting arrest, I would expect two paratroopers to restrain that person, putting them on the floor or on their

knees, and I would expect those soldiers to use whatever physical force was necessary to bring that individual to the ground.

### **The alleged incident on 11<sup>th</sup> May 2003**

21. A platoon on patrol would report to superiors what was happening and the radio operator would make pencil entries. There would be a Battlegroup radio log, and if there was a significant incident then the company would call Battlegroup HQ to report it, so it would appear in the Battlegroup log.
22. I am referred to the radio log for the 11th May 2003 which says that a vehicle avoided a VCP. This is not wildly significant in and of itself given that particular area of Iraq (i.e. Maysan) in the post-war period, where there was a natural avoidance of authority by the local civilian population. Accordingly, I would say such an event would be of minor interest, and indeed there is no follow-up recorded in the log, which shows that for the relevant call sign (D20) who reported the vehicle avoiding the VCP, there is another entry on the log 20 minutes later saying that the vehicle was let go. Accordingly, Company HQ would have thought that nothing significant had occurred, which is what I would expect. Indeed, the log shows at 22.55 that D20 was *'making its way back to base'*. Someone listening to the radio net would think that nothing significant had occurred, and this is evidenced from the Radio Log.
23. I recall that after the alleged incident two members of the RMP came to see me and they explained the allegation that had been made that some members of the Battalion had either assaulted or killed someone. I think they said that someone had been killed on 11 May 2003, and they described the location, which I recognised because I knew roughly where my Companies were on the ground.
24. I did not know 8 Platoon's precise disposition, I just knew the C Coy area. A lot of their work related to monitoring road movements, so the description of the incident made sense. Having heard that the RMP officers said they wanted to arrest and question the soldiers, I indicated to them that I thought they should have more evidence before anyone was to be arrested, and furthermore I was reluctant to lose any more soldiers in the area. I was reliant on a small number of soldiers in a relatively large area, and did not want them taken from their principle task without good reason. However, I agreed that the soldiers' clothing could be taken for forensic analysis. The RMP returned later and said that there was evidence of human DNA on the soldiers clothing and would now like to make arrests. I agreed that that was appropriate. That signalled the start of the investigation.

25. When this happened I would have reported it up the chain of command. The local Iraqi population had made a complaint so news of the investigation would have come down from Brigadier Page. I remember choosing not to speak to the Platoon because I did not want to interfere with the investigation. I did not speak to the patrol but may have spoken to S010 to seek his view of the matter, although I cannot remember doing so.
26. I have been informed by the Inspector that S010 reported seeing the section return from patrol on the 11<sup>th</sup> May 2003, looking red-faced and excited, and that S010's suspicion was that something had happened out on the patrol. I am further informed that S010 then asked the men over the following day or two what had happened, to which they all replied that nothing had happened. I was not aware of this, but it shows a level of healthy curiosity by a platoon commander, and I am reassured by the fact that he was attempting to investigate and pursue something where he suspected something was amiss.
27. In the event, such as the one relayed to me, that a platoon commander is told by a section that nothing untoward has happened on patrol, there are three people that the platoon commander could speak to if he still had concerns. One person would be the platoon sergeant, Kevin O'Brien, whose opinion could be asked. The other person you could turn to would be the Company Sergeant Major ("CSM") Ben Huxley, a man who would have done numerous operational tours. You might also seek advice from the Company Commander with regards to how to advance the issue, i.e. should the word of the soldiers just be accepted? Being relatively inexperienced I would have expected S010 to have taken advice from one of these three people.
28. Looking back, and knowing what I know now about the report from S010 about the men looking excited, I think I would have connected this with the allegation that an Iraqi civilian had been killed as a result of a platoon's actions out on patrol. Taken within the context of the time, it is plausible that this might have happened, as one can imagine a confrontation where too much force was used and people got excited. However, this would not have changed my interaction with the Royal Military Police, because I would have needed a good reason to arrest. Certainly the allegation that members of a section had killed an Iraqi civilian whilst out on patrol is not entirely implausible, but I would be looking for some supporting evidence more than just that which had been said about events, before taking action to arrest individuals. My reaction was that if there was no identification and no names mentioned in the specific allegations then the soldiers' clothing should be taken away for testing to try and establish an evidential link.



29. I have been asked by the Inspector whether there I can think of anything to improve the system to ensure that members of a platoon couldn't easily cover up any misdeed or wrongful action whilst out on patrol, and whether the system lacked anything in this regard. My response is that the Army does teach officers, soldiers and NCOs our standards and values, namely those of loyalty, integrity, discipline, courage, respect for others, and self-discipline. Every year people have to go through that training and are reminded of it. Normally before people deploy on the ground they get intelligence briefings and know what the rules of engagement are. Parts of such training are echoed on NCO training and officer training courses.
30. I am sure that S001 would have done training at Brecon so would know that he would be expected to be truthful and respectful of both soldiers and civilians. There are a set of values and those values are to be applied. Culturally, what the Army requires of commanders is, broadly, that we want them to show cognitive ability so they could understand the intent of their superior commander and articulate that to NCOs, Warrant Officers ('WOs') and soldiers, so that they in turn could understand directions and be proficient at low level TTPs to make it happen. We would want soldiers to be able to do that in difficult circumstances and be self-reliant, using differing levels of force.
31. Broadly speaking, as an Army, we have a culture and approach about what is right. In Iraq it was difficult to switch to the immediate post-war fighting phase and to make that transition because everything was tense and the environment was uncertain. The mission may have been accomplished at a strategic level, but this may not translate to the situation on the ground.
32. In terms of practical suggestions, perhaps every soldier could be equipped with a video camera in their helmet. However, soldiers already carry considerable weight in equipment, and every bit of weight means they are less able to deal with an unweighted person in front of them. My personal opinion is that I wouldn't want soldiers carrying that extra weight in a warfighting situation. You could also take the view that when an allegation is made against a soldier that they are immediately suspended from duty. However, at that point they are no longer able to take part in any operations. If numerous soldiers are suspended as a result of allegations then force levels will drop and then there will be a greater burden on those already on the ground, increasing the relative risk. It's a matter of constantly trying to balance all of those considerations and come to the right conclusion, and I think the current approach is about right.
33. I do not remember anything that suggested to me that something had happened on 11 May 2003 but it had been 'covered up'.

**Statement of Truth**

I believe the facts stated in this witness statement are true

Signed



Dated ..... 3/19/14 .....