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Monday, 17 November 2014

(9.30 am)

(Proceedings delayed)

(9.39 am)

THE INSPECTOR: Good morning. Good morning, Ms Al Qurnawi.

MS AL QURNAWI: Good morning, Sir George.

THE INSPECTOR: Good morning. Can you see me?

MS AL QURNAWI: Yes, of course I can see you.

THE INSPECTOR: Good. The camera is in the right position?

MS AL QURNAWI: Yes, in the right position.

THE INSPECTOR: As you know, today we have S002 here to give evidence. Are you ready?

MS AL QURNAWI: Yes, we are ready.

THE INSPECTOR: Good. Right. Then I will ask Mr Poole to start the questions.

S002 (called)

Questions from MR POOLE

MR POOLE: Good morning, S002. There is going to be a sequential translation of my questions, which means that I will ask a question in English, it will then be translated into Arabic, you will then answer the question and then your answer will be translated into Arabic.

A. Okay.

Q. The bundle to your right-hand side in front of you, if

1 you could open that, please. Under tab 2, you should
2 find a witness statement. If you turn through those
3 pages. Looking at the bottom right-hand corner, there
4 are some page numbers. If you get to page 16, the
5 signature has been removed by the redaction but there's
6 a date there, 11 September 2014. Can you confirm that's
7 the statement you have provided to this investigation?

8 A. (Pause) Correct.

9 Q. You refer in that statement to an interview with the
10 Royal Military Police on 1 December 2003. The notes of
11 that interview are under tab 20 in that bundle and they
12 start at page 208. I will not ask you, at the moment,
13 to look at that, but there may be references made to
14 that transcript of that interview.

15 THE INSPECTOR: I do not think, S002, you have located it
16 yet.

17 A. Not yet.

18 THE INSPECTOR: Do you have dividers down the side?

19 A. Yes.

20 THE INSPECTOR: This is at divider 20, so you have to go
21 right to 20. It goes on for many, many pages. Okay?

22 A. Yes.

23 THE INSPECTOR: For the moment, I don't think Mr Poole wants
24 you to look at that but we will come to that in due
25 course.

1 A. Okay.

2 MR POOLE: Now, I am going to ask you some questions to
3 clarify aspects of the evidence that you have provided.
4 What we really want your assistance with is when I'm
5 asking you questions about the incident that you recall
6 on 11 May 2003, we really want your help with painting
7 a picture of what it was like and providing us with as
8 much detail as you can, recognising, of course, that
9 that took place a number of years ago.

10 Before asking you questions, then, about specific
11 events in Iraq, I want to ask you some general questions
12 about your time in the army prior to Iraq.

13 At paragraphs 1 to 3 of your witness statement, you
14 deal with your enrollment in the army and the training
15 you received. It's right that you joined the third
16 battalion of the parachute regiment in
17 November/December 1999? Is that right?

18 A. That's correct.

19 Q. Prior to your deployment on Operation TELIC, you
20 undertook a six-month tour of Northern Ireland and
21 subsequently two three-month tours?

22 A. Correct.

23 Q. At paragraph 4, you say you received specific training
24 for Northern Ireland. You say there that that consisted
25 of riot control, stop and search, vehicle and house

1 searches and dealing with the general public.

2 Could I ask you a few questions about stop and
3 search training. Could you explain to us, please, what
4 training you received in respect of stop and search
5 procedures?

6 A. The first time I remember was when I -- somewhere close
7 to when I first joined the army because we were sent
8 straight to Northern Ireland. It was -- I have --
9 very vague in my memory. I just really remember
10 snippets of being shown to, you know, get somebody to
11 stand with their arms out, for example, pat them down.

12 MS AL QURNAWI: Excuse me, Sir George, can we ask the
13 witness please to speak up. We cannot hear him here
14 very well.

15 THE INSPECTOR: Now we have the microphone in place.

16 MS AL QURNAWI: Thank you.

17 MR POOLE: You were telling us what you recall about your
18 training, and you were talking about being taught to pat
19 down people.

20 THE INSPECTOR: I think we have lost the link. I am not
21 sure.

22 MS AL QURNAWI: Just give us a minute. But we can hear you
23 on the laptop.

24 THE INSPECTOR: Okay, we'll go on.

25 MR POOLE: Can you take it from when you were talking about

1 patting down.

2 A. Yes. I remember a time where we were shown how to pat
3 somebody down with their arms out, you know, just have
4 a feel through the clothing, and then other various
5 times that I'd attended Northern Ireland there were
6 other Northern Ireland training that we had to conduct,
7 and things like if it's apparent they are becoming more
8 aggressive, put them to their knees so they cannot harm
9 you or try to escape et cetera, et cetera, and just
10 general pat down.

11 Q. Can you recall how you were taught, if you were taught
12 at all, how to put someone on their knees?

13 A. I don't really remember being taught how to put somebody
14 to their knees. You would just either ask them or just
15 put them to their knees.

16 THE INSPECTOR: So there's no particular technique to get
17 someone to their knees?

18 A. No --

19 THE INSPECTOR: You just force them down in some way to
20 their knees. Is that it? Or I suppose ... you might
21 have thought that you hit them behind at the back of
22 their knees or something in order to get them down.
23 I don't know; I'm --

24 A. Yes -- I don't know. You pretty much just do what you
25 can, really. It wasn't really -- there wasn't really

1 a ...

2 MR POOLE: Can you recall when you were being taught about
3 putting someone on their knees, whether that would be
4 something you could do on your own or would you have to
5 do it in conjunction with someone else?

6 A. I can't remember if there's a -- if there's a two-man
7 technique or anything like that. I think you just have
8 to make the best of a situation, I suppose.

9 Q. As part of your Northern Ireland training as well, you
10 were trained in conducting vehicle check points; is that
11 right?

12 A. Correct.

13 Q. We have heard some evidence that some stop and searches
14 would be effected in Northern Ireland without the use of
15 vehicles. So by foot patrol, for example. But am
16 I right that your training in vehicle check points would
17 involve the use of vehicles to perform the stop?

18 A. Correct.

19 Q. Would I be right in saying that you not only were
20 trained but you had practical experience of conducting
21 such vehicle check points in Northern Ireland?

22 A. Correct.

23 Q. If I can now ask you some questions about your
24 deployment to Kuwait.

25 I am picking up your witness statement at

1 paragraph 11, where you say you were deployed to Iraq on
2 15 February 2003 as part of Operation TELIC. You go on
3 to say at paragraph 12 that you don't recall any
4 peacekeeping training.

5 A. Correct.

6 Q. Were you provided at any stage with training on how to
7 communicate with Iraqi civilians?

8 A. I remember a lesson. It was very basic. We had
9 a handout and it was -- you know, nobody really
10 practised it.

11 Q. Am I right in saying that the vast majority of
12 encounters with Iraqi civilians were without
13 interpreters?

14 A. Correct.

15 Q. Were you provided at any stage with training on cultural
16 sensitivities in Iraq?

17 A. Again, nothing ... nothing too memorable. Maybe
18 a lesson on just hearts and minds, just ... make sure
19 you don't address the women, just general things like
20 that, really. Nothing ... nothing I can really
21 remember.

22 Q. Were you told, before crossing the border into Iraq,
23 that there may be difficulties distinguishing between
24 the civilian population and either members of the army
25 or militia in Iraq?

1 A. I can't remember specifically being told that, but that
2 was the general ... ideology that we had. We may have
3 been told and then, you know ... I cannot remember, to
4 be honest.

5 Q. You refer in paragraph 12 to two cards. You say a card
6 for war and a card for peacekeeping. Do you recall
7 being issued with two separate cards?

8 A. I think so, yes.

9 Q. We have heard some evidence from other members of the
10 section who refer to a white card, which set out the
11 rules of engagement for use during the war fighting
12 phase. Reference to a white card; does that accord with
13 your recollection?

14 A. Many cards that we had were white. Some were yellow.
15 I couldn't tell you which colour was for which card, to
16 be honest, but a white card, yellow card, green card,
17 yes, red card ...

18 Q. But at some stage you do specifically recall being
19 issued with a peacekeeping card whilst in Iraq?

20 A. Right now I can't tell you if I specifically remember
21 being issued with one, but yes, I have seen one. It
22 could have been for Northern Ireland. I cannot
23 remember.

24 Q. Before you crossed the border into Iraq, did you receive
25 briefings on what your role was to be?

1 A. (Pause) We probably would have had small specific roles
2 and tasks to carry out, but I can't remember --
3 I think -- sorry, I think that the overall picture was
4 to try and secure, you know, some sort of weaponries or
5 things like that they had. But yes, maybe we would have
6 had specific small tasks to carry out before we went
7 over there, yes.

8 THE INSPECTOR: Had you been in a war before?

9 A. No.

10 THE INSPECTOR: Do you remember whether many of the soldiers
11 you were with had experienced war, fighting, before?

12 A. Yes, some of the senior members of the battalion would
13 have definitely been to Kosovo. I think 3 para did --
14 I remember when I first joined, when I was 17, 3 para
15 had just come back from Kosovo, I believe, so ... I'm
16 not ...

17 In terms to war fighting, I couldn't tell you.

18 I don't remember specifically what they had done.

19 I wasn't there.

20 THE INSPECTOR: But in your platoon, in your section, we
21 have heard that a number had a lot of experience in
22 Northern Ireland?

23 A. Yes, I should imagine -- the company I was attached with
24 wasn't my fixed company; that was a company that I was
25 asked to assist. So I didn't really know them very

1 well, so I couldn't tell you what they had or hadn't
2 done, where they ...

3 As I recognised a few of the faces, I should imagine
4 half of them at least probably would have served in
5 Northern Ireland, but not Kosovo or anything like that.

6 THE INSPECTOR: In asking you my next question, I am just
7 trying to see whether you can tell us about what it
8 feels like, what it does to you, to be going into a war
9 situation. What is the atmosphere, anything that you
10 can help us about, so that one can understand and bring
11 this situation alive?

12 A. Very depressing, a sense of just ... ill-feeling,
13 really. You don't really want to be there. I suppose
14 you ... yes, it's just ... you just don't feel very --
15 obviously very happy. I think depressed.

16 THE INSPECTOR: Afraid?

17 A. At times, yes.

18 MR POOLE: You mentioned a moment ago that you were not
19 originally assigned to C Company, and you say in your
20 witness statement that -- your expression -- you drew
21 the short straw, and the reason you were assigned to
22 C Company was because they needed a Wimmick. Is that
23 right?

24 A. Correct.

25 Q. Did you have a specific Wimmick assigned to you?

1 A. Yes.

2 Q. Would anyone else drive your Wimmick?

3 A. No.

4 Q. There came a time when you were based at an old police
5 station near Al Uzayr. Do you recall that?

6 A. Yes.

7 Q. What did you understand your role to be when you were
8 based at that police station?

9 A. It would be mainly as a driver, as they were short on
10 vehicles and the Wimmicks were probably favoured in
11 terms of mobile patrols, and they didn't really want any
12 soldiers who had not been offroad-trained to use the
13 Wimmicks, so to loan a Wimmick to another company you
14 would have to loan a driver who could drive the Wimmick
15 tactically and offroad.

16 THE INSPECTOR: What speed is a Wimmick capable of
17 travelling at?

18 A. Various speeds, depending on what weight you have on it,
19 weapons, munitions. I would average 90 -- if it could
20 go as fast as it could go, I would say 90 miles an hour.

21 THE INSPECTOR: 90 miles an hour?

22 A. On the motorway, max. I mean, this is if we were just
23 using it in Britain and just transporting things back
24 and forth. I shouldn't imagine it could go any more
25 than 90 miles an hour.

1 THE INSPECTOR: But it is a powerful, fast vehicle?

2 A. It has torque, so it can carry its weight. But in terms
3 of speed, no.

4 THE INSPECTOR: But it is faster than the Pinzgauer; is
5 that right?

6 A. Correct, yes.

7 MR POOLE: You were based at the old police station near
8 Al Uzayr for the last couple of months before you left
9 Iraq and came back to the UK, weren't you?

10 A. I believe so.

11 Q. I just want to try and understand what the position on
12 the ground was when you went to Al Uzayr, because you
13 say in your statement that there came a time when you
14 were aware that the war fighting phase had ended and you
15 had entered the peacekeeping phase. Are you able to
16 either put a date when you were aware of that or
17 reference it by where you were in Iraq at the time?

18 A. I don't remember being told specifically we were
19 peacekeeping, but there was a sense of that. But it was
20 very unclear, so I should imagine we were told but it
21 would have been very brief. I don't think we would have
22 been sat down in a room. It was just very brief.
23 I don't remember anything. It could have just been as
24 casual as being told. I don't know.

25 In terms of being in Al Uzayr by then, yes, I do

1 believe we were in a peacekeeping role.

2 Q. What difference, if any, did it make to how you would
3 operate within your section, the fact you were now in
4 a peacekeeping phase?

5 A. Well, for starters, we didn't feel very safe. We had
6 discarded (?) our weapons, so we would have less
7 ammunition, less weaponry on vehicles and just --
8 generally just less of ... yeah, less munitions, just
9 less aggressive, so vehicles wouldn't have, you know,
10 weapons on or as many weapons. It was -- yes, you just
11 felt very -- you didn't feel very safe. The
12 surroundings hadn't changed whatsoever to us.

13 Q. Would it be fair to say you felt more exposed?

14 A. Yes, definitely.

15 Q. And I'm right in saying that you hadn't moved from
16 wearing helmets to wearing berets, had you?

17 A. I can't actually remember. I couldn't tell you. I get
18 confused between Northern Ireland training and Iraq.
19 It's so long ago.

20 Q. Could you help paint a picture of the relationship
21 between the section and the civilian population in
22 Al Uzayr?

23 A. Sorry, can you repeat the question, please?

24 Q. Could you help me understand the nature of the
25 relationship between the section and the civilian

1 population when you were at Al Uzayr?

2 A. Initially they seemed pretty happy for us to be there.

3 Yes, the general population were quite happy that we
4 were there. Some people wouldn't be very friendly but
5 that's obviously to be expected. I don't think you can,
6 you know ... I don't think you would expect them to be
7 any other way.

8 Apart from that, some people ... yeah, just
9 a minority were very unhappy with us. The majority were
10 very happy.

11 Q. The police station, as we understand it, was in the
12 vicinity of a village. Is that right?

13 A. I believe so.

14 Q. Would you go out on foot patrols in the village?

15 A. I don't remember going out on foot patrol in the
16 village. I have been out with a medic there, just to
17 assist people here and there but I don't specifically
18 remember foot patrol in that village. I've done many
19 patrols though. I couldn't tell you if it was that
20 village or another village.

21 Q. We understand that most of the vehicle patrols were
22 patrolling route 6. How far away from the police
23 station was route 6?

24 A. I couldn't tell you where route 6 was unless you showed
25 me a map. I might remember from a visual but route 6 --

1 I wouldn't be able to tell you. There was a main road
2 that wasn't too far away. If that's route 6, I couldn't
3 tell you.

4 THE INSPECTOR: It's the main north/south route from Basra
5 and going north up to -- I think probably Baghdad, but
6 it was the main road in that area of the village.

7 A. There was a main road --

8 THE INSPECTOR: That's what's being called highway 6.

9 A. Okay.

10 THE INSPECTOR: That was quite close to the base, was it,
11 from the village?

12 A. Yes.

13 MR POOLE: The interview you had with the Royal Military
14 Police in December 2003, that was about six months after
15 the incident with which we're concerned, on 11 May 2003.
16 At the time, am I right that you would have answered the
17 questions you were asked accurately and honestly?

18 A. Yes, I would have answered the questions to the best of
19 my knowledge at that moment in time.

20 Q. And I would be right that your recollection of events
21 would be better then than it is now?

22 A. Yes.

23 Q. It was explained to you by the Royal Military Police
24 interviewer that the reason you were being interviewed
25 was that you were a member of a section on patrol on

1 11 May 2003. You were asked to remember other members
2 of that section. Other than S001, do you recall any of
3 the other people that you see on the cipher guide as
4 being involved in the incident?

5 A. Yes.

6 Q. Could you, by reference to the S0 numbers, tell me who
7 you recall?

8 A. S001, myself, S002, S003, S004, S005, S006 -- I am not
9 too sure on S007. And ... I remember S010, but to what
10 this -- I don't -- he wasn't in the section or anything
11 like that, I don't think. I recall him being there
12 though, on the base.

13 Q. S010 was the platoon commander at the time. Does that
14 accord with your recollection?

15 A. Correct.

16 Q. Am I right that being a driver, you also had experience
17 of going out with the other two sections?

18 A. Yes.

19 Q. Are you able to tell us whether you experienced any
20 difference in either behaviour or the way in which
21 people carried out their roles between the section
22 commanded by S001 and the other two sections?

23 A. No, not really.

24 Q. You were asked by the Royal Military Police some
25 questions about carrying out VCPs in Iraq. We know you

1 were the driver of the Wimmick. Can you help us with
2 who would drive the other vehicle, the Pinz-gauer?

3 A. I wouldn't be able to recall any of that. I should
4 imagine the Pinz-gauer would most probably need somebody
5 with specific training to drive that offroad as well.
6 That's not a fact; that's just my assumption.

7 Q. Would you regularly rotate between the three sections?

8 A. Yes.

9 THE INSPECTOR: You had a harder time than other members of,
10 for example, this section. You had to go out on every
11 patrol, as I understand it?

12 A. Yes, pretty much. Most of, yes.

13 MR POOLE: You mentioned to the Royal Military Police that
14 there were a number of times when a vehicle would fail
15 to stop the VCP and then be chased by the section on
16 patrol. I assume you were then involved in all of those
17 chases; is that right?

18 A. Yes, I would have -- I do remember actually quite a few
19 vehicles that had -- turned away. But this was a --
20 this is throughout the whole battalion, I believe, was
21 happening, not just C Section.

22 Q. When you were asked about these chases and vehicles not
23 stopping, you said to the Royal Military Police that
24 this was an everyday occurrence. Is that right?

25 A. I don't remember -- right now, I don't remember it being

1 an everyday occurrence, but if I had said that, then
2 maybe it was, yeah, pretty much something that happened
3 a lot.

4 THE INSPECTOR: With the Wimmick being the faster of the two
5 vehicles in which you were travelling with the platoon,
6 you were presumably always ahead of the chase? Is that
7 right? Pretty well?

8 A. Yes. I wouldn't remember if I was or wasn't. I could
9 have been behind a vehicle. I -- you know ... most
10 likely.

11 MR POOLE: Just to be clear: within 8 platoon and the three
12 sections within it, if there was a chase then you would
13 be involved as the driver of the Wimmick?

14 A. Yes, within that section, then, yes, I would have been
15 involved in a chase.

16 Q. When talking to the Royal Military Police about these
17 chases, you said that there were occasions when you had
18 to get people to lie on the ground. You said that this
19 was happening every day, it was a common occurrence and
20 it would happen at least once a day. I just want to
21 understand: is that your recollection now?

22 A. It's not my recollection now, but I do remember a lot of
23 times doing that. To say every day, right now
24 I couldn't tell you. Back then, if it was closer to the
25 time and that's what I'd said, then that's what I'd

1 said. It was obviously fresher in my head.

2 Q. I think you touched on this earlier when we were talking
3 about Northern Ireland. Why would you need people on
4 the ground?

5 A. If they deemed a threat or we felt that they were about
6 to cause a threat towards us.

7 Q. Would it be fair to say that any vehicle that failed to
8 stop would be deemed a potential threat?

9 A. Yes, most definitely with the experience that I remember
10 when we've caught up with these vehicles that had turned
11 away, they mostly had weapons on them, had thrown
12 something out the window or had driven into a -- where
13 they were, and searching the homes, they had munitions.
14 Big munitions.

15 Q. So is it likely that on each occasion where a vehicle
16 failed to stop and was then subsequently searched, the
17 occupants of that vehicle would be put on the ground?

18 A. I can't remember every single patrol them being put on
19 the ground. I should imagine if I was in charge of
20 a section I most definitely would. I am not in charge
21 of -- I wasn't in charge of a section, so I would do as
22 and -- what I was told at the time.

23 Q. I want to ask you some questions now about the radio
24 logs from 8 platoon. Could I ask you to turn in the
25 bundle to page 150. At page 150, it is dated, top

1 left-hand corner, 30 April 2003. If you turn to
2 page 180, you will see this particular log ends on
3 16 May 2003, so this is covering just over a two-week
4 period.

5 Are you familiar with this radio logbook? Just to
6 be clear, not this particular one, but the concept of
7 compiling radio logs.

8 A. Yes, I would have had a good understanding of the radio
9 log. I do now recall actually -- once or twice actually
10 doing the log. Right now, it just looks like scribbles.

11 Q. If you turn over to page 151, the second page of the
12 log, and if you look at the second entry that is timed
13 at 7 am, we see an entry:

14 "S002 on duty."

15 What does that tell us in terms of this log, if
16 anything?

17 A. Yeah, well, it obviously states what I just said
18 a minute ago, that I would have been familiar on how to
19 use a log, use radio communications, and I was at this
20 location, wherever -- obviously ...

21 THE INSPECTOR: I had rather assumed that this log was kept
22 at the base. Is that wrong?

23 A. Well, I don't know where this particular log is, but you
24 would do a log at a base, yes. You wouldn't be outside
25 or anything; you'd definitely be in a base.

1 THE INSPECTOR: But when you were on duty, as this entry
2 shows you were on this day, where were you physically?
3 A. I would have been in the room.
4 THE INSPECTOR: At the base?
5 A. Yes. I don't know which ...
6 THE INSPECTOR: At the police station where you were,
7 Al Uzayr?
8 A. Yes, yes.
9 THE INSPECTOR: And being on duty there, you would take the
10 radio messages which came in from the patrol and make
11 an entry in the log according to the message?
12 A. Correct.
13 THE INSPECTOR: Is this actually your writing on page 151,
14 recording "S002 on duty"?
15 A. Yes, I recognise that as my writing.
16 THE INSPECTOR: Your writing for the next entry then,
17 I would guess -- "RCK OK". That's your writing again,
18 I'd say?
19 A. Yes.
20 THE INSPECTOR: "RCK OK", what does that mean?
21 A. "Radio check okay"?
22 THE INSPECTOR: Now, there's then a reference to another
23 soldier on duty. He's come in on duty at 8.12. So it
24 looks as though you were on duty for a little bit over
25 an hour. Is that right?

1 A. Correct.

2 THE INSPECTOR: Then, just to complete so that we get
3 a pattern, if you look from that duty at 8.12 and then
4 go down to 9 o'clock, we see that S007 comes on duty.
5 Do you see that on page 151? Just a few lines down.
6 You see where we were talking about at 8.12, when you
7 obviously go off?

8 A. Yes.

9 THE INSPECTOR: Then you count down from 8.12: 8.45, 8.50,
10 and then you get 9 o'clock.

11 A. Yes.

12 THE INSPECTOR: And S007 comes on duty.

13 A. Correct.

14 THE INSPECTOR: That's right. So it looks as though you are
15 on for about an hour?

16 A. Correct.

17 THE INSPECTOR: All right.

18 A. Can I just say I didn't even -- I didn't even remember
19 I had done that until just now.

20 THE INSPECTOR: No, well, that's the value of having
21 a document and why I wanted you to look at this, so that
22 you could begin to relive some of the day-to-day events.

23 MR POOLE: If the person that's on duty is doing what they
24 should be doing, am I right that every communication
25 from those out on patrol should be recorded in this

1 book?

2 A. Correct.

3 Q. Obviously we are concerned in particular with VCPs and
4 stop and searches. Would you expect each VCP to be
5 recorded in this book?

6 A. I would expect so.

7 Q. I just want to understand what we should expect to see
8 or what we shouldn't expect to see in this radio log.
9 So for example, would we only expect to see an entry
10 where something in particular happened on a VCP or would
11 we expect an entry in any event recording the fact there
12 was a VCP? Do you understand the distinction?

13 A. I understand the question, but I couldn't tell you in
14 how much detail they would want to record -- whether
15 they would want to record at location now or they would
16 want to record an incident or contact that happened.
17 I should imagine a contact would definitely have to be
18 recorded, but maybe they would log routes that they were
19 at? I couldn't tell you exactly what was meant to be
20 recorded specifically, but you would record anything
21 that came over the radio as that would be apparent you
22 would need to write that down into the log. The format
23 of what was said and what had to be logged I couldn't
24 tell you. That's a commander's position.

25 THE INSPECTOR: What puzzles me now, looking at this log

1 with you, is that it seems to indicate that there were
2 patrols where you were not driving the Wimmick but were
3 back in the room at Al Uzayr base.

4 A. Yes, that would definitely be the case. As you would
5 rotate on, from what I remember, patrols, rest and
6 guard, or patrols -- I don't think we got much rest. It
7 was patrols, quick reaction force and guard on quick
8 reaction force. You would almost be like at rest but
9 you could be called out at any time for assistance, and
10 that's my recollection now. I couldn't tell you what
11 I said back then.

12 MR POOLE: So if you were on duty, would the Wimmick also be
13 at the old police station?

14 A. I would like to think so, yes. Otherwise I would be in
15 very big trouble.

16 Q. Would there ever be occasions when a patrol went out
17 just using the Pinz-gauer?

18 A. I don't remember.

19 Q. You said a moment ago that any contact would certainly
20 be recorded. Now, by "contact", am I right you mean
21 an encounter with a civilian?

22 A. No, I was referring to the contact as in been engaged by
23 an enemy. I was just using that as an example, as
24 a most, like, reason to register something in the
25 logbook.

1 Q. Would you regard one of these examples of a chase and
2 then a stop and search as being a contact that should be
3 recorded in the logbook?

4 A. I would put that in as a log if I was a commander.

5 THE INSPECTOR: Can I ask you one or two points of detail on
6 151 still. We can see the format of it is that in the
7 column where it says "call", there's a "to" column and
8 a "from" column.

9 A. Correct.

10 THE INSPECTOR: Where we see, as in the very first entry,
11 "to", a circle with a line through it, what does that
12 mean?

13 A. Zero. Zero would be a command base.

14 THE INSPECTOR: So that's a call to a command base at 6.30,
15 that first entry?

16 A. Correct.

17 THE INSPECTOR: That would be not necessarily your command
18 base, where you were, if you were on duty, but maybe the
19 base at Condor or somewhere like that. Is that right?

20 A. Correct.

21 THE INSPECTOR: Then it says in the next column:
22 "From D20."

23 A. Correct.

24 THE INSPECTOR: What does "D20" stand for?

25 A. That would be a call sign.

1 THE INSPECTOR: For?

2 A. For -- I couldn't tell you if it was one of the
3 patrols -- each patrol may have had their own call sign,
4 or -- if it was a call sign for all three patrols
5 cumulatively.

6 THE INSPECTOR: That's delta, is it? Delta 20?

7 A. Correct.

8 THE INSPECTOR: If we look down that page, we see quite
9 a number of D20 entries, don't we?

10 A. Correct.

11 THE INSPECTOR: If you just drop to about the halfway point,
12 a little bit below, do you see 14.10 there, a D20 entry?

13 A. Correct.

14 THE INSPECTOR: That one says:
15 "Requesting stops with interpreter. To with
16 weapons."
17 A. Correct. That does state that.

18 THE INSPECTOR: Yes. Can you shed any light on what that
19 might mean?

20 A. (Pause) I should imagine -- that, to me, looks like
21 they're asking for interpreters, asking 0 to send
22 interpreters to our location. That's how I read it. "2
23 with weapons" -- I don't understand what that means.

24 THE INSPECTOR: No. I don't either.
25 Then, at 17.30, we get you coming back on to duty,

1 S002. 17.35, D20 apparently ringing in to just check
2 the connection. Correct?

3 A. Correct.

4 THE INSPECTOR: What' does "VHF" stand for?

5 A. It's a frequency, I should imagine. Yes, I couldn't
6 tell you how or why that was put in.

7 THE INSPECTOR: No, all right. There's quite a lot of
8 ringing in just to check the connection.

9 A. Yes. We still felt very vulnerable. You would still
10 want to make sure at any time you needed help and
11 assistance you would get it.

12 THE INSPECTOR: So I can take that as an indication of how
13 vulnerable people felt?

14 A. Yes, most definitely.

15 MR POOLE: Before I take you to some specific entries,
16 I just want to explore the call signs a bit more with
17 you. If you go back to the first page, 150, please. At
18 the very top of the page, next to the date, there's an
19 entry for own call sign. Right in the middle of the
20 top, and it says D20.

21 It is said by S010 that D20 is the call sign for the
22 platoon. Looking at that entry at the top of the page,
23 does what S010 says sound about right to you?

24 A. It seems that way.

25 Q. It may be that you can't help with these next questions.

1 If not, please say so. It is said by, again, S010 that
2 D21 was the call sign for one section, D22 for two
3 section and D23 for three section.

4 A. I couldn't tell you for a fact, but that would, in my
5 eyes, from what I remember, most likely sound the best
6 way. I mean, you would need to distinguish between
7 a section because it wouldn't really work.

8 Q. We see in a number of the call signs that not only do
9 you have, for example, D21; you have the letter "C"
10 added. Can you help with what that might tell us?

11 A. No, I can't really remember.

12 Q. Again, it's suggested by S010 -- and perhaps you can
13 just comment on this -- that D21C would have indicated
14 the commander of the section that is denoted by 21.

15 A. That "C" would -- I would assume Charlie and Delta team.
16 I don't know. I can't remember what ...

17 Q. We will move away from call signs and move to some
18 specific entries now. I am going to take you to half
19 a dozen entries that deal with VCPs and stop and
20 searches.

21 If you could turn to page 155, please. In order to
22 date these entries, you have to turn back one page. We
23 see the date 2 May at the top of page 154.

24 A. Correct.

25 Q. If you just, on 154, follow it down to the first

1 holepunch hole, we get to about 23.35 on 2 May. Then we
2 have a new heading, "3 May 2003". If we then follow
3 those entries through and turn over the page, could you
4 have a look at an entry just three down from the second
5 holepunch hole at 18.58. We see there an entry that
6 says:

7 "VCP at ..."

8 Then a number. Is that number a location site?

9 A. Yes, that looks like a four figure grid reference.

10 Q. Then the next entry, at 19.21, says again:

11 "VCP ..."

12 Then there's a word there that you my be better able
13 to read than I can. It looks like it says "collapsed"
14 but it may not do. (Pause)

15 THE INSPECTOR: Well, don't spend too much time. It looks
16 as though it does, doesn't it? It has an "a" instead of
17 an "o" --

18 A. I was going to say: the spelling is not correct.

19 THE INSPECTOR: Anyway, it looks tolerably clear that it's
20 "collapsed".

21 MR POOLE: So I am right that this is an entry where,
22 whichever section it is, namely D22, is recording
23 setting up a VCP at a certain location at 18.58?

24 A. That would seem the most likely, yes.

25 Q. If you could turn next, please, to page 158. We see

1 an entry there at 13.40. I am afraid your copy is
2 probably as bad as my copy. The final five words appear
3 to me to say:

4 "Suspect white Toyota land cruiser."

5 A. That looks ... yeah, that sort of looks like -- yeah, my
6 copy is a bad ...

7 Q. So this is someone reporting in a suspicious vehicle?

8 A. It must be. I couldn't tell you why it was logged.

9 Q. If you could turn next, please, to 161. We've moved to
10 the next day, 6 May. I am afraid it's very difficult to
11 see the times, but the third entry down on that page,
12 from D23C, reads:

13 "Contact 1x enemy vehicle. 1x enemy ['passenger' or
14 'pax']."

15 Then there's a rather long entry. If we pick it up
16 at the middle of the page, it reads:

17 "They had a contact. No casualties and back in my
18 location."

19 There is then reference to compiling an incident
20 report to follow. This isn't your handwriting, is it?

21 A. No.

22 Q. From the description there, is this likely to be one of
23 the incidents that you recall involving having to chase
24 a vehicle?

25 A. Well, as I can't understand the writing, I don't really

1 think I can safely say ...

2 Q. The reference to an incident report -- were you aware of
3 completing incident reports?

4 A. Not that I remember.

5 Q. If we can next have a look at page 163. We are now at
6 7 May. In the middle of the page, there's an entry for
7 19.02. It's a call from D22C and it says:

8 "Four times passengers, one vehicle, bag of money,
9 one AK47."

10 Then two entries further down, at 19.05:

11 "Six passenger, one Nissan van, stopped. Sped
12 through VCP."

13 Then the next entry, at 19.10:

14 "One passenger with weapon ran away. Search in
15 others."

16 Now, you referred, in your interview with the Royal
17 Military Police, to an incident you recall where there
18 was an AK47 and a bag of money. Do you recall that?

19 A. No.

20 Q. If, as described here, one Nissan van stopped and sped
21 through VCP, from what you have told us already, this is
22 likely to be an incident you were involved in in your
23 Wimmick. Is that right?

24 A. It makes logical sense.

25 Q. Then the final entry for 7 May on this page, 20.10:

1 "Sit rep: [so 'situation report'] chased three to
2 four vehicles. Shots fired. Vehicles got away. No
3 casualties."

4 A. Sorry, is that a separate incident?

5 Q. Well, we would benefit from your interpretation of this
6 as much as anything. Does the fact it starts with
7 "situation report" tell us anything?

8 A. (Pause) No, I wouldn't be able to ... "sit rep" is
9 a situation report so ...

10 Q. So that might be a summary of the entries we've looked
11 at at 19.02 to 19.10?

12 A. Yes.

13 Q. If we go over the page, there's a bit more detail.
14 Again, it looks like a summary of what has happened
15 during patrol on that particular day. (Pause)

16 Do you remember a chase that lasted about
17 30 minutes, during which shots were fired?

18 A. Yes.

19 Q. Did that result in a stop and search, or did the vehicle
20 get away?

21 A. I can't remember. I should imagine -- there are so many
22 incidents that I come across, they are a big, merging
23 blur to me. I couldn't give you specifics.

24 THE INSPECTOR: Can I just linger with you for a while on
25 this note. It's obviously the first time you've seen

1 it, but here it is setting out in a little detail
2 something which you may well have experienced, and it
3 seems as though you're saying you did. So can we only
4 just try and extract anything we can from the note and
5 from your recollection. All right?

6 A. Okay.

7 THE INSPECTOR: So it's three times Nissan pick-ups stop
8 short 200 metres of a VCP, turn round and flee. So this
9 is three vehicles turning round and fleeing from a VCP.
10 Any glimmers of recollection coming back?

11 A. I remember a bus, a big bus, because that was unique.

12 THE INSPECTOR: What did the big bus do?

13 A. That turned away. That turned away from a vehicle check
14 point and we gave chase to that.

15 THE INSPECTOR: Were there people on the bus?

16 A. Yes.

17 THE INSPECTOR: Did you search the people on the bus?

18 A. I don't remember specifically searching them, but
19 I should imagine they would have been searched. I'm
20 only getting flashbacks of bits and bobs. I -- logical
21 sense would tell me certain actions would have happened
22 in accordance to what I know would make sense, but
23 I don't remember those actual events. I would need
24 to --

25 THE INSPECTOR: Do you remember anything more about the bus

1 incident?

2 A. Shots fired.

3 THE INSPECTOR: At what?

4 A. At the vehicle.

5 THE INSPECTOR: In order to stop it?

6 A. I can't remember. I'm not sure if it was to stop it or
7 if we were being fired at. You see, I know it was shot
8 at because I've got a flashback of the bullet holes in
9 the windows, but did they shoot at us? Were we shot at
10 a few times? I don't know. It's all a big blur.

11 THE INSPECTOR: Can you remember anything, even by way of
12 flashback, of the people who were on the bus, whether
13 they were searched out of the bus or on the bus?

14 If we just drop down here, we get, as Mr Poole has
15 pointed out, a record to a chase that lasted 30 minutes.

16 A. I can remember quite a few chases actually where we
17 spent quite a while chasing the vehicles, because they
18 just refused to give up, down -- through -- either off
19 a main road, down some shanty sort of houses, you know.
20 It's just all a big blur to me.

21 THE INSPECTOR: That's quite a chase. I mean, in 30 minutes
22 you're travelling quite a distance. I am not disputing
23 it; I am just inviting detail.

24 A. Well, I can safely say from adrenaline -- when
25 adrenaline is pumping, things that last hours seem like

1 seconds, so to ask me if it was 30 minutes when
2 something seems like it happened in seconds ...

3 THE INSPECTOR: I am just trying to bring these things
4 alive. We have there a reference to wing shots being
5 fired to stop the vehicles. Do you see that?

6 A. (Pause) Sorry, is this in between the time of --

7 THE INSPECTOR: Yes. When it says "chase lasted 30
8 minutes" -- do you see that? During which time they
9 lost -- I take it "comms" means communication?

10 A. Yes. I've got that, yes.

11 THE INSPECTOR: Then it says D11C fired wing shots to stop
12 vehicles but to no avail. As at 19.50 -- then there's
13 a grid reference, isn't there, given? Do you see that?

14 A. Beginning with 3?

15 THE INSPECTOR: Yes.

16 A. Yes.

17 THE INSPECTOR: D11C was shot at from the flank as it sped
18 through town, at grid, as I take that to be, reference
19 QV3 et cetera. D11C stopped chase due to split and then
20 it's C/S -- I don't know what that refers to.

21 A. "Call sign".

22 THE INSPECTOR: Call sign, and loss of communication.

23 A. But I have no recollection of that. The flashback I'm
24 talking about is of another incident. This is my point.
25 So I'm getting a flashback of one thing and a flashback

1 of another thing, and I am not sure it's the same
2 incident we're talking about.

3 THE INSPECTOR: No. I want to go to the end of this because
4 it says:
5 "End of message. D11C leaving this location. Back
6 to base to update ..."
7 What's "sit rep"?

8 A. Situation report.

9 THE INSPECTOR: "... situation report with 22A."
10 Now, you don't remember that incident. That is
11 right, isn't it?

12 A. That's right, I don't remember.

13 THE INSPECTOR: But there are features of it -- you have
14 referred to a 30-minute chase as something that happened
15 from time to time?

16 A. I don't remember 30-minute chase happening from time to
17 time.

18 THE INSPECTOR: You don't remember ever being in a 30-minute
19 chase?

20 A. No.

21 THE INSPECTOR: It refers to shots being fired from the
22 flank as the vehicle went through the town. From what
23 you have said to me earlier, I thought you were saying:
24 well, shots being fired did take place from time to
25 time. Is that right?

1 A. Correct.

2 THE INSPECTOR: And this refers to a loss of communications
3 occurring, the vehicle returning to base and not
4 continuing the chase.

5 A. That wouldn't be something in the forefront of my mind
6 because I'm not in charge of communications.

7 THE INSPECTOR: Have you any recollection of your platoon,
8 or the platoon you were in, returning to base because of
9 a loss of communication?

10 A. I don't remember a specific incident where we'd lost
11 communications and thought: "Well, we've got no comms
12 now. Let's go back to base." I just have no
13 recollection of that whatsoever.

14 If I were to speculate, I should imagine that he
15 would have -- whoever was in charge of the section would
16 have used his common sense and said, "We're quite
17 vulnerable now. Maybe we should head back in." Or
18 maybe they would have wanted to show still a presence of
19 bravery and force and stayed out there. I don't know
20 what's going through a section commander's head at the
21 time.

22 THE INSPECTOR: No, no. But it fits in with the pattern of
23 the way things were done. Communication was very
24 important with base; correct?

25 A. I will agree with that statement, yes.

1 THE INSPECTOR: If communication was lost in a situation of
2 some event, it would be likely that the decision would
3 be: "Without communications, we're too vulnerable. Back
4 to base"?

5 A. I would agree with you. If I was a section commander,
6 that's exactly what I would do.

7 THE INSPECTOR: Thank you.

8 MR POOLE: Just a few more --

9 MS AL QURNAWI: Sir George?

10 THE INSPECTOR: Yes. Are you at your time for a break?

11 MS AL QURNAWI: No, no, not about the break. I was just ...

12 (Pause due to power cut in Basra)

13 THE INSPECTOR: Ms Al Qurnawi, you would like a break now?

14 MS AL QURNAWI: Yes, somebody has to -- we just had a power
15 cut. I just want to make one comment. Just to say that
16 the only radio report that we have seen is the one
17 attached to S010's statement. We have not seen any of
18 the radio reports that you've been referring to, which
19 makes it slightly difficult for us to hear it. So if it
20 would be possible to get these sent to us later today
21 just to follow on and catch on the points that we've
22 missed, because we don't have these radio reports in
23 front of us.

24 THE INSPECTOR: Thank you. There is a sensitivity check
25 which needs to be carried out, but when that is done you

1 will certainly have them, Ms Al Qurnawi. At the moment,
2 as you've heard, they're being used in order to try and
3 excite the recollection of the witness to the events and
4 what was going on at or about this time.

5 You have the pages for the 11 May, haven't you?

6 MS AL QURNAWI: Yes, we do.

7 THE INSPECTOR: Good. Well, we will continue. We'll take
8 a break. We probably have some more questions, have we
9 not, before 11 May?

10 MR POOLE: There's probably ten more minutes on this topic.

11 If they could wait ten minutes and then have a break.

12 THE INSPECTOR: We will have probably ten more minutes on
13 entries other than 11 May and then we will come to
14 11 May.

15 MS AL QURNAWI: I mean, what time are you planning to have
16 a break? Because we have here 2.30 and the restaurant
17 downstairs will close in the next 30 minutes.

18 THE INSPECTOR: Well, since we have stopped now, would you
19 like to stop now for half an hour?

20 MS AL QURNAWI: Yes, that would be great.

21 THE INSPECTOR: Does that make everybody happy?

22 MS AL QURNAWI: Our side, yes, we are very happy.

23 THE INSPECTOR: All right. We will stop now for half
24 an hour. Okay?

25 MS AL QURNAWI: Yes, thank you.

1 (11.25 am)

2 (A short break)

3 (12.02 pm)

4 THE INSPECTOR: Good. Everybody refreshed?

5 MS AL QURNAWI: Yes.

6 THE INSPECTOR: Excellent.

7 MR POOLE: S002, I want to take you to a few more

8 examples --

9 MS AL QURNAWI: The sound is quite low.

10 THE INSPECTOR: Sorry.

11 MS AL QURNAWI: Sir, we can't hear you very well. The sound

12 is quite low. I don't know what's happening. (Pause)

13 THE INSPECTOR: Can you hear me now? Ms Al Qurnawi, can you

14 hear me?

15 MS AL QURNAWI: Hello. No.

16 THE INSPECTOR: I can hear you very well.

17 MS AL QURNAWI: Yes. But we can't hear you.

18 THE INSPECTOR: You can't see me? Now, we have a man who

19 knows how to work the system here now. Can you hear me?

20 MS AL QURNAWI: No, not very well.

21 THE INSPECTOR: Ms Al Qurnawi, have you possibly turned down

22 the volume?

23 MS AL QURNAWI: We are just calling the IT man.

24 THE INSPECTOR: Because nothing has changed here.

25 MS AL QURNAWI: Has something changed on your side?

1 THE INSPECTOR: No, we haven't altered anything.

2 MS AL QURNAWI: We haven't altered anything either.

3 THE INSPECTOR: There is another force at work!

4 (Pause)

5 MS AL QURNAWI: We cannot find the IT guy. He's not in the

6 hotel. He's gone somewhere else.

7 THE INSPECTOR: Ms Al Qurnawi --

8 MS AL QURNAWI: Wait, wait -- yes, it's working now. That's

9 it. Yes, got it.

10 THE INSPECTOR: You can hear me now?

11 MS AL QURNAWI: Very well.

12 THE INSPECTOR: Excellent.

13 MS AL QURNAWI: Yes, excellent.

14 THE INSPECTOR: Mr Poole?

15 MR POOLE: S002, I just want to ask you a few more questions

16 about the radio log. We were last looking at the entry

17 on page 164. If you could turn now to page 166, please.

18 You will see the sixth entry, at 18.01, on that page,

19 recording:

20 "Stopped two vehicles. Searching them now."

21 Then 18.06:

22 "Vehicles released. Nothing found."

23 Am I right? That's not your writing, is it?

24 A. No, that's not my writing.

25 THE INSPECTOR: Perhaps it would help, Ms Al Qurnawi, if

1 I just read a bit more so that you follow some of it.

2 It says:

3 "Vehicles released. Nothing found. Lots of civ pop
4 [which means 'civilian population'] building up.
5 Driving round them. Making their way back to original
6 location to carry out tasking."

7 So that event is recorded, and that was at 18.06 on
8 8 May.

9 Yes, Mr Poole.

10 MR POOLE: If you could turn to the next page, 170, please,
11 and the fourth entry from the bottom of the page, timed
12 at 17.51, dated 11 May 2003. Do you see there the
13 entry:

14 "Vehicle avoided VCP."

15 Then at 18.10, bottom of the page:

16 "Checked 2x passenger. Nothing found. Let go."

17 Our understanding is that that is the incident that
18 we will be talking about in a moment that happened on
19 11 May.

20 Again, those two entries, that's not your
21 handwriting, is it?

22 A. Correct. That's not my handwriting.

23 THE INSPECTOR: We can see that it's a corporal who comes on
24 at 13.59 and then, according to the log, the next
25 recorded change is at 17.56 when another soldier comes

1 on duty, five minutes after the entry recording that
2 a vehicle had avoided the VCP.

3 MR POOLE: The final entry I want to take you to is 177,
4 please. In the middle of that page, at 11.30, there's
5 an entry where it's recorded:

6 "Two passengers shooting at each other. Call sign
7 went out on the ground. Swept area. No passenger or
8 weapons found. Passenger seen going into a village.
9 D22C gave chase. Swept area again for weapons, then
10 returned to [something] location."

11 THE INSPECTOR: Is that "arc location", do you think, S002?

12 A. Yes.

13 MR POOLE: Again, that's not your writing, is it?

14 A. No.

15 Q. The radio entries we've looked at over the period from
16 30 April to 16 May record two contacts with the enemy
17 where shots were fired, a couple of references to VCPs
18 being set up and the incident in question on 11 May.
19 Are you surprised that there were not more entries
20 relating to VCPs or vehicles being chased?

21 A. Not really surprised. That seems -- it seems about
22 right, I suppose. I don't know.

23 Q. I just want to understand whether, from what you've seen
24 now of the radio logs, they are an accurate portrayal of
25 what was happening on the ground at this time.

1 A. Yes.

2 Q. I would like to ask you some questions now, then, about
3 the incident on 11 May. When you were asked about the
4 incident by the Royal Military Police, you said that you
5 recalled the incident because you remembered S001 and
6 S004 being there.

7 Now, earlier you remembered other members of the
8 section being present. Is it your recollection that
9 there were more than simply S001 and S004 present?

10 A. Yes.

11 Q. Therefore, just to recap, am I right that you have
12 a clear recollection of S001, S002, yourself, S003,
13 S004, S005 and S006 being present at the incident on
14 11 May?

15 A. No, I do not have a clear recollection of S005, S006 and
16 S003 being present. More vague than clear. I can't --

17 THE INSPECTOR: You have some recollection?

18 A. I have some recollection.

19 MR POOLE: You referred in your interview to the Royal
20 Military Police to chasing a vehicle into a village and
21 two men being put on the ground and searched. I want to
22 go back with you to when you first saw or became aware
23 of the vehicle that was eventually searched. Were there
24 one or two vehicles, to your recollection?

25 A. Two vehicles.

1 Q. Who first became aware of the vehicles?

2 A. I cannot remember.

3 Q. What first alerted you to these two vehicles?

4 A. I can't remember. I should imagine somebody would have

5 said.

6 THE INSPECTOR: Can you now remember, S002, who was with you

7 in the Wimmick, looking at your cipher guide? Can you

8 remember now one or more than one person who was with

9 you, looking at that?

10 A. Yes. I remember S001 being my commander.

11 MR POOLE: And you remember him being in your Wimmick?

12 A. Right now I don't remember him being in my Wimmick but

13 at the time, if I had said that he was in my Wimmick,

14 then he must have been in my Wimmick.

15 Q. The fact, though, that he was the commander of the

16 section, does that tell us whether he was more likely to

17 be in the Wimmick or the Pinz-gauer?

18 A. Not necessarily, but I -- nine times out of ten, yes,

19 I would have either a section commander or a 2iC in my

20 Wimmick.

21 THE INSPECTOR: Do you remember who the TIC was? Again,

22 looking at your cipher guide.

23 A. Can you define "TIC"?

24 THE INSPECTOR: I thought you said there was a TIC?

25 A. Oh, 2iC.

1 THE INSPECTOR: TIC, yes, the second in command.

2 A. Yes.

3 THE INSPECTOR: Do you remember who the second in command
4 was?

5 A. No.

6 MR POOLE: There came a time when you had to give chase to
7 the two vehicles you've identified. Can you just
8 describe how that happened to us?

9 A. (Pause) I just get a flashback of a vehicle going off
10 into a horizon and the vehicle turning into a side road.
11 In regards to how the initial chase started, I couldn't
12 give you an accurate answer of exactly what happened.
13 Most times that we had to give chase was normally being
14 told by the section commander to pursue.

15 Q. Can you describe the two vehicles?

16 A. I can't describe the first one that had gone off into
17 the horizon but I remember them being white. Most
18 vehicles were white that we gave chase to. But I would
19 have to say it was a white pick-up truck with ... yeah,
20 with an empty space in the back.

21 Q. You describe one going off into the distance and one
22 turning off the road. Which did you pursue?

23 A. The one turning off the road.

24 THE INSPECTOR: I know I'm asking a lot of you, but how much
25 distance, in broad terms, do you think this vehicle had

1 on you before you began the chase?

2 A. 100 metres?

3 THE INSPECTOR: Thank you.

4 MR POOLE: When the vehicle turned off the road, can you

5 describe the terrain and the layout for us?

6 A. Again, flashback of the car going over the horizon was

7 over a road, so it was very flat land. So you could --

8 I would say you could probably see at least three, four,

9 five hundred -- quite a distance away. I am not talking

10 about on this particular incident; I'm just going by

11 what I can remember, that -- normally the haze would --

12 you would have to compensate, I suppose. If you were

13 trying to bracket distance between somebody in that

14 haze, it could give a disillusion as to the actual

15 distance, so when they had gone off the horizon they

16 could have been five, six, 700 metres, gone. So I have

17 no idea. It was just a very small faint dot going over

18 the horizon.

19 Q. The vehicle, though, that you pursued that had turned

20 off the road, how did that come to a stop?

21 A. From what remember now, it had already stopped.

22 THE INSPECTOR: When the vehicle turned off the road, do you

23 remember now, did it go out of your sight for any period

24 of time?

25 A. I wouldn't be able to remember that.

1 THE INSPECTOR: Could it have done so?

2 A. Yes, there were buildings in this village. I remember
3 the structure maybe being like most buildings, just not
4 made of brick or anything like that, just more, I think,
5 in the way of mud and -- I don't know. Just ... I can't
6 remember.

7 THE INSPECTOR: What I want to clear up in my own mind is
8 whether, having turned off the road as you did to follow
9 the direction of travel of the vehicle you wanted to
10 follow -- is it possible that the vehicle you then saw
11 stopped at the side of the road was a vehicle other than
12 the vehicle that had turned off the road which you were
13 intending to chase? Is that possible?

14 A. Yes. I understand what you are saying. That is
15 possible. But at the time I cannot remember if I -- if
16 I remember seeing a continual picture of the vehicle as
17 it approached into the village, if somebody else had
18 kept eyes on. I'm driving the vehicle. I am more
19 likely to be concentrating on the road as to somebody
20 who's maybe on top cover -- top cover or maybe just
21 keeping eyes on the vehicle. Me personally, I cannot
22 remember, but yes, there is a possibility.

23 THE INSPECTOR: I ask you this because the witnesses,
24 including an Iraqi witness who was in the vehicle which
25 you approached, and other evidence, suggests there were

1 two vehicles being chased but that their vehicle was not
2 one which had avoided the VCP but had stopped at the
3 side of the road, in the village, as it happens to let
4 off a passenger, and that then your vehicle and the
5 Pinz-gauer came upon that vehicle.

6 I just want to know whether you could help me in
7 trying to find the facts on this. It may not be
8 critical, but it's important for me to have your
9 guidance, since you were there.

10 A. I completely understand what you're saying and -- but I,
11 at the time, don't remember any confusion in terms of
12 people are unsure or anything like that at any time,
13 actually, in serving out there in terms of stop and
14 searches. I don't remember one incident where we were
15 confused, scratching our heads, have we not got the
16 right vehicle? If that may be a possibility then
17 I wouldn't know.

18 THE INSPECTOR: Thank you.

19 Now turn the camera back in your mind to the point,
20 I think, where you were with Mr Poole. You have come
21 down into the village and there is a vehicle which is
22 believed to be the vehicle you were chasing stopped.
23 Can you say what you remember then? What happened with
24 you and your vehicle?

25 A. So had we approached into the village at this point?

1 THE INSPECTOR: I believe you were in the village when you
2 came upon the vehicle which was stopped. Is that right?

3 A. Yes. The vehicle had stopped and we had approached the
4 vehicle.

5 THE INSPECTOR: That's the bit where I want you now to give
6 as much detail as you can.

7 A. Okay. My recollection of that is that the vehicle is
8 facing to the left of me, I think. That's a flashback
9 I've got in my head. I don't really remember any -- in
10 assisting anyone at the time. Right now I don't
11 remember anything whatsoever in regards to that.

12 THE INSPECTOR: Well, presumably you must have stopped your
13 vehicle?

14 A. Yes. I would have stopped my vehicle definitely at what
15 I deemed a safe distance within reason of my
16 surroundings.

17 THE INSPECTOR: Now, when you stopped and you saw the
18 vehicle, do you remember whether there were people in
19 the back of the open back pick-up?

20 A. I don't remember anyone in the back. I remember two
21 men. I have a flashback of two men sitting in a
22 vehicle, refusing to get out.

23 THE INSPECTOR: Now, we can stop the camera there. This is
24 your brain, your recollection camera. You're still in
25 the driver's seat, as you recollect, at this time, are

1 you? You can't remember?

2 A. I can't remember where I was.

3 THE INSPECTOR: Who were the two men refusing to get out?

4 Who was there for them to refuse?

5 A. I have no idea. I couldn't tell you. Right now --

6 THE INSPECTOR: Two soldiers, one soldier? But certainly

7 soldiers?

8 A. Well, there must have certainly been soldiers. I mean,

9 I'm reflecting back on what I've been told in my

10 statement but as of right now your asking me, I honestly

11 cannot remember.

12 If it helps, in terms of how close the vehicle was

13 to me and what the flashback shows me, you're looking at

14 about ... 20 metres? So either I was standing at

15 20 metres in that image I have in my head or I was sat

16 in my vehicle 20 metres away. That's --

17 THE INSPECTOR: It doesn't matter. Good. So we have

18 20 metres with certainly a soldier but probably more

19 than one soldier. Is that right? Probably. You can't

20 help?

21 A. (Shrugs)

22 THE INSPECTOR: Why do you say they were refusing to get

23 out?

24 A. Because I -- I just remember just -- a flashback of

25 shaking heads and holding on to a door. It's like

1 a flashback of just ... yeah.

2 THE INSPECTOR: What, that one of the people inside the
3 vehicle was shaking his head and holding on to the door
4 so that it couldn't be opened; is that it?

5 A. I think so.

6 THE INSPECTOR: Is that the picture?

7 A. Yes, that's what I think I've ...

8 THE INSPECTOR: Good.

9 A. Can I just say, it's really weird -- although I see
10 pictures, I have a sense of like an emotional feeling
11 towards the pictures. Do you understand what I mean?
12 It's -- I am not remembering this; I just have a sense
13 of it. Does that make sense?

14 THE INSPECTOR: Fine. Now, can you help us about the
15 atmosphere in this sort of situation? Presumably there
16 are voices from at least the soldiers' side, or
17 a soldier's side?

18 A. I can -- okay, I cannot remember what the -- what the
19 sense was in this particular incident. Most incidents
20 were very -- you were at a very heightened state of --
21 yeah, of alert. Your adrenaline was pumping. You --
22 I should imagine in this village we were extremely
23 nervous. I remember talk of, you know, being very
24 worried about our surroundings because when you're in
25 open ground, you know, there's less places for an enemy

1 to hide and take shots at you. In a slightly more
2 built-up environment, it's -- it's easier for them to
3 ambush you, so we would have definitely wanted to
4 protect ourselves.

5 THE INSPECTOR: And stay at the scene for as little time as
6 possible? Is that right?

7 A. Yes. Most definitely.

8 THE INSPECTOR: Now, I don't wish to overdramatise
9 a situation but I would like to be confident that I have
10 got close to the real situation. Soldiers carrying
11 a rifle, kitted fully up; correct?

12 A. Correct. We were definitely hot and bothered most of
13 the time.

14 THE INSPECTOR: Approaching a vehicle, suspicious of the
15 vehicle and needing, if the passengers do not get out,
16 to get them out as quickly as possible.

17 A. Yes.

18 THE INSPECTOR: Is that correct?

19 A. Yes.

20 THE INSPECTOR: If you were to put yourself in the position
21 of the Arab civilian in the vehicle, you would be facing
22 a pretty frightening confrontational situation, because
23 you were being given commands by a soldier who was
24 determined on keeping the dominant hand in this
25 exchange. Have I described what would be the normal

1 situation?

2 A. I would agree to the majority of that. However, I do
3 believe that in stressful situations we are professional
4 enough to assess at that moment in time -- to be calm
5 enough initially to ask somebody to step out of
6 a vehicle as they start to -- or if they would refuse,
7 then suspicion would start to arouse and then -- I would
8 then agree with you that yes, we would then try to
9 become the dominant hand very quickly.

10 THE INSPECTOR: Thank you very much. That's very helpful.
11 Thank you.

12 Sorry Mr Poole, I've taken some time. Back to you.

13 MR POOLE: The flashback that you recall of seeing people in
14 the vehicle holding on to the door, could you assist us
15 with how those people got out of the vehicle?

16 A. Can I just make clear: that's not what I saw, them
17 holding on to the door. I get a sense of -- because
18 what I've seen many times before, people refusing to get
19 out, they normally hold on to the door. So I cannot say
20 in that particular incident they were holding on to the
21 door; I just get a sense of it.

22 Q. From your position, would you have seen the two men
23 leaving the vehicle?

24 A. If I was sat facing the vehicle, then yes, but I cannot
25 remember exactly.

1 Q. Is your sense of the situation that the two men got out
2 of the vehicle voluntarily or did they have to be taken
3 from the vehicle?

4 A. I should imagine -- yes, I get a sense that they refused
5 to get out, as most chases ended up them refusing to get
6 out.

7 THE INSPECTOR: And then? What happens if they refuse to
8 get out?

9 A. You attempt to open the door, I should imagine, and just
10 try to pull them out.

11 MR POOLE: When you spoke to the RMP about this incident,
12 the next recollection that you had was being asked to
13 assist S001 in respect of one of the men from the
14 vehicle. Can you describe to us how that came about?

15 A. No, I don't remember that.

16 THE INSPECTOR: Would you like to look at page 256.
17 I think, Mr Poole, the first answer you give at the top
18 of the page will help you.

19 A. (Pause) Okay, I've read the top.

20 THE INSPECTOR: Well, in fact, it may help you if you just
21 refresh your memory now. Just read on, perhaps, to the
22 bottom of the next page, 257.

23 A. Okay. (Pause)

24 MR POOLE: Ms Al Qurnawi, I understand you don't have the
25 same page numbering that we have?

1 MS AL QURNAWI: Yes, exactly. I was going to ask for that.

2 MR POOLE: Page 256 that S002 is looking at corresponds to
3 page 5168 of the transcript that you have. So if you
4 find 5168 and 5169. They are the two pages that we are
5 looking at now.

6 MS AL QURNAWI: Yes, I have them in front of me. Thank you.

7 A. (Pause) Okay, I've read that. I don't remember any of
8 it, but okay.

9 MR POOLE: So you obviously recalled in December 2003 going
10 to assist S001 and specifically assisting him because
11 one of the men in the vehicle required restraining.
12 But -- am I right -- save for what we can read for
13 ourselves, you have no recollection now of that
14 incident?

15 A. No, I have no recollection.

16 Q. You said to the RMP that you remembered getting the man
17 in an arm-lock. That is said on page 241, which,
18 Ms Al Qurnawi, is your 5153. Do you recall using
19 an arm-lock to restrain one of the men?

20 A. No. Right now, I just have no recollection of any of
21 it.

22 THE INSPECTOR: Would you like to look at 241.
23 5153, Ms Al Qurnawi.

24 A. (Pause) Okay, I've read that.

25 THE INSPECTOR: You have finished, have you, at the top of

1 the next page, 242?

2 A. (Pause) Okay, I've read that.

3 THE INSPECTOR: Then I would like you, please, on

4 242/5154 -- can you see the question and what you say?

5 To begin:

6 "To be honest, I can't remember ..."

7 Do you see that bit?

8 A. Yes.

9 THE INSPECTOR: "... because every person that we tried to

10 get to lie on the floor either struggles or puts up

11 a little bit of a struggle to get down on the floor."

12 Can I take that as representing how things were?

13 A. Yes. That's the general feel of what I remember.

14 THE INSPECTOR: That was the general course, as you remember

15 it?

16 A. Yes.

17 THE INSPECTOR: Coming back, Mr Poole may have some

18 questions on 241. I don't know.

19 MR POOLE: Do you have any flashbacks or sense of anything

20 specific relating to this incident now?

21 A. The only thing I get, it's just like most of the patrols

22 that were -- refused to stop at VCP and we have given

23 chase always -- from what I remember now, always ended

24 up more likely being -- them resisting highly to get

25 out. So it's just another example of a patrol that --

1 sorry, another stop and search where they'd refused to
2 get out. Most stop and searches that came through the
3 VCPs were very pleasant, but there were loads of stop
4 and searches that we had to give chase on.

5 Q. When you spoke to the RMP in respect in this incident,
6 you remembered S001 using his helmet to hit a man. Do
7 you have a recollection of that now?

8 A. No.

9 Q. Would that be something that would be normal for a stop
10 and search?

11 A. No. That wouldn't be normal for a stop and search, but
12 I can definitely say when you've got -- for example,
13 this has happened throughout my time as a paratrooper:
14 if you do have your helmet attached to the back of your
15 webbing and you're, you know, ruffling around, that can
16 fall off. So I do know a number of times where,
17 you know, your weapon has been slung et cetera et cetera
18 and things falling off you when you're trying to
19 restrain somebody. You may pick that up. I don't
20 remember him using it, but if at the time I said he
21 picked his helmet up, that's the only time I can think
22 of. Sometimes you may want to sling your weapon to use
23 two hands. Sometimes you want to hold on to one
24 weapon -- because in Northern Ireland training
25 I remember you must keep hold of your weapon. If

1 somebody grabs your weapon, it's very embarrassing when
2 you're trying to restrain them and then they've got your
3 weapon.

4 Q. If you could look at page 248, please. Ms Al Qurnawi,
5 this is your 5160. In the middle of that passage, you
6 are asked the question:

7 "And what was S001 doing when you were doing that?"

8 And you answer:

9 "I do remember him using his helmet to hit him to
10 get down."

11 Then you say:

12 "I remember S001 trying to use his helmet to try and
13 force this person on the floor."

14 THE INSPECTOR: And then:

15 "Right [says the Sergeant], you mentioned 'hit'.

16 Can you tell me in a bit more detail what you remember
17 about that?

18 "Answer: Yeah, I just remember seeing him with
19 a helmet in his hand and trying to hit him, you know, to
20 get him to lie on the floor."

21 "How was he trying to hit him?" you were asked, and
22 you reply:

23 "Well, I can't remember. That's what I'm saying.

24 I remember him having a helmet in his hand, trying to
25 hit him to get him to lie on the floor."

1 "Question: Did you actually [I think it's meant,
2 the sense of it] hit this person with the helmet?

3 "Answer: I can't remember because I'm trying to
4 restrain this person. I just remember S001 with
5 a helmet in his hand. I don't know in the fumble if he
6 was hitting him or -- you know, that's what I'm saying."

7 And then the Sergeant comes back to it:

8 "So how was he trying to hit him?"

9 And you say:

10 "I suppose -- there you go. I can't even remember
11 if he was trying to even hit him. See what I'm saying?
12 Everything's so sketchy. Everything happened ..."

13 Then you're asked whether this happened every time.

14 "No, I'm not saying this happened every time."

15 The sergeant says:

16 "But you, the people would hit -- you would hit
17 civilians with helmets?

18 "Answer: No, I'm not saying this happened every
19 time. I'm just saying on this occasion -- like I'm
20 trying to explain to you, I can't exactly -- I can't
21 remember exactly what happened. I don't want to say to
22 you this happened if it didn't. This is -- I'm trying
23 to remember."

24 Now, I wanted you to see that while you're here with
25 me. Standing back as a reader of that, does it appear

1 to you that at one stage you were saying quite clearly
2 that S001 used his helmet to hit the individual, to keep
3 him on the ground, or to get him to the ground? At one
4 stage you appear to be saying that clearly, and then you
5 seem to go back on that and say that you're not really
6 saying that you remember that, and when you're pressed,
7 you say, "I can't remember what happened."

8 Now, you have seen that, haven't you, sufficiently?

9 A. Yes.

10 THE INSPECTOR: Now, this is the occasion when I have to
11 investigate these facts. As you know, that means I have
12 to try and find the facts which occurred, and I need as
13 much help as I could possibly be given to make findings
14 of fact. So can I ask you what I am hearing from you
15 today in relation to what you remember S001 did with his
16 helmet? Take your time. Do not, please, feel under any
17 pressure, because there's no reason for you to feel
18 under pressure. You may have felt under pressure in the
19 interview. Having said one thing and then you were
20 being repeatedly questioned about it, you retreated from
21 the clarity of it. That I entirely understand, but
22 now's the time for you to do your best and tell me what
23 you remember. All right?

24 A. Okay. I understand how it looks and when I read it, it
25 does ...

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(Video link broken)

MS AL QURNAWI: Hello?

THE INSPECTOR: Hello. Okay?

MS AL QURNAWI: Yes, we are here.

THE INSPECTOR: Can you please repeat the beginning of his answer.

THE INTERPRETER: Okay.

A. Reading back on this, I get the impression that I'm still unsure as to what I've seen and exactly what I remember. Yes, it does seem like I'm backtracking, but again, because I'm unsure in my mind at that time if actually what I'm recollecting is correct, because I've come across a lot of instances similar to this.

THE INSPECTOR: When you say "similar", similar in what respect?

A. Similar in its nature of -- I can't remember exactly right now but at that time if I've -- it seems like I am sure that he's got a helmet in his hand. That's what it seems like to me. But I seem to be very unsure on how he's using his helmet, again, only because of situations where, yes, helmets have fallen off, bits of clothing have ripped or fallen off in kerfuffles et cetera.

So, yes, that's the sense I'm getting from reading that. As I cannot remember anything of that when I'm looking back at this, that's the impression that I'm

1 getting.

2 THE INSPECTOR: Thank you. That's very helpful. We stay
3 with it. When you're in the position of S001 or anybody
4 else who's in this position of trying to get someone to
5 the ground, his rifle will be, what, slung or will he be
6 holding his rifle with one arm and hand?

7 A. It would determine on the approach and the reasonable
8 force you would use in trying to restrain someone. If
9 they're using two hands to fend you off and you have one
10 because you're holding onto a rifle, I should imagine
11 you would most likely sling your weapon to then use two
12 hands. These are all assumptions.

13 THE INSPECTOR: But to use physical force by using your
14 hands or your arm, as you describe, you have quite a lot
15 that can happen. You've got your rifle. You may have
16 your helmet, which, as you say, comes loose, and yet you
17 have to use your hands or your arms to restrain or force
18 a person to the ground.

19 A. Yes.

20 THE INSPECTOR: So it's a difficult situation. Is that
21 right?

22 A. Yes. Especially if they can use, you know, webbing and
23 stuff that's on you to pull you and take hold of you,
24 whereas with them you've only got an arm or -- you know,
25 you haven't got a lot of firm fixed clothing to hold on

1 to to restrain them.

2 THE INSPECTOR: And in this struggle, as the soldier, you
3 have to keep in control and on top of the situation?

4 A. I would agree -- I would agree with that, yes.

5 THE INSPECTOR: Thank you.

6 MR POOLE: Just on the use of the helmet by S001, could you
7 turn to 289, please. Ms Al Qurnawi, this is your 5201.

8 During the interview, you returned to being asked
9 questions about the use of the helmet. You're asked
10 specifically: "Was it more than once?" and you say:

11 "I can't -- this is -- this is a shady area.

12 I can't remember -- I could say roughly once or twice.

13 I can't, you know, for definite know for sure."

14 Then you're asked:

15 "I am not asking you whether it was ten times but
16 was it more than once?"

17 Then over the page you say:

18 "I think so."

19 You're asked:

20 "To the best of your recollection?"

21 And you say:

22 "Yeah, to the best of my recollection, I think so."

23 THE INSPECTOR: Just let's get the next question.

24 MR POOLE: You were asked:

25 "Was that the only piece of equipment used to hit

1 the civilian?"

2 And you say:

3 "I don't know. You're telling me -- well, you know,
4 you're telling me he's been -- or allegedly been hit
5 with the butt of a rifle but I didn't -- I didn't see
6 that happen, so to that answer I suppose no, because
7 I didn't see it."

8 THE INSPECTOR: So before this interview, you had been
9 told -- probably by the police, by the RMP -- that there
10 was an allegation that one of the civilians was hit with
11 a rifle butt. Do you remember being told that?

12 A. I remember being in the RMP station and being briefed by
13 my solicitor at the time as to what they know and being
14 told as to what the allegations were against myself and
15 the whole section, which I was quite shocked at, to be
16 fair, but that's what I remember: being told beforehand
17 what the allegations were.

18 THE INSPECTOR: Thank you. Was that the first time that
19 you'd heard those allegations?

20 A. No. In Iraq, at the police station, Al Uzayr, in
21 question, I remember equipment being taken from us. I'm
22 not sure if it was the whole -- the whole platoon or if
23 it was just our section. I have a vague memory of a lot
24 of things. I remember having to give over weapons and
25 equipment for forensics, for patrol, that I still was

1 unaware of what had happened.

2 THE INSPECTOR: Well, we can date the taking of the
3 equipment, if you would like it, but when they took your
4 equipment from you, at that date, did you have no idea
5 of the allegations?

6 A. No idea.

7 THE INSPECTOR: Did you understand that it was being said
8 that somebody had died as a result of actions by
9 soldiers on a patrol?

10 A. No, I don't remember the allegations but if I was told
11 that, I have no recollection.

12 THE INSPECTOR: So when you came back from the patrol we're
13 talking about, are you saying there was no discussion
14 that you remember about the patrol?

15 A. No, no -- nothing sinister in -- most patrols you would
16 come back on, you would probably reflect with other
17 soldiers, you know, just say, "Ah, this happened when we
18 were out", or that or that, but in most patrols there
19 was nothing sinister in our actions towards anyone apart
20 from do our job professionally, so if we had come back
21 from patrol and we thought we had done something, then
22 I would have got a sense of that. But I don't remember
23 anything like that whatsoever.

24 MR POOLE: What you said to the RMP is that during this
25 incident, you recall a woman coming over and speaking to

1 S001 and you recalled someone saying something about
2 that when back at camp, and that person said that the
3 woman had been hit.

4 Page 288, please, which is page 5200. If we pick up
5 the account at the top of that page. You say:

6 "I think he was just shouting at her, telling her to
7 go back or something.

8 "Question: Was there any physical contact between
9 them?

10 "Answer: I don't know but I was -- I remember
11 someone saying something about her being -- she got
12 hit."

13 Then you were asked:

14 "When was this discussed?"

15 And you say:

16 "When we got back, I think."

17 So reading that, it would appear that your
18 recollection at the time was that there was something
19 discussed when you got back to camp.

20 A. Yes, that --

21 Q. That involved a woman being hit?

22 A. Yes. If that's what I remember at the time -- that just
23 reinforces what I just said a minute ago, that --

24 THE INSPECTOR: What does it reinforce? Which part of you
25 just said?

1 A. A moment ago, that when we'd get back to camp we would
2 just reflect on anything -- you know. But I don't
3 recall anything being sinister, so -- as in any
4 wrongdoing.

5 THE INSPECTOR: No. But in terms of a woman being hit, it
6 could well have been said?

7 A. Yeah. If somebody had said that, then I'm just
8 repeating what somebody had told me, but clearly
9 I hadn't seen that.

10 THE INSPECTOR: You hadn't seen it?

11 A. No.

12 THE INSPECTOR: But the presence of women in these
13 situations, was it not a rare event but frequently if
14 you were in a village that's what could arise?

15 A. To answer that question, I can't specifically remember
16 incidents involving women, but I do remember a lot --
17 initially a lot of the times we were not talking to
18 the women, letting them roam around, do their thing.
19 Some women, I think maybe once or twice, have approached
20 us and spoke to us and told us off, I think, but I don't
21 understand what they're saying.

22 I can't remember if it was before this incident or
23 after the incident, as many incidents occurred, we -- it
24 became apparent that they were using women to carry
25 weapons, because I'd -- I personally witnessed a woman

1 literally dropped -- giving birth to a weapon from
2 underneath what she was wearing, to that then giving us,
3 obviously, a new-found understanding on what the
4 situation -- how that's changed. So now we know we're
5 dealing with a slightly different and sensitive matter
6 in terms to, you know, how we're conducting our VCPs.

7 MR POOLE: Can I ask you to have a look at page 295, please,
8 which is page 5207. At the top of the page, you repeat
9 a question, "Did I hit him?", and then you say:

10 "I think I remember just sort of, like, giving him
11 a dig in the back, I think."

12 You're then asked: "What do you mean by a dig?", and
13 you say:

14 "Just sort of like a clenched fist."

15 Perhaps if I could ask you just to read the rest of
16 that page, then over the page until you get to the last
17 entry which is:

18 "Yeah, I did punch him."

19 A. (Pause) Yes, I've read that.

20 THE INSPECTOR: Where have you read to?

21 A. Up to:

22 "Did you punch him?"

23 "Answer: Yeah, I did punch him."

24 MR POOLE: The incident you describe there is two soldiers
25 needing to restrain this one person and you resorting to

1 having to punch the man in order to get him to the
2 floor. Is this a normal incident?

3 A. Yes.

4 Q. Save for what we can read for ourselves, do you have any
5 independent recollection of it now, having read through
6 those two pages?

7 A. I don't actually have any recollection of that. I would
8 like to, to defend myself, but to be honest, it's all
9 a blurry situation ...

10 THE INSPECTOR: It's not a defending situation today.

11 A. Yes.

12 THE INSPECTOR: You understand? I am not here, and you're
13 not here, charged or whatever with anything. This is
14 an investigation into the facts.

15 A. Yes.

16 THE INSPECTOR: You don't have to be concerned about
17 defending yourself. You understand that?

18 A. Yes.

19 MR POOLE: When you speak to the RMP, you're unable to give
20 any evidence or information about the other man. I'm
21 assuming that's the position today?

22 A. Yes.

23 Q. Other accounts have been given to the investigation. In
24 particular, S003 has given evidence that he was
25 travelling in the Pinz-gauer on 11 May. Are you able to

1 comment on that? Is that likely to be right or do you
2 not know?

3 A. I don't remember him in any of my vehicles, so yes, most
4 likely in the Pinz-gauer ...

5 Q. We've heard evidence from you about the Wimmick being
6 the faster vehicle than the Pinz-gauer. Would it be
7 safe to assume the Pinz-gauer arrived on the scene, this
8 particular scene, after you arrived in your Wimmick?

9 A. Most likely, yes.

10 Q. But am I right that you have no recollection now about
11 the Pinz-gauer actually arriving?

12 A. Yeah, right now I have no recollection of much of that.

13 Q. S003 recalls a dog being shot during this incident and
14 believes that that shot is likely to have been fired by
15 a member of the section. Do you recall that?

16 A. No.

17 THE INSPECTOR: Do you recall villagers or any number of
18 people coming to the scene where you were?

19 A. Yeah, a lot of the time people would, you know, gather
20 round to see what -- what was going on really. But
21 again, we would try our best to keep them back, for fear
22 of attack, I suppose.

23 MR POOLE: We've touched upon whether you discussed this
24 incident when you came back to the camp. Did S010 or
25 the platoon sergeant speak to you, either individually

1 or as a section, when you returned?

2 A. Are you asking in relation to this incident or in
3 general?

4 Q. Perhaps first generally. Would there normally be some
5 form of debriefing by the platoon sergeant or S010 when
6 you returned from a patrol?

7 A. I can't remember directly coming back from patrol, but
8 in general, yes, there would be a number of updates as
9 to incidents that would have happened, yes, just to
10 build a pattern of what's going around -- around you,
11 dangers and -- just the situation.

12 Q. Having refreshed your memory as to what you said to the
13 RMP about this incident, would you have expected to have
14 reported this to the platoon sergeant or S010 when you
15 came back to camp?

16 A. I can't remember if it was me -- it wouldn't have been
17 me; it would have been the platoon sergeant if he would
18 have had to. But again, I'm -- I wasn't aware of the
19 formalities of what was to be done in terms of the
20 question you're asking.

21 Q. What I'm interested in is whether the incident you have
22 described was worthy of note and reporting or whether
23 your evidence is essentially that this was something
24 that happened several times and was therefore not
25 unusual.

1 A. It's definitely not unusual in terms of if it was
2 reported -- if I was the section commander, yes. Again,
3 I cannot speak for the formalities as it's not my job to
4 do so.

5 Q. When we were looking at the radio logs, we looked at the
6 11 May log, which recorded:

7 "Vehicle avoided VCP. Checked 2x passenger.
8 Nothing found. Let go."

9 Knowing what you do about the incident, are you
10 surprised by how little there is in terms of description
11 in the radio log?

12 A. I -- no, I -- it seems to me that obviously at the time
13 it didn't seem to be anything of much value, unless
14 a weapon was found. Obviously, I would like to think
15 the section commander would have given a build-up of
16 a picture of how hostile or non-hostile the civilian
17 population are, but if no major incidences then I don't
18 know if he would or wouldn't brief.

19 Q. You've seen, have you, the statements that have been
20 made by a number of Iraqi witnesses for the
21 investigation?

22 A. Yes, I have read them recently and a while back.

23 Q. Do you have any comments that you would like to make on
24 those statements?

25 A. A lot of them I don't remember anything of -- I don't

1 remember anything that they've said that's sat in my
2 mind so ... either it happened or they're lying. I have
3 no recollection.

4 MR POOLE: I have no further questions.

5 THE INSPECTOR: I just want to go back to the incident. For
6 this purpose, probably page 298. 5210, Ms Al Qurnawi.

7 You are describing, on 298 to the RCMP, that after
8 he -- one of the men we've been talking about was the
9 one you had got to the ground -- that he tried to get up
10 again. I will take you through, following 298.

11 Then we get, just up from the bottom:

12 "What happened then?" says the RMP officer.

13 "I don't know because I was already walking off to
14 the vehicle."

15 Do you see that?

16 "Didn't you go back and help?" says the officer.

17 "I mean, it's taken two of you two minutes to get this
18 man to the floor. If he started to get up again, then
19 didn't you consider you needed to go back and help him?"

20 Then you say:

21 "No, I was actually quite tired. I just thought:
22 you know what, just as if he wasn't going to lie down,
23 then just let him stand. I don't know what I was
24 thinking. I just thought I'm just walking back to the
25 vehicle."

1 So the officer says:

2 "So you had had enough?"

3 You agree, but you said you were also worried about
4 your surroundings.

5 "I didn't want to be standing there fumbling for
6 half an hour over someone when possibly a rifle
7 [presumably meant] was pointing at me."

8 Now I'll ask you one of the most difficult questions
9 ever asked in any form of inquiry about an incident that
10 took place many years ago: how long do you think it did
11 take?

12 A. Not very long. Maybe a minute? Two minutes?

13 THE INSPECTOR: Minutes?

14 A. (Shrugs)

15 THE INSPECTOR: Minutes? From arriving on the scene, going
16 to the vehicle, getting him down to the floor, going
17 back to the vehicle? It sounds as though when you went
18 back to the vehicle, S001 was still with the man and
19 then he has to come back, you get up into the vehicle
20 and off you go.

21 A. I'm -- yeah, I'm just getting a -- just going by what
22 the majority of the patrols when you were -- stop and
23 search someone, it wouldn't take very long. I get
24 a sense from reading that that, yeah, I'd obviously
25 deemed at the time he wasn't going to blow himself up,

1 there was no bomb in the vehicle, so in terms of having
2 to really restrain him, it wasn't that important. As we
3 probably hadn't been blown up by then, it's probably
4 more important to cover your backs now. That's the
5 sense I'm getting from that.

6 THE INSPECTOR: I've heard from one witness, a soldier, that
7 as the patrol left the scene there were two men lying on
8 the ground. Is that as you recollect it now?

9 A. I ... I can't remember.

10 THE INSPECTOR: You can't remember?

11 A. I have no ... nothing coming to me.

12 THE INSPECTOR: Anything coming to you about any other
13 incidents when you have left the scene -- not you
14 personally, but civilians having been put to the ground,
15 whether you left the scene with them on the ground
16 still?

17 A. I remember incidents in general. I remember snippets of
18 them in regards to the approach of it and how we left.
19 I honestly -- I cannot remember.

20 What I do remember, if -- again, I could be
21 speculating here, but I get a sense that after that, we
22 had stopped some other people -- we had stopped some
23 other people that we thought maybe had gotten off and
24 we'd stopped them on the side of the road. Again, am
25 I remembering that because that's what I've read or is

1 that ... I can't tell you.

2 THE INSPECTOR: Thank you. Thank you very much.

3 Ms Al Qurnawi?

4 MS AL QURNAWI: Yes.

5 THE INSPECTOR: Can we adopt the process that we've adopted

6 before. If you have any questions arising out of what

7 has been said which arise also out of discussions with

8 the family, you can put them to me by email. Could we

9 do that?

10 MS AL QURNAWI: Yes, okay.

11 THE INSPECTOR: Is there anything now that you want to

12 mention to me that you would wish me to pursue with S002

13 while he's here?

14 MS AL QURNAWI: Would you mind just giving me a minute to

15 have a word with the family, please?

16 THE INSPECTOR: All right. Yes, certainly do. (Pause)

17 MS AL QURNAWI: Sir George?

18 THE INSPECTOR: Yes.

19 MS AL QURNAWI: Yes, we don't have any further comments.

20 THE INSPECTOR: Thank you very much. Ms Al Qurnawi, just

21 two minutes more. I don't know what you have in mind

22 for the family or -- let's call them your witnesses, for

23 convenience. Let me tell you how I have approached it

24 so far.

25 I have the statements that you have prepared for me,

1 but the question remains: do you want me to proceed by
2 taking the statements as their evidence, which is
3 certainly a possible course for me to take, or do you
4 have it in your mind that one or more wants to speak to
5 me and give their account, and obviously answer
6 questions from me if I have them?

7 If you have already formed a view, then if you can
8 tell me now, that's fine, but if you want to think about
9 it, then please could you, and let me know what you have
10 decided. Obviously, if we are to have hearings, it's
11 going to require more arrangements and more time and
12 I would thus ask you to be sure that the extra time is
13 going to be essential to the fact-finding exercise that
14 I will have to make, bearing in mind that I have
15 the statements and I will have the evidence that we're
16 now hearing and there may be -- I say "may be" --
17 sufficient common ground on the essential facts which
18 will enable me to draw inferences as to what is likely
19 to have occurred.

20 I'm sorry to have taken more than two minutes but
21 I think if you can help me on that, either now or later,
22 I would appreciate it.

23 MS AL QURNAWI: We have certainly not formed any view on
24 this but if today we can think about it and discuss it
25 with my client and then come back to you with our

1 decision. Is that okay?

2 THE INSPECTOR: Thank you. That's fine. Thank you very
3 much. Well, then we will meet again tomorrow --

4 MS AL QURNAWI: Sir George, just a second. Just one of the
5 witnesses has something.

6 Okay, no, it's nothing, Sir George. It's fine.
7 It's just a sideline.

8 THE INSPECTOR: Then we will look forward to meeting again
9 tomorrow. 9.30, London time.

10 MS AL QURNAWI: Yes.

11 THE INSPECTOR: All right, thank you. Goodbye.

12 MS AL QURNAWI: Yes, all right. See you tomorrow. Bye-bye.

13 THE INSPECTOR: Thank you very much.

14 THE WITNESS: A pleasure.

15 (2.02 pm)

16 (The hearing adjourned until 9.30 am on Tuesday,
17 18 November 2014)

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S002 (called)	1
Questions from MR POOLE	1

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