



MOD-83-0000077-A

Witness Name: Kevin O'Brien

Statement No.: 1

Exhibits: None

Dated:

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

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**WITNESS STATEMENT OF  
KEVIN O'BRIEN**

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I, Kevin O'Brien, will say as follows:-

1. I have been asked to provide a statement setting out what I can remember in relation to an incident that allegedly occurred on 11 May 2003 near Al-Uzayr in Maysan Province, South East Iraq, resulting in the death of Mr Nadheem Abdullah. I have briefly read the statements of S010 that the Inspector has in his possession.
2. I am currently a Squadron Leader in the Royal Air Force stationed at Royal Air Force ("RAF") Honington in Suffolk and am the Officer Commanding ("OC") Air Land Integration Cell, a post which I have held for 12 months. I command 6 teams of 4 men and co-ordinate air support.
3. In 2003 I was a Royal Air Force Sergeant on an exchange posting with C Coy, 3 PARA. Between 15 Feb 2003 and 28 May 2003 I was deployed with 3 PARA, on OP TELIC as the Ops Sergeant within C Coy until the beginning of May 2003, with responsibility for co-ordinating training and aspects of vehicle allocation. I was based at Camp Condor. There was also an Ops Officer within C Company although I do not remember his name. Our responsibilities included allocating vehicles to taskings.



4. The training I co-ordinated included conflict training (rifle ranges) but also related to Nuclear Biological Chemical Warfare ('NBC'). I was training soldiers within the Battalion and the Company.

#### Al-Uzayr

5. In May 2003 I took up the appointment of Platoon Sergeant for 8 Pl, C Coy, when the person originally in that post was posted back to Catterick. We were told that there was general lawlessness in the area around Al-Uzayr with intelligence informing us that there was the possibility of an Iranian influence on the border. Consequently, 8 Platoon was deployed to an abandoned police station in Al-Uzayr, although I am not sure exactly about the orders behind this deployment. I do not remember receiving any briefing before being stationed at Al-Uzayr, but we were told to take over the local police station and patrol the area, which was classed as lawless. I believe 8 Pl was deployed to Al Uzayr in the first week of May, around the 5<sup>th</sup>.
6. Our deployment was to last about 4 weeks, and our job was to show a presence and to assist in training the local police. A patrol base was established in the old police station, and from that location the Sections carried out patrols of the area and ran Vehicle Check Points ("VCPs") on a regular basis.
7. During the warfighting phase of operations prior to May 2003, the Fedayeen had been adopting civilian dress and engaging with the British forces. We had had experience of these militia fighters from the Rumaila oilfields. However, during the peacetime phase of operations our role was more to provide security and support and to show our presence in the Al-Uzayr area, as well as to try to gain a better understanding as to why the lawlessness was occurring. To my knowledge there still may have been pockets of enemy fighters around and there was still an unknown element with regards to who the enemy were and what their activities were. I was not entirely confident about the situation, as it could very easily turn volatile.
8. When we moved to Al-Uzayr our platoon Commander was S010 [REDACTED], and there were 3 sections. The Section Commanders were Cpl White (who was returned to the UK for compassionate reasons within the first week or so, with his Section being taken over by LCpl Sexton), S001 [REDACTED] and Cpl Markl. I had known S010 [REDACTED] previously from interactions I had with him within the company, which contained about 90 people, although I did not know him well. After moving to Al-Uzayr I came under his direct command. I did not know the 3 sections of the platoon before being



stationed at Al-Uzayr, but I got to know them and understand them better, although this took time. Some of the soldiers I only got to know after we returned from Iraq, as a lot of the guys stayed with the platoon unless they were attached. I remember S001, and Privates S002, S005, S004, S006 and S003

9. There was a lot of ammunition in the area. There were incidents where people would come up to the gate of the base and hand over ordnance which we then buried in a designated area. There was inter tribal feuds, highlighted when on one occasion when on patrol Cpl Markl asked a farmer whether he was in possession of any ammunition, to which the farmer replied 'no' Cpl Markl then proceeded to draw back a large sheet of corrugated iron against a compound wall which was concealing an anti-aircraft gun. Cpl Markl then stepped backwards and fell through a false floor into a storage container which was concealing more ammunition.
10. There would sometimes be an interpreter present on such occasions. I think his name was [REDACTED] and he was only available at certain times. If there was an incident and he was available we would call him out to assist us in communicating with local civilians.
11. Cpl Markl also told me that on another occasion during a local foot patrol in a village one night he shot a dog in order to prevent it from attacking some of his patrol members. There were a lot of stray dogs in the area who had not been fed. Cpl Markl informed us when he came back from patrol or possibly over the radio that he had discharged a round into a dog. I relied upon people telling me when they had discharged any rounds in order that I could replenish their ammunition accordingly. I do not remember any other incident where a dog was shot in Al-Uzayr, although at Camp Condor dogs were shot for vermin control purposes.
12. I only remember one incident where a written report was made as a result of a round being discharged. Cpl Markl, who was a Section Commander, had discharged a firearm in the general direction of a bus because it had not stopped at a VCP. This is the only incident I can remember going up the chain to Battalion Command HQ as a report. Cpl Markl wrote the report and within it he would have outlined the context of the incident. His communications failed so it was only when he returned from patrol that I found out about this incident.
13. I can remember speaking to two Section Commanders who had been caught in crossfire between different tribes involving heavy machine guns and anti-aircraft guns. My understanding is that although Saddam Hussein had not been able to adequately control the Marsh Arabs in the past, there was still a massive power vacuum when his forces



left in 2003, which led to a lot of inter-tribal feuding. People were also occasionally shot near the patrol base by bandits and we would have to bring them in to the base for treatment.

### Patrols

14. When patrols went out on the ground, if there was a specific task to be completed, this would be tasked by the Platoon Commander, S010. Patrol briefings and taskings were generally S010 domain. Generally, if the patrol were carrying out a specific task then a patrol report would be generated on paper. However, if it was a routine patrol then a report would not be generated unless there had been a specific incident during the patrol.
15. If going out on a routine patrol then the Section Commander would check out with myself or the Platoon Commander. Once the Platoon location was established, our remit was to conduct at least two patrols a day. Depending on manning, these would be conducted at irregular times. Patrol briefings and taskings were really the domain of the platoon commander, S010. There were no specific briefs or de-briefs given to the patrol or by the patrol unless carrying out a specific task or the patrol were involved in a significant incident.
16. With regards to communications, initially there were a lot of problems and as a result of this the patrols were briefed that if they did not have communications then they were to return to the Platoon location. The communications were provided by Clansman 351 and 352 radios, which allowed the patrol to communicate with 8 Platoon HQ. The 352 for the Sections when out on patrol was mounted in one of the vehicles. Each soldier on the patrol would also have had a Personal Role Radio which allowed them to communicate with each other over short distances, but which could not be used to communicate with Platoon HQ.
17. I cannot remember what the patrol routes were, but people would go out and cover north-east and south, and possibly also to the west. The Patrol Commander had discretion as to where the patrol went within the Area of Responsibility, unless the patrol had been given a specific task. The police station was in a village next to a marketplace, quite close to residential housing, so we were amongst the local community. Highway 6 about 200 metres away from the police station and there was also a river nearby.



18. We did a lot of patrolling out to the east and found weapons in buildings were people had been hoarding them. This would then be communicated up the chain of command by radio so that an ammunition technical officer could come and remove them, as some of the finds consisted of a large quantity of weapons. These reports would have gone to Camp Condor and Battalion HQ would have received them. Lieutenant Colonel Lorimer was in command there. The Battalion operations officer who at the time was Captain Andrew Wareing, who would decipher the information and then brief up the chain of command.
19. We tried to go out on patrol each day but had difficulties in doing so due to a lack of manpower. On the initial deployment to Al-Uzayr, the patrols and VCPs were very frequent but as the Platoon got established and the Area of Responsibility became known, the patrols and VCPs were done on a less frequent basis. We tried to project manpower, but had to rotate staff around guarding the base as well as performing administrative tasks there. It was also the hottest time of the year, and our patrols eventually got worn down due to the heat. Furthermore, our Section Commanders' would sometimes be met with crossfire from feuding tribes and there was shooting both day and night. We were in a Marsh Arab area where there was lots of banditry on the highway, where tribes were struggling for control of the area, and there were unconfirmed reports of smuggling over the border with Iran, although I have no recollection of specific events of this happening.
20. 8 Platoon had two vehicles for carrying out patrols and running VCPs. They were a WMIK Land Rover and a Pinz-Gauer, which is a Land Rover-type vehicle. A WMIK is an open top vehicle that has a machine gun mounting on it but after the war fighting phase, we were not allowed to mount a machine gun on it. 8 Platoon also had another Land Rover which was used as a quick reaction vehicle if required. The WMIK and Pinz-Gauer were always used for patrols and always went out together. Both vehicles were painted a sandy yellow colour. The nominated WMIK driver was S002 [REDACTED] who was moved to 8 Platoon from Sp Coy for this purpose.
21. I would have liked to have gone out on the occasional patrol but space in the vehicles was very limited. The most that you could get into our vehicles was 10 to 13 people (3 in the WMIK, 6 in the Pinzgauer, and 4 in the Land Rover). I considered the team dynamics of the size of the patrols and thought that I would be taking up someone's seat, and that I would be of more use back at the base. However, if S010 [REDACTED] had thought it a good idea that I go out from time to time on patrol in order to scrutinise the soldiers on patrol then I would have gone, but I was very conscious of the limited space available, and this informed my thought process in deciding whether or not to go out on



patrol. I am quite sure S010 would have gone out with the soldiers on patrol at some stage during the period following on from the war fighting phase.

22. Nowadays, there is much more situational awareness in the ops room of where the patrol is going. We have better facilities and technology now, and it is a lot more advanced than it was then.

#### Vehicle Check Points ("VCPs")

23. With regards to VCP's, if vehicles turned away or failed to stop then that was classed as suspicious behaviour. I briefed the Section Commanders that if this happened then vehicles could be pursued and stopped, if safe to do so as there had been a series of vehicle accidents involving during Op TELIC. I made them aware that safety was of the utmost importance. If a person was stopped and found to be in possession of weapons, money or anything suspicious, then they were detained and returned to the Platoon location. Directions would then be sought by either myself or the Platoon Command from higher command. This happened on a number of occasions.
24. Due to the manning constraints, at least one VCP was done on each day. How the VCP was set up out on the ground, and how the Section was deployed whilst doing this, was the Section Commander's responsibility. I cannot recall any official briefing but I believe that Section Commanders were told to treat the people with courtesy unless people were very aggressive or non-compliant. They were told to treat people in accordance with the Rules of Engagement. I cannot recall being told by any Section Commanders of any incidents involving aggressive civilians.
25. Vehicles were searched but I cannot remember any specific incidents of searches. Cpl Markl did tell me about one incident where they had decided to pursue and stop a bus which was driving away from him whilst the people inside were throwing things out of the window. As this was suspicious, Cpl Markl decided to engage in pursuit, but I cannot remember what came of it. Whilst I was a Platoon Sergeant I was not aware of any training that soldiers might have received regarding how to respond in a situation where a vehicle drove through a VCP. In peacetime operations, we would have received equipment for regular VCPs, including a series of signs, bollards, and caltrops (which are used to flatten tires), but we had none of that equipment at Al-Uzayr.



26. As all of the Section Commanders in 8 Platoon, to my knowledge, had served in Northern Ireland, I believe that the VCPs were conducted in a similar way to those in Northern Ireland. In Northern Ireland we used to do a lot of operations where we learned how to conduct VCPs. However, after the Good Friday Agreement we all had less exposure to that sort of training. There may have been people in that Battalion in Iraq in 2003 who had not experienced that legacy Northern Ireland training. I assumed that Section Commanders in 8 Platoon know how to conduct VCPs properly as I believe they had been carrying them out in the Oil fields and on tasking from Camp Condor before I took over as Platoon Sergeant.
27. In terms of how soldiers behaved at a VCP, it is a matter of take every situation as it came to us. From my own previous experience within the RAF Regiment the way you reacted depended on your interpretation of the situation on the ground. If a vehicle had gone through a VCP then it was suspicious, and you were then on the back foot and cautious as the situation could turn volatile very quickly. We would have to approach the people in the vehicle. Sometimes there might be children or pregnant women inside, and you would have to ask people to get out in order to stop them from driving off. It was difficult to communicate with people without an interpreter, and you could only gesture to them to open the door or to get out.
28. When asked about VCP scenarios; from my own experience in training scenarios as both an RAF Regiment section commander in charge of the VCP and as a Gunner tasked with stopping and searching a vehicle, if there was somebody in the front seat of the vehicle who would not get out at a VCP, the person searching would first have gestured for them to get out of the vehicle, and if they refused the person searching would physically put their hand on them and coax them to get out. Sometimes you could tell someone who had already got out of a vehicle to tell the person still inside to get out. It would be necessary to look at a person's body language and demeanour. If they were aggressive and non-compliant then a member of the check point would cover the non-compliant person with a weapon whilst someone without a weapon would remove the person from the vehicle. They would then be moved away from the vehicle and searched from their head downwards. If they were resistant it was not unusual for the person to be searched on the ground which reduces their situational awareness and they are less of a potential hazard. Each scenario could be different.
29. If an event such as the one described above happened during a VCP, I would only expect the section commander to report it if something of major significance had occurred. If nothing had been found as a result of a search and a vehicle had been free to drive off afterwards, I would not expect that to be reported.



May 2003

30. I remember that in May 2003 it was brought to my attention that an incident had occurred involving a Section of 8 Platoon, and which resulted in the Royal Military Police Special Investigation Branch ("RMP (SIB)") arriving with the Regimental Sergeant Major ("RSM"), Sergeant Major Huxley. I cannot recall the exact date that the RMP visited and recovered the clothing and equipment from S001 and his Section. I did not ask S001 or his Section about this and I was told by the RMP (SIB) that it was in relation to an allegation made by some of the local Iraqis.
31. I can remember some of the context quite well, although some other events have faded in my memory with time. I can recall that at some point, S001 Section seemed to be hyped up after a patrol. I remember seeing them coming in. They looked a bit 'het up', but they had been working all day and it was hot. Sometimes people would come back very sunburned. I do remember S010 saying to me that the Section looked 'het up'. I cannot remember when we had that conversation, and it may have been after the RMP arrived.
32. However, S010 told me that he had spoken to S001 Section and they had said that nothing had happened. I did not speak to any of the Section members about it. At that time in that platoon I was still getting to know people and gaining their trust. There was no time when any of the men said anything to me about doing something not part of their normal duties, or something out of the ordinary, but they would probably not have told me in the event that they had done anything wrong. After the RMP visited, S001 and his platoon carried on going out on other patrols. I am not aware of any incidents that his Section was involved in and he has never briefed me on any. I cannot really remember what happened after that.
33. I also remember being told by S010 that the interpreter had come forward and told me that we were being accused of shooting a baby and an old man. S010 and I decided to wait to see if anybody else came forward, as I believed that these allegations were false. There was an element in town that did not want us to be there. Sometimes people would make false allegations against us and report things with no substance in order to discredit us. In my experience from serving in Bosnia and Kosovo, civilians do sometimes make false allegations against our personnel in order to discredit us. I thus tended to be somewhat sceptical of reports of civilian injuries or deaths from just one source who said that they had heard it from someone else, as there



was the possibility of 'Chinese whispers'. I did not speak to S001 or his Section about this at any time.

34. I cannot recall seeing blood on any of the Platoon members specifically, but whilst in Al-Uzayr we did deal with wounded Iraqis. Some of the soldiers sometimes carried out First Aid on people who had been shot going through illegal checkpoints.

#### **Ammunition**

35. I recall that during my time on Op TELIC, after the end of the war phase of the deployment, there was a downscaling of the ammunition held by each member of C Coy, 3 PARA. I cannot recall exactly when this occurred, but I believe that it was before I took over as Sgt of 8 Platoon. All Underslung Grenade Launcher ("UGL") ammunition was withdrawn and collected and the scaling was reduced as follows. Riflemen held 100 rounds of 5.56mm ammunition, Minimi gunners held 200 rounds of ammunition, and I cannot recall what the GPMG gunners scaling were reduced to. Any ammunition above this amount was handed in and through me was backloaded to the CQMS (Company Quartermaster Sergeant), C Coy, 3 PARA.
36. Such were the circumstances at that time it was difficult to ensure that no individuals retained more than the ammunition quantities they were supposed to have. At the time I took over as 8 Platoon Sgt from Sgt Stoves, I recall that we conducted a handover/takeover and that this took place in early May 2003. As part of the handover/takeover all kit and equipment held by the Platoon, not on personal issue, would have been checked, including ammunition.
37. I remember physically checking the link ammunition for the GPMG and Minimi against the quantities issued to 8 Platoon. I cannot recall exactly how the 5.56 mm ammunition for the SA80 A2 rifles was checked but it would have either have been a physical check by myself or a check done by Section Commanders who would have then reported back to me.
38. There was no paperwork relating to the total amounts held by the Platoon, but in simple terms there were scaling for each Platoon member dependent on his role within the Platoon, i.e. whether he had a rifle, a GPMG or a Minimi. If anyone within 8 Platoon discharged any rounds, they would have had to report to me the circumstances of any discharge so that I could issue them with replacement ammunition. In such



circumstances I would at the very least have mentioned this to S010 or to CSM or CQMS of C Coy.

39. With specific reference to S001 Section, I do not recall any occasion where any of that Section reported that they had discharged ammunition, nor do I recall having to issue any additional information to any member of that Section. As I have previously described, I cannot discount that members of 8 Platoon held more ammunition than they were scaled for.
40. On about the last week of May 2003, and still as 8 Pl Sgt, all ammunition was checked and withdrawn prior to leaving theatre at the end of the tour. As far as I can recall all holdings were correct prior to 8 Pl's allocation being handed in to CQMS, C Coy.
41. I would like to recall whilst at Al-Uzayr, items such as weapons, ammo, comms equipment and sights were checked weekly physically by myself and at no time do I recall there being any missing ammunition. The results of all weekly checks were passed verbally to the CQMS, C Coy, 3 PARA, as well as to the CSM.

#### Forces

42. In terms of control and discipline of soldiers, there is a huge amount of trust and shared core values across the three services. However, I am a member of the Royal Air Force and I do not feel able to comment further in relation to control and discipline of soldiers.
43. I have not had any experience of airmen or soldiers with aggressive intentions who used unnecessary force or violence against civilians. From experience within the RAF Regiment we were always taught to control aggression, and in peacekeeping were told to escalate a scenario only if necessary, and then to use the minimum amount of force necessary for self-defence. This is as opposed to wartime where you were told specifically to take out for example the enemy position in combat scenarios by the means necessary to achieve your aim.
44. I have had described to me by the Inspector of this investigation a possible scenario whereby an individual is taken out of a vehicle, put onto the ground and possibly kicked and struck whilst on the ground, and possibly struck with a rifle butt to the head. If this had happened, I would say that something had gone seriously wrong during a VCP, and that this scenario sounds more consistent with the behaviour of soldiers



combating an enemy, rather than dealing with civilians. I would certainly expect soldiers to react differently to civilians compared to how they would to enemy combatants.

45. Sometimes soldiers have psychological issues from previous combat experience, and you can find yourself going from a situation where you are having to defend yourself, to suddenly going to one where you have to do First Aid on people, which can be a very difficult transition to make.
46. With regards to our Rules of Engagement, we were told from higher command to use the White Card, which basically states that firearms are to be used as a last resort. We had an inherent right to act in self defence.
47. Some of the soldiers would have had experience of tours in Northern Ireland. However, all the soldiers would have just experienced the initial OP TELIC war fighting phase, and were used to being shot at during that period. I think they were accustomed to a combat atmosphere, and would have probably seen the particular context at the time in Al-Uzayr in May 2003 as part of this. The circumstances in Iraq at that time were difficult.

**Statement of Truth**

I believe the facts stated in this witness statement are true

Signed

Dated ... 19 OCT 2014