

MOD-83-0000064-A

Witness Name: S004

Statement No: 1

Exhibits: 0

Dated: 20 September 2014

**AN INVESTIGATION INTO THE DEATH OF NADHEEM ABDULLAH**

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WITNESS STATEMENT OF

S004

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I, S004, will say as follows:-

1. My date of birth is the [REDACTED] therefore I am 34 years of age. I have previously been a serving soldier with Her Majesty's Forces serving with the Third Battalion the Parachute Regiment (C Company). I joined the Army on the 15th October 1998 when I was 18 years of age.
2. I undertook my basic training at Litchfield for three months and thereafter at Catterick where all infantry regiments complete their basic training. I completed training at Litchfield just before Christmas 1998 transferring to Catterick after Christmas leave in January 1999. I completed P Company Training towards the end of my period at Catterick in early 1999 and then passing out and joining my unit Third Battalion of the Parachute Regiment which was then part of the 5 Airborne Brigade. My unit was then based in Dover in Kent.
3. When I joined my unit, I thereafter went immediately into pre-deployment training for my first deployment to Northern Ireland as I was to take part in the Northern Ireland Millennium Tour. I undertook pre-deployment training as part of NITAT (Northern Ireland Training and Assessment Team) in Kent and I subsequently deployed to Northern Ireland on 14th December 1999. Deployment to Northern Ireland was for a six month tour.
4. As part of my Northern Ireland training, I received instruction on rules of engagement. This was taught 'in house' and I recall that much of the training was given by my Platoon

Commander. In essence the training was that we should not use lethal force unless our lives or the lives of some other person were in danger. That we should not fire unless fired upon. Rules of engagement set out on a 'yellow card' which was issued to us and kept by us. We were taught the basics with regards to the legal framework which I believe were then encapsulated in the Northern Ireland Emergency Provisions Act subsequently replaced by the Terrorism Act 2000. We were taught that our role was a peace keeping role. Duties involved going out on patrols in Northern Ireland, mainly in soft head gear and I recall that the tour was uneventful. It involved some degree of crowd control but general peace keeping duties. When we were deployed to Northern Ireland, we were supplied with four magazines (120 rounds) of live ammunition. I did not discharge any live ammunition and indeed every single round of live ammunition had to be accounted for. I returned back from that first tour of duty in May or June 1999. I thereafter had a period of post operations leave. When I returned, I returned to my unit's accommodation in Dover when then the work consisted of transferring to the Parachute Regiment's new base in Colchester. The Third Battalion of the Parachute Regiment became part of 16 Air Assault and we therefore transferred to Merville Barracks.

5. I undertook a further tour in Northern Ireland for the Her Majesty's Golden Jubilee Tour which I believe was a short tour of something in the region of 6 - 8 weeks which again involved patrols in and around Bessbrook in County Armagh Northern Ireland which was a potentially dangerous area at that time. I undertook patrols.
6. I believe that I undertook three separate tours of Northern Ireland in total.
7. In January 2003 my unit became aware that it was likely to be deployed to Iraq and in January 2003, I commenced pre deployment training for that operation. A large part of the training involved live firing, fitness training, first aid training, three weeks was spent in training in Brecon. My unit was given a number of potential deployment dates but there appeared to be a degree of confusion in so far as I believe at least three false alerts before I deployed at the end of February/March 2003 from RAF Brize-Norton flying into Kuwait. I do not recall any specific training with regard to the rules of engagement being given to me in training generally or via the chain of command. My recollection is that because I have served in Northern Ireland and did not need to receive any further training. Certainly, I do remember receiving any.
8. After arriving in Kuwait at the end of February/March 2003, we spent approximately a month in Kuwait acclimatising to the conditions prevailing there and undertaking NBC Nuclear, Biological and Chemical Training. It is my recollection that we crossed the border from Kuwait into Iraq in April. Prior to crossing the border into Iraq, I do not remember receiving any specific training on the laws of conflict.

9. When my unit and I crossed the border into Kuwait, we never hit any mass resistance nor was I engaged in any direct fighting.
10. I was aware and did witness the fighting at Rumaila Bridge although I took no part in it. Indeed, I was not involved in any engagements with the enemy. My recollection is that we were tasked to push northwards clear the gas oil separation plants. I do recall one briefing that we received after or just as we crossed into Kuwait was that the enemy were using white pick up trucks. It became very clear when we crossed the border into Kuwait however that there was a large number of such vehicles and that this 'intelligence' was of little value. After approximately three weeks we were stationed with the rest of the Battalion at Camp Condor and it was only after reaching Camp Condor that my Platoon was sent to be based in an old Ba'Ath Party Headquarters in a village called Al Uzayrr. This was where we established the Platoon House. This local Headquarters housed approximately thirty members of my Battalion.
11. I served in a section which was led by S001. The second in command in that section was Lance Corporal Sexton but Lance Corporal Sexton was sent back early for compassionate reasons. Also in the section was S006, S005, S003, S002 and S007, S007 and S002 were both drivers. S007 always drove the Pinz-Gauer and S002 always drove the Wimmick.
12. S001 being the senior NCO was in charge of my section. Lance Corporal Sexton was due to serve as the second in command but when he moved due to compassionate reasons, I became the second in command because I was the most senior private. I had not however expected to act as second in command of the section, I had not done any command course or training at that stage or at all.
13. I did not have a sharply defined role as second in command (2IC). My principle job was to make sure that the other members of the section were aware of what they were supposed to do and to organise some aspects of administration. The section commander, in this case S001, would liaise directly with the Platoon commander and if I needed to contact through the chain of command, I would deal directly with the Platoon Sergeant who, at this time, was Kevin O'Brien. The Platoon Sergeant would give instructions to my Section and I would receive information and then pass it down to the individual members of the Section.
14. Whilst stationed at Al Uzayrr, the section would undertake work in 8 hour rotations being patrols, guard duty and sleeping. By virtue of the repetitive nature of the duties, it became after a while difficult to distinguish the dates. All the sections had access to two vehicles being the Wimmick and the Pinz-Gauer. My recollection is that S002 was the other

authorised driver for the Wimmick and accordingly if one of the other sections went out on patrol and needed the Wimmick, S002 would have to drive it.

15. After hostilities ceased, then our role was effectively the same as the peace keeping role in Northern Ireland. Indeed our duties were such that it was talked about as 'Northern Ireland in the sun'.
16. Patrolling had no set form. Sometimes patrols took place on foot or frequently in vehicles using the Pinz-Gauer and the Wimmick being the two vehicles used on patrol. Section commander S001 always travelled in the Wimmick and as a consequence because I was 2IC and travelling in a different vehicle, I was always in the Pinz-Gauer. S001 and I were the only members of the Section who had radio communication. If an incident occurred whilst on patrol it could either be logged down in log books that we all carried, or alternatively if it was more serious then matters could be radioed back to command.
17. I do not recall receiving any specific training either prior to deploying to Kuwait or in Kuwait or in Iraq about vehicle stops. My only recollection of any such training occurred in the respect of deployment to Northern Ireland. I do not recall that there was any specific procedure set down for stopping vehicles. If a vehicle was perceived as being suspicious or we needed to stop a vehicle, then it would be flagged down. There were techniques for slowing down vehicles in order to effect a stop but that very largely depended upon the location but if we could for example set up a chicane with one vehicle being one side of the road and the other vehicle being the other so as to slow any suspect vehicle down, then that would assist potentially with the stop.
18. In vehicle check points or vehicle stops, I would normally be the person that would stop and talk to or try to communicate with the driver of the vehicle that was stopped. This was not however an invariable rule and quite frequently, I would not be able to communicate with the person who was being stopped as they could not understand English.
19. There was no specific routine for stopping vehicles. Sometimes, my section would receive a brief about a particular type of vehicle that was of interest and if we saw a vehicle matching that description, we might accordingly stop it to search it. There was a lot of discretion with regard to stopping vehicles that were perceived to be acting suspiciously. That would have been a decision being made by the person in charge. On some occasions when vehicles were stopped, physical force was sometimes necessary to effect compliance with orders in order for example to affect a search. This formed part of general training that we should project strength in order to avoid having to use unnecessary force. When a vehicle was stopped and the driver or occupants were told to get out of the vehicle and if they then did not

comply, they might then be pulled physically from the vehicle. I can remember personally having pulled occupants from vehicles because they refused to comply with the requirement to get out. I can think of an example where I was with my section and a vehicle was stopped and one of the occupants of the vehicle had an AK47 very close to him. As soon as this was observed, he was pulled swiftly from the vehicle to avoid giving him the opportunity to use the weapon against any member of the section. No injury was caused to the person and a subsequent examination found not only the weapon but also a large amount of cash in the vehicle. I recall that that incident, which I have described, was radioed back to the section commander and we were told to allow the vehicle on its way because at that stage weapons were allowed to be kept by civilians for self protection and we were told that the cash was worthless. It is an example however of how force was used on a limited basis to affect the search. The communication back to base would invariably be performed by the section leader S001 .

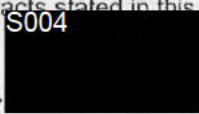
20. I do not recall of any incident where any extreme force was used against any occupant of any vehicle stopped.
21. Live ammunition was supplied but there were controls on its distribution and all ammunition had to be accounted for. I accounted for all ammunition supplied to me. At no point did I ever discharge live rounds.
22. I was not present on any patrol where any form of excessive force was used against any civilian.
23. I would make the following comments upon the statements of the other members of my section who were interviewed by the Royal Military Police.
24. In respect of S001 I have seen his interviews. The first interview took place on the 13th November 2003. In that interview, he was specifically asked about an incident which was said to have occurred on Sunday, 11th May. He did not recall any specific incident on the 11th May and he indicates that he does not recall any specific incident where unlawful force was used. I have no comments to make upon that.
25. In respect of S005 , he was interviewed on the 13th November 2003 indicating that he was a Gunner, usually top cover and again saying that he had no recollection of any specific incident involving the use of undue force. I have no comment to make upon that.
26. In respect of S006 , he made no comment in interview. I have no comments upon his statement.

27. In respect of S003 he was interviewed on the 13th November 2003 and made no comment. I make no comment upon that interview. On the 24th May, S003 gave a prepared statement in connection with the Royal Military Police Investigation where he describes attending a scene where occupants from a vehicle had been removed from their vehicle and were on the floor. He denied subjecting any person to any unlawful assault. He does not suggest that any unlawful assault was perpetrated by any other person. He describes this incident as taking place on a road between Nahr Al Ez and Al Ferka village on the 11th May 2003. I would say in respect of this prepared statement that I had been present on a number of occasions where persons have, as I have indicated, been removed from their vehicles. Such incidents were very similar. I have no recollection of a specific incident on the 11th May.
28. In respect of the interview of S002 he was interviewed by the Royal Military Police on the 1st December 2003. In that interview, he makes specific reference to an incident which he says in response to a question took place in May 2003. He describes a situation where a vehicle was stopped with two men in the vehicle. He describes the vehicle as being a white pick up truck. He describes a situation where S001 referred to by S002 in interview as S001, approached the vehicle and persons had to be removed from the vehicle. He also indicates that he restrained one of them to the floor. He was asked how he restrained the person from the vehicle. He describes in interview how he met with resistance. He describes how he put this person in an arm lock to get him to lie down. He describes that S001 having difficulty in restraining the person that he was taking out of the vehicle and he goes on to say that S001 used his helmet to hit this person to get him down. I do not remember any incident whilst on patrol where S001 used his helmet as a weapon upon a civilian. I also do not remember an incident where S002 left his vehicle in such a manner. It would be usual for a driver to leave his vehicle in such circumstances. S002 makes no reference to me as participating in subduing using any unlawful force against the occupants of the vehicle. I do not recall any such incident taking place as described by S002.
29. I have seen the prepared statement of S002 which is dated the 8th June 2004. In that, S002 denies shooting a dog and indicates that he cannot account for the presence of footprints on the clothing of driver of the vehicle. I have no comments upon that prepared statement. I certainly never saw S002 shoot any dog.
30. I have been supplied with copies of witness statements from a number of Iraq civilians. First is Athar Fenjan Sadaam. I was not present at the time of the incident described in that statement nor did I witness any such incident as described in the statement.

31. In respect of the witness statement of Audai Saeed Yousef I have seen that statement and make similar comments as above.
32. In respect of the witness statement of Bonnain Sary Moutlak I make the same comments as set out above.
33. In respect of the witness statement of Dalal Fenjan Sadaam, I make the same comments as set out as above.
34. In respect of the witness statement of Hashim Auda Shewail Herbaitar, I make the same comments as set out above.
35. In respect of the witness statement of Jasm Bader, I have no comment to make.
36. In respect of the witness statement of Kadhem Khalaf Toama, I did not witness any such incident as described by this statement.
37. In respect of the witness statement of Karim Manea Hassan, I have no comment to make.
38. In respect of the witness statement of Samira Reshek I did not witness nor did I participate in an incident of this type described in this statement.
39. In respect of the witness statement of Shihab Abdel Reda Dawood I did not witness nor did I participate in an incident of the type described in this statement.
40. In respect of the witness statement of Soughier Khalaf Toama I did not witness nor did I participate in an incident of this type described in this statement.

**Statement of Truth**

I believe the facts stated in this witness statement are true

Signed.....  .....

Dated..... 20/04/94 .....