

MOD-83-0000465-A

Filed on behalf of the Claimants  
Deponent: Rafid Salam Abdulhasan Al-Rikabi  
First Witness Statement of Deponent  
Dated: 22.04.13

IN THE HIGH COURT OF JUSTICE  
QUEEN'S BENCH DIVISION

Claim No.

**BETWEEN:-**

**RAFID SALAM ABDULHASAN AL-RIKABI**

Claimant

- and -

**MINISTRY OF DEFENCE**

Defendant

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**FIRST WITNESS STATEMENT OF**  
**RAFID SALAM ABDULHASAN AL-RIKABI**

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**I, RAFID SALAM ABDULHASAN AL-RIKABI of Basra, Iraq WILL SAY AS**  
**FOLLOWS:**

1. My name is **RAFID SALAM ABDULHASAN AL-RIKABI**. This is my **first** witness statement in these proceedings. Insofar as the contents of this statement are within my knowledge, they are true; insofar as they are not within my knowledge, they are true to the best of my knowledge, information and belief. I make this witness statement in support of my civil claim against the Ministry of Defence for its actions in relation to the killing of my brother Ali Salam Abdulhasan Al-Rikabi, that I detail below. These proceedings are brought by myself in my personal capacity.

2. I was born [REDACTED] I exhibit the photo page of my passport as **EXHIBIT RSAA/1**. I live in with my wife and children, my mother, my brother Adel, his wife and children, my brother Mohammad and my youngest sister. I am a blacksmith working for a governmental company. I have worked there since 2000.
3. In 2007, I lived in the same house with my wife, my parents, my brothers Ali and Mohammad and Adel, my sister and Adel's wife. My brother Ali was born 14 December 1988, his identity card is **EXHIBIT RSAA/2**. He was a student in the final year of secondary school. He took night classes as he worked in a car wash during the day, as he wanted to help provide for the family. He worked in the Gibla area in Basra.
4. When the Coalition Forces first came to Iraq, my family were very happy that they were there. We greeted them with open arms, as we knew that they were there to get rid of the Saddam regime. They did help liberate us, and we finally felt like we were able to breathe again. I do not know when things changed, but in 2007 there were constant clashes between militias and the British Army. We felt like it was like a game to them. When these clashes occurred, the British soldiers seemed scared, and would shoot at anyone who would be outside in the area where the firing occurred. When this happened no one would leave their house, shops would close, as there was a great risk of getting caught in the cross fire.
5. On the 10<sup>th</sup> April 2007, around 3.30 pm, Ali was on his way to work from our home along with his friends Mohammad and Hisham. They have both told me the details of what happened that day. I exhibit videos of their statements as **EXHIBIT RSAA/3**. I understand that the three of them were on their way to work, when British tanks and military vehicles entered the neighborhood. They could hear shots fired in the distance, and they became very scared. They were all young men and had not been in that situation before. Our uncle lived

close to where they were so they decided to run there. Mohammad has told me that soldiers saw them, wave at them and say "go, go, go". They clearly realized that my brother and his friends were not part of the militia.

6. When they came to Mohandiseen Street, which is next to my uncle's home, British soldiers told them to cross the street and get inside the house. As they were crossing, about 15 meters from the house, firing commenced and the boys ran for cover. The shots were being fired by soldiers standing by a tank further down the street. It was only once the firing subsided that Mohammad and Hisham realized that Ali had been shot. There were no militia in the area and therefore no return fire. The two men were shocked and terrified but dragged Ali's body to the side of the dirt road to get him out of harm's way.
7. When British soldiers killed a member of the militia, they would take a picture of the body along with the fighter's weapon to keep as evidence to prove the necessity of the shooting. No such thing happened with Ali, as the British soldiers must have seen him getting shot, and realized that he was a civilian. The convoy left the area within minutes of my brother getting shot.
8. I had just returned from work and was at home when I got a call from my friend [REDACTED]. He lived in the Gibla area and told me that there were British troops, tanks and armored vehicles everywhere. He knew that I often visited the area to run errands and wanted to make sure that I was okay. I was instantly worried about Ali. I threw my clothes on and rushed out the door. I did not tell anyone where I was going as I did not want anyone else to worry. Unbeknown to me, my younger brother Mohammad followed me.
9. Ali did not have a mobile phone so I was unable to call him to make sure that he was alive and well. I ran the short distance between my home and that of my uncle. I ran past tanks and military vehicles that

were leaving the area. It was common to see such things in Basra at this time. On my way there, an acquaintance of mine, Mohammed, stopped me in the street and told me that Ali had been shot. He had witnessed the incident. His words shocked me, but I did not want to believe it. I ran even faster. I passed by a street where I saw a young girl lying in the street, her family gathered around her, crying and wailing. I had never seen such a thing before, and it terrified me.

10. It took me less than 10 minutes to get to the street where Ali was lying. I saw my brother on the ground. Someone had covered his body with a white sheet, and there were people from the neighborhood gathered around him. I ran to him and lifted him in my arms. I shouted at his friend Mohammad that we had to get Ali to the hospital. I could see that there was a gunshot wound just above his left eyebrow, but it was small and somehow I believed that he was still alive and could be saved.

11. When I pulled him to my body to cradle him, I felt the large exit wound at the back of his skull. It looked like his skull had exploded. His jaw was open and frozen, as if he had been crying out when he was shot. In the back of my head I knew that he was dead, but I still refused to believe it in my heart.

12. Mohammad called his father who came with his car to take us to the hospital. I exhibit his statement as **EXHIBIT RSAA/4**. I lifted my brother into the car and held him close to me. Mohammad and Hashim joined us. That day, traffic was especially bad and the journey to the hospital, which would normally take around 30 minutes, took almost an hour. At first, I was shouting at Mohammad, demanding that he explain what had happened to my brother. This is when he told me about the incident that I have detailed above.

13. I could not comprehend what was happening. It was inconceivable to me that a day would exist when Ali would die before me, and before

our parents. I felt like I had completely lost my mind. In the car, I kept speaking to Ali. I told him to wake up, to sit up straight. I was looking at his face and again could only see the small bullet wound, somehow I managed to convince myself that he would be okay. I know that this was not a logical feeling or thought, but I needed to believe it or I would lose my mind.

14. At the hospital I learned that two other men had been killed by British troops in the area, a young policeman who had been standing outside the police station and a man who sold cigarettes in the street.

15. The medical staff took Ali's body and put him on a bed but quickly confirmed that he was dead and took his body to the morgue. They asked my permission to perform an autopsy but I refused. It was clear to me that it was the bullet that had killed Ali so I did not consider this necessary. His death certificate is **EXHIBIT RSAA/5**.

16. As stated earlier, my younger brother Mohammad had followed me to the scene of the incident. When he saw me leave with Ali, he ran home to tell my mother what had happened. He asked our mother if she knew where Ali was. She told him that Ali was at work, but Mohammad said that she was wrong, that Ali had been killed by British troops. Our mother, overwhelmed by shock and grief, collapsed to the floor. My uncle, who had also gone to my home to tell my mother what had happened, drove them to the hospital.

17. My father was at work when he heard the news. He ran to the hospital with a friend. When it was confirmed to him that Ali had been killed, he also collapsed. He was treated with oxygen and given emergency care. The doctors told us that he had suffered a stroke from the shock. They only kept him at the hospital for a couple of hours but he was crying the entire time.

18. The police were called and they started an investigation into Ali's death. My father and I gave our statements. A judge confirmed that Ali had been shot in the head and that this is what had killed him, and the morgue agreed to release the body.
19. We collected the body around 10 p.m. that evening. At dawn the next morning we took the casket on the funeral procession around the neighborhood, and then journeyed to Najaf for the burial. On our return, the *Fatiha* was held for three days. Many people came to the *Fatiha*, Ali was very young and well-loved in the local community, and it was a very traumatic and emotional time for all who attended.
20. On the second day of the funeral, a British patrol was close to the funeral. They must have seen the gathering as they drove up to the funeral tent. One soldier got out of the vehicle, but quickly got inside again and the tanks drove off. When I saw him, I got very angry. I wanted revenge for what had happened to my brother, but of course, I did not know which soldier had killed him.
21. The Iraqi police contacted us after the *Fatiha*, as tradition dictates. The investigation did not lead to any arrests, nor compensation. The report is exhibited as **EXHIBIT RSAA/6**. We did receive 2,500,000 Iraqi Dinars from the Basra Governorate to help pay for the funeral costs. The Governorate were showing support for victims of these kinds of incidents.
22. A couple of months after the incident my father and I went to Basra International Airport, which was a British base at the time, to try to request compensation. We filed a claim, number 2963. I was given a business card by the officer in charge of claims, **EXHIBIT RSAA/8**. We received a response via email on the 6 November 2007, **EXHIBIT RSAA/9**. The email stated that we would not be receiving compensation, and that we should contact an attorney if we wanted to make further requests. My father hired a solicitor who sent a letter to

the Claims Office, **EXHIBIT RSAA/10**. On 12 September 2008 my father received a phone call from a female Interpreter who told him that, as per earlier email, we would not be receiving compensation.

*Emotional losses*

23. For 40 days following Ali's death, I struggled to interact with my family and friends. I would see Ali's face in front of me, and have flashbacks of that day. I remembered every detail of the moment when I held him in my arms after he was shot. I preferred to stay in my room on my own and cry. I would not allow myself to cry in front of my parents or family as I did not want to upset them further.

24. One day, not long after Ali's death, I visited his grave in Najaf. It was around 8 p.m., and it was very dark. I was scared but I thought that if I went there, maybe, just maybe, Ali would come to see me. I felt his presence at the grave and I cried. I spoke to him as if he was still alive and this allowed me to get some relief from my grief. I still speak to him today.

25. I started smoking as a result of the stress and the emotional trauma that I suffered. I had occasionally smoked before, but following Ali's death I was smoking 4 packs of cigarettes every day. It was the only thing that would calm me down and help me stop thinking of Ali. I still smoke two packets of cigarettes per day.

26. I often visit Ali's grave. My mother and I would visit the grave every Thursday, as this was my day off. Now I go every other week. Najaf is 554 km away from my home, and it takes 4 or 5 hours to travel there by car.

27. I cannot forget what happened to Ali, it is always on my mind. It is something that will be remembered for a very long time in my family. My grandchildren will know about what happened to their great-uncle.



They will be told that he was killed at a young age and for absolutely no reason. Every time I think about it I get extremely upset. During a break in giving this statement, I returned to my room and cried.

28. I still have nightmares, reliving the horrible hours of that day. I recall the entire scene in my dreams and when I wake up in the middle of the night. On nights when I could not sleep, I used to return to the spot where I found him shot. I would sit there and cry until I had no more tears to cry, then I would return home. I would never tell anyone in my family where I was going. Once, I found my father crying in the same place. He saw me and we sat together in the street crying. The land has since been redeveloped but there is a sign in the street with Ali's picture on it so that he will never be forgotten. I still go there now to look at his picture and recite the Fatihah which is the first verse from the Quran. If I feel that I am getting too upset, I visit his grave in Najaf.

29. During the day, I can be sitting with a group of people and I will be physically present, but my mind will return to the incident and I will not be able to concentrate on those around me. I also feel that I have become much less patient with people, I will get upset and angry very quickly. This never happened before Ali died. Lately, I have started to recognize this problem and will try to control myself but it is difficult. I have accepted that this is the way that I am now.

30. I have never seen a doctor or psychiatrist. I have tried to make myself forget about what happened and move on but I have not been able to. In our family we have tried to help and support each other, but it is difficult. We were a very close knit family prior to the killing of Ali, this is how our father brought us up, and we have become even closer since his death.

31. My children are still very young, the oldest was only a year old when Ali passed away, but I always make sure that they do not get out of my sight or too far away from me. They are only allowed to play inside the

house or in our courtyard, and I try to buy them all the toys that they want so that they will want to play inside. My son was only one year old when Ali died, but they adored each other. Ali would always be carrying him around. When my son walks past Ali's picture hanging on the wall he will give it a kiss.

*Financial losses.*

32. The funeral, burial and the Fatiha cost my family 10,000,000 Iraqi Dinar. At the time we could not afford this so we had to borrow the money from my father-in-law. My father, my oldest brother and I all helped to repay this loan. My father wrote down what was spent but we have not been able to find his booklet after he passed away. There were no receipts or invoices, things are different in Iraq, you pay everything in cash and you very rarely receive a receipt. Iraqi funerals are expensive as you have to pay for the journey to Najaf, the burial, and then provide accommodation, food and drink for all those attending the Fatiha, for three days.

33. Ali used to make around 5,000 Iraqi dinars per day when he worked in the car wash. This money would help provide for the family expenses. He was not officially employed but would work when there was an opportunity, on average he would work 15 days a month. He had his own high pressure washer.

34. It is a commonly known tradition in Iraq that when there is a funeral you will be allowed a week off from work without your employer deducting from your salary. I returned to work after that week, however I was not able to concentrate on work. My colleagues noticed this and they would let me leave work early. They were supportive and I did not lose any salary due to Ali's death.

35. My father's health deteriorated following Ali's death, as stated previously he suffered a stroke on the day of the incident. He also had

clogged arteries, He suffered another stroke and passed away in late 2011. To pay for his medical expenses we had to borrow money from my uncle, US \$10,000 in total. When my father passed away I inherited this debt.

*Closing Comments*

36. I would like to see us receive financial compensation. This would help improve our living conditions, and we would also be able to use part of the compensation to open a charitable trust in the name of my brother to care for the poor.

**STATEMENT OF TRUTH**

This statement is true to the best of my knowledge and belief and I am aware that it will be placed before the Court.



Signed  .....  
**Rafid Salam Abdulhasan Al-Rikabi**

Dated 22 April 2013

I confirm that immediately prior to signing this statement it was read out to me in Arabic by an Interpreter and that I have understood and agreed the contents of this statement.

Signed  .....  
**RAFID SALAM ABDULHASAN AL-RIKABI**

Dated 22 APRIL 2013

Signed  ..... (Interpreter)  
  
Dated 22 APRIL 2013