



MOD-83-0000385-A

I, Basima Abdul Hassan Khazaal make this supplemental statement which is true to the best of my knowledge and belief:

1. I confirm that I am the same Basima Khazaal who made an earlier statement dated 27th December 2004 about an incident involving the British Army which occurred on 17th December 2004 and which resulted in the death of my husband Captin Abdul Hussain Tellab Hassan.
2. I confirm that what I said in my above statement is factually correct. I have been asked by QC Law Firm if my husband could have been distracted at the time of the incident which might explain why neither he nor I saw the 2 Army vehicles in question. I can confirm that the car radio was not on and my 3 year old daughter quietly sitting on my lap was not crying or being distractive. My husband and I were concentrating on the road which was dark and unlit except by vehicle headlights.
3. I have recently seen the statements of the Army soldiers who were present during that incident and wish to comment on their contents.

#### **S029**

4. In his statement S029 sets out on page 2 details of a brief which he says he gave to the patrol prior to setting out on the fateful journey. He says if the patrol were to see a car which they believed to be a SVBIED, the soldiers were to:
  - i. give it a hand signal to slow down or stop.
  - ii. If that failed, then the car to be given an opportunity to cross over and pass the army using the opposite side of the road.
  - iii. If that failed, then if soldiers feel their lives are in danger, weapons can be raised and pointed at the vehicle.
  - iv. If that failed, then a single shot can be fired into the bonnet of the car only.
  - v. If that failed, and there was still a danger to life then further shots could be fired into the bonnet of the car to stop the car.
  - vi. If that failed, then shots may be aimed at the driver in order to incapacitate him.
5. I have been asked to say whether I was aware of each step being undertaken by the Army in the incident involving my husband and me. The answer is an emphatic "NO". Out of the 6 steps set out in S029's statement only the last step was carried out by the soldiers (i.e. killing the driver) as well as the flash light which was pointed out at our car during the shooting. I sincerely wish that the first 5 steps had been carried out by the British soldiers because if they had been, the shooting would never have happened.

## S031

6. S031 says (on page 2 of his statement) that as he looked out of the landrover a few cars were travelling in the same direction as the landrover but had stayed back about 100 metres or so from the landrover. My recollection is different. The cars were not driving in some sort of queue about 100 metres from the landrover. Cars were being driven in a normal way. Had there been a queue, we would have been aware of it and would have known the reason. I did not see a queue nor a landrover or any other Army vehicle.
7. S031 also says he was aware of a white car travelling at "great speed" through the traffic towards the rear of his landrover. I disagree. I am scared of speeding and my husband knew that. I also had my daughter [REDACTED] on my lap which was a further reason to be very careful. I was also 5 months pregnant at the time. There is therefore no way my husband was driving fast.
8. S031 also says he held his hand up in a gesture to make us stop. If I or my husband had seen such a hand signal, we would have obeyed it and stopped or slowed down. We respect authority. My husband was a police captain and knew how to give and take orders. I saw no such hand signal from anyone.
9. I find it incredible for the soldiers to say now that they followed all the steps set out in their rules from hand signalling to being allowed an opportunity to pass the army vehicles, to pointing their weapons at the car, to shooting one warning shot followed by a couple of warning shots and that despite all that, we speeded up.

Do they seriously think my husband wanted to kill himself, and put my life and his daughter's life and our unborn baby at risk? Because if the soldiers did all they were asked to do by S029, and my husband ignored them, then it is double pain for me to believe my husband wanted to kill himself and kill us with him. It hurts to hear the soldiers' unbelievable assertions – only suiciders would respond in the way they are alleging, and we were law abiding citizens.

10. Moreover my husband was a law enforcer, a policeman, a public prosecutor, a military judge and his last position before he was killed was the head of an important legal department in an important State Department which was responsible for several important areas within the Basrah Governorate. He was the Head of Legal of the Police Department for Districts and Areas in Al Zubair which in turn was responsible for Al Zubair, Rumaila; Barjsya, Shaibah; Khor Al Zubair and Um Qasr. All these areas and districts are extremely important because this is where a large number of the petroleum operations and international oil companies are based.
11. Even a less law abiding person would not behave in the way the soldiers are alleging let alone a man of law and order like my husband.
12. I would also point out that at the time, the Iraqi community was nervous when they come near the British Army because a number of incidents had happened where honest people got killed in similar circumstances. Indeed, exactly on 17<sup>th</sup>

November 2004 (a month before this incident) a gentleman called [REDACTED] in our neighbourhood was killed by the British Army in almost similar circumstances to the one that my husband was killed in. The British Army admitted responsibility (i.e. that they killed him by mistake) and apologized for their action. We all knew about that matter and the need to slow down if we saw a British patrol because they were nervous about being overtaken.

13. In addition, my husband used to co-operate and work closely with the British and see them almost on a daily basis. Given his position and knowledge of Iraqi law they used to consult him on legal subjects and how certain matters should be undertaken in compliance with Iraqi law. In other words, he was familiar with the British Army and their ways of doing things so how an earth would he ignore all the signals and warnings that they alleged they gave us before killing him? Yet according to S031, my husband ignored all the warnings and still overtook them and speeded up his car?
14. Moreover, on a couple of other occasions when my husband and I were together in the car when the British Army were crossing a road or junction, we (plus other cars on the road) had to wait until the vehicles of the British Army had completely passed by. On one of those occasions my husband was taking me to Baghdad to replace my artificial limb when we had to wait about 2 hours while the British Army was on the road. In other words, not only we, but everyone, knows at the time what would happen when the British Army were present on the Iraqi roads— all cars that happened to be on the same road would have to keep away from them and slow down or stop all together until they passed by.
15. S031 also says he saw “*a distinctive flash from a muzzle in the are of the white vehicle’s driver’s door window*”. He also says he heard what he “*believes to be 2 shots fired from the car*”. I simply fail to understand his evidence. It is wrong. First, how could S031 even see the driver’s door or window? He was on the opposite side of the car to my husband’s left hand drive vehicle and it was dark.

The car windows were closed and remained closed until the car was shot at and came to a halt as a result. It was December meaning it was an Iraqi winter and thus cold. The windows were never opened at any stage. Therefore, as mentioned in my earlier statement when the car came to a halt I and my daughter were trying to get out of the car so we were banging on the windows because they were closed.

16. My husband’s police pistol (as mentioned in my earlier statement) was tucked into his trousers on the left side. When my husband was later taken out of the car by the gentleman who stopped to help us, the pistol was still tucked into my husband’s trousers and when the helper pulled my husband out of the car, the pistol seemed to fall off him into the mud as the people told my family. At no stage did my husband draw or use his pistol during the incident. If he had used the pistol it would not have still been tucked into his trousers and fallen out when he was pulled out of the car. It does not make any sense that my husband used the pistol to shoot at the soldiers and then tucked it back in his trousers before he died.

### S032

17. S032 was in the first Army vehicle (the Pinzgauer) and says he saw there was a vehicle "*which was travelling behind my vehicle but was only about 10-15 metres away*" and 5 metres from the Landrover. I find it incredibly difficult to believe or understand why neither I nor my husband allegedly failed to see either Army truck if they were that close.

It is unbelievable that neither I nor my husband saw these Army trucks especially since at least one of them is huge and both had 2 gunmen on top and yet only metres away. As mentioned above all Iraqis were sensitive and nervous when they saw the British Army vehicles on the road because of previous incidents.

18. S032 also says "*he could see more muzzle flashes and heard the sound of gunfire being fired in the direction of our vehicle*". If he is suggesting this really happened and that my husband was responsible then it is totally untrue. I do not wish to repeat what I have already said in this respect above.

19. S032 says he fired one shot at the bonnet of our car "*but it seemed to speed up and was now ahead of the landrover*". Again all of this is rubbish as far as I am concerned. Had a single shot hit our bonnet, of course we would have stopped.

20. S032 then says somewhat bizzarely that "*he saw more firing coming from the left side of the car as I was looking at it and I fired more rounds at it in order to make it stop*". As S032 was looking back at our car, then if he saw firing coming from the left side, that presumably would mean the passenger side. I can only assume he is lying or has a vivid imagination. I had no gun. My window was closed. I had a child on my lap. What reason would I have in any event to shoot at complete strangers in the dark? I don't even know how to use a gun.

### S033

21. S033 says the Pinzgauer was in the left lane and the landrover was in the right lane. Although, I said in my statement that the road had only one lane, I was slightly confused by this concept. Roads in and around Basra and its suburbs are very poor and they lack all the lining that I understand one normally sees on roads in more advanced countries. For example, there are no white lines to separate the lanes on the road where the accident happened until today. Therefore, once the concept of lanes was explained to me by QC Law Firm I would like to clarify my statement to confirm that the road was wide enough for more than one car (probably 2 cars) even though there were no white line to clearly identify lanes as such.

22. S033 says he himself made hand signals for us to stop. If I or my husband had seen them, then as mentioned above, we would have definitely stopped or slowed down. We never saw any such hand signals.

23. S033 says our car was about 50 metres behind his landrover, when a single warning shot was fired at our bonnet. This is different to S032 who talks in terms of us being 5 metres away from the landrover. In any event S033 says he is sure our headlights would have enabled us to see the landrover. I can categorically say our car lights never picked out the Army vehicles.
24. Again like the other members of the Army patrol. S033 says he "*is sure he heard a shot being fired from the car*". It is utter nonsense and very painful to hear such evidence being put forward by these soldiers presumably in an effort to justify the killing of my husband.

### **S035**

25. S035 says he saw 2 bright lights coming from the car driver's window plus 2 loud bangs which he thought were gunshots. All of this is incredible and defies logic. I repeat my husband did not shoot from the driver's side or from the passenger side. Plus, even if he wanted to fire at the British Army (which of course is ridiculous) what was the point to shoot from his side since his window was on the opposite side to the army vehicles. If he had shot from his side, he would have had to lean right out of the car and use his left hand. If he had shot from my side then he would have to lean over me to fire. Neither situation happened. Additionally, and most importantly the Iraqi police and the British Forces both took my husband's pistol and inspected it and it was confirmed in writing that no shots were fired from his pistol. I trust the Enquiry have seen this letter. If not, the family is happy to send a copy to the Enquiry.

### **S030**

26. S030 says he believes he heard S033 shouting "Stop, Stop, stay back" He thinks he heard him say this twice. Not even S033 appears to mention he shouted in this way in his evidence but for the record I heard no shouts and neither did my husband. Besides we speak Arabic not English.
27. S030 also says he heard "*a loud burst of rounds, which I did not recognize as one of our weapons*". I have no idea whose weapons they came from since as repeated above, we did not fire any. The Army alone appears to have fired every single shot that night and the patrol now seeks to blame others.

### **Other point**

28. I have been asked by QC Law Firm to say what I remember about my husband's pistol being handed in. My brother in law (Mr Abdul Majeed) is best able to deal with this because I was traumatised by the events of the shooting that I did not take part in handing over his gun. As mentioned above, I understand that when the taxi driver who stopped to help me, pulled my husband out of the car, the pistol which was tucked into my husband's trousers (left side) fell in the mud. The other men who were at the incident and who were helping the taxi driver to lift my husband, saw the gun when it fell in the mud. They then took it and handed it over to the nearest checkpoint and told them that it belonged to an Iraqi policeman who had just been shot. I understand this checkpoint informed Al Zubair Police

Department and the pistol was taken there and then sent to the Forensic Department for inspection. Then the pistol was handed over to the British Army for inspection as well. Indeed, it was confirmed in writing that no shots were shot from the pistol. As for the car this was taken by the British Army from the incident place straightaway but was not given back to the family until 2009.

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**Basima Khazaal**

**Dated Basra this 25<sup>th</sup> day of September 2016**