



MOD-83-0000297-A

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Friday, 13 November 2015

(1.10 pm)

THE INSPECTOR: Good afternoon.

MS AL-QURNAWI: Good afternoon, Sir George.

THE INSPECTOR: How are you?

MS AL-QURNAWI: Can you see us?

THE INSPECTOR: Yes, I can see you and now I can see

Mr Zuboon.

MS AL-QURNAWI: Here, myself, my colleague, so this is Souad

Nasser (?), we are all here in the room.

THE INSPECTOR: Thank you, good.

Julia will now move away and Mr [REDACTED] the

interpreter, will sit next to me. You probably

recognise him, Ms Al-Qurnawi, from the last occasions?

MS AL-QURNAWI: Yes. Hello.

THE INTERPRETER: Yes, hello. My name is [REDACTED]

[REDACTED]

MR MAHMOOD AL-AKHRASS ZUBOON (via video link, in Iraq)

(Interpreted)

Questions by SIR GEORGE NEWMAN

THE INSPECTOR: We will start now.

Is it Mr Zuboon, is that the right way to address

you?

A. Yes, that's fine, thank you.

THE INSPECTOR: Good afternoon and thank you for doing what

1 you have done, making yourself available.

2 A. Before we start, I'm a lawyer, I would like to extend my
3 thanks and greetings to the judge for his efforts and
4 for his efforts towards human rights and also to
5 (inaudible).

6 THE INSPECTOR: Thank you. We have some ground we must
7 cover. But your recent interview with Ms Al-Qurnawi and
8 the note that she sent to us has cut away through much
9 of the detail.

10 Okay? I think, as a lawyer you will well understand
11 that my function is to find the facts. It is not my
12 function to find anybody culpable in law. It is my job
13 to find the facts, and once I have found them and
14 reported them, it is for others to consider my
15 conclusions of fact and to determine whatever they think
16 should be the legal consequences of what I have found.

17 All right?

18 A. Understood. Ms Zeynip had explained that to me before.

19 THE INSPECTOR: Good. Can I attempt then to see where we
20 are. Firstly, I think you accept that the army raided
21 your home on the night of 5 November 2003 because they
22 had received false information from an informant who had
23 given information about weapons being present in your
24 home.

25 Am I right you accept that?

1 A. Naturally. The informer was the [REDACTED] of the
2 interpreter that came with the army that raided the
3 house and he exaggerated the information.

4 THE INSPECTOR: Thank you. We will come to that in
5 a minute. I think I should now understand that the
6 reason that the army were caused to come to your house
7 on that night was because of the false information they
8 had been given. Agreed?

9 A. Agreed. Agreed.

10 THE INSPECTOR: I think it is also now what you say, and you
11 accept, that the informant acted in this way so as to
12 retaliate against you in connection with an ongoing feud
13 you were having with the Al Bedany family. Right?

14 A. It wasn't an ongoing dispute, it was on that day.

15 THE INSPECTOR: So it was a feud which had arisen on that
16 day. Is that it?

17 A. Correct --

18 THE INSPECTOR: Mr Zuboon, could we just slow it down a bit,
19 I think the interpreter will wish to try and -- he has
20 to interpret to me so we need to do it quite slowly.

21 A. What hasn't been written in the papers is the following:

22 There were some people who are weak in their
23 personality, they are barbarians, who used to enter
24 houses and shops. This is a person who came with
25 another group of people and entered my office and they

1 scattered the furniture and he took some furniture
2 outside the office. And he kept some furniture and he
3 added some more furniture into my office. So some of my
4 relatives went, including my brother, to my office. And
5 they clashed with them and they exchanged some punches.

6 At 5.30 pm we were surprised with the attack on us.

7 THE INTERPRETER: Sorry, I wasn't sure what he meant.

8 A. 5.30 we were attacked.

9 THE INTERPRETER: And I wasn't sure what he meant by that.

10 A. We were attacked by the people of that informer, they
11 came and shot in the air and went.

12 THE INSPECTOR: I need to ask you one or two questions about
13 that. You have mentioned your office. By that, you are
14 referring, are you, to your offices where you practise
15 as a lawyer?

16 A. Yes. As a lawyer, yes. Basically the offices -- we
17 weren't going to the offices. After the occupation
18 there was no courts so we were not going to the office.

19 THE INSPECTOR: Thank you. The raid on your office, when
20 furniture was taken out and so forth, to which you have
21 just referred, was on the day, or in the course of the
22 day, of 5 November. Is that right?

23 A. Correct.

24 THE INSPECTOR: It was earlier than the 5.30 time when they
25 sprayed your house with bullets from a vehicle?

1 A. To my house -- at my house.

2 THE INSPECTOR: At your house?

3 A. The house.

4 THE INSPECTOR: So you were not present in the offices, or
5 at the offices, that day, but your brother was, was he?

6 A. My brother and two of my relatives.

7 MS AL-QURNAWI: I think we need to be quite clear about what
8 Mr Zuboon is saying here. At the time, which I just
9 understand, just got to know this, lots of houses,
10 offices because of what happened in the war, people
11 didn't go to their offices or empty houses or whatever,
12 some other people took advantage of these empty places
13 and they just broke and used them. So I think this is
14 what happened with Mr Zuboon's office because he didn't
15 go to his office for, I think six, seven months -- six
16 months he didn't go -- yes, for a long period he just
17 deserted the office because of the security situation.
18 Like many other people so they used to work from home or
19 don't go to work.

20 He was just told that some people broke into his
21 office that day and his brother went to find out what
22 was going on.

23 THE INSPECTOR: I see. Can I then correct my own thinking
24 or understanding: your brother wasn't at the office?

25 A. No he wasn't.

1 THE INSPECTOR: But someone else phoned you that day,
2 5 November. Is that right?

3 A. Correct. I don't remember whether the call came to me
4 or to my brother but we had a call that somebody broke
5 into the office and they took out some furniture.

6 THE INSPECTOR: Thank you. But it was your brother, you
7 know, that day, as a result of that information, who
8 went to your offices and saw what had happened. Is that
9 it?

10 A. My brother and two --

11 MS AL-QURNAWI: Just to be clear, the brother and
12 brother-in-law, the one who went to the offices is his
13 only brother, not his brother-in-law, yes.

14 THE INSPECTOR: Quite.

15 A. My brother and two others.

16 THE INSPECTOR: And two others, but not Mr Salim.

17 A. Mohammed wasn't there, do you mean the victim? No.

18 THE INSPECTOR: So it was your brother and do you know who
19 the other people were who went with your brother?

20 A. I don't remember that but family.

21 THE INSPECTOR: It was your brother who then made contact
22 with you. Is that right?

23 A. They said that -- return the stuff into the office and
24 we locked the office and that's it.

25 THE INSPECTOR: But Mr Zuboon was not there?

1 A. You mean me? After the event I went. To see what
2 happened.

3 THE INSPECTOR: Can we take make it plain, I would like to
4 take it very slowly, stage by stage. Okay?

5 Your brother plus two others went to your offices
6 because of the information which had been received.

7 Yes?

8 A. Yes.

9 THE INSPECTOR: Your brother then made contact with you to
10 report to you immediately what it was that had happened?

11 A. Correct -- on the same day all my papers and my stuff in
12 the office.

13 THE INSPECTOR: Yes. Because you heard that, you then went,
14 that day, to the office. Is that right?

15 A. Yes, to make sure that my papers and my stuff was still
16 there.

17 THE INSPECTOR: I understand, I understand.

18 Then you saw your brother at the offices, did you?

19 A. I don't remember, I may have seen him then. He was in
20 the office.

21 THE INSPECTOR: Did you believe, when you got to the offices
22 and saw what had happened, that Khaled Al Bedany was the
23 person responsible for what had happened?

24 A. Yes, of course him. The person who was at the office
25 was Al Bedany's cousin, who -- they saw Khaled

1 Al Bedany's cousin at the office.

2 THE INSPECTOR: It was then you realised, or you knew, that
3 it was the Al Bedanys who had raided your offices?

4 A. Yes.

5 THE INSPECTOR: Had there been any disagreement between you
6 and the Al Bedanys which explains why they had done that
7 to you?

8 A. I wasn't -- I wasn't targeted personally, me personally,
9 just because the offices were unoccupied or locked, they
10 were breaking into offices.

11 THE INSPECTOR: I see. Is it when you are at the offices
12 that you were threatened that they would attack you or
13 retaliate against you on some other occasion, or later?

14 A. Yes, exactly. They threatened my brother. They
15 threatened my brother. They had a motorcycle, when he
16 came to the motorcycle, he told my brother that I will
17 know what I will do, that means a threat to retaliate.

18 THE INSPECTOR: And did they threaten you?

19 A. The last person to leave them was on the motorcycle.
20 Just before he left he said words in the colloquial,
21 local colloquial language, which can be interpreted as a
22 threat.

23 THE INSPECTOR: Why did they continue to threaten you, do
24 you believe?

25 MS AL-QURNAWI: Sir George, sorry because I can hear maybe

1 sometimes the dialect it was not a threat on Mr Zuboon
2 personally, he said when he arrived at the scene that
3 person who was the relative of Mr Bedany was kicked out
4 of the office by Mr Zuboon's brother. He had
5 a motorcycle and he left the place and while he was on
6 his motorcycle he said like "wait, wait, I will get my
7 own back", something like that. It was not directed at
8 Mr Zuboon, at least that's the way I understand it from
9 his description, listening to what he's saying, that's
10 exactly what he just said.

11 THE INTERPRETER: I agree, yes. He overheard the person
12 telling his brother words to the effect that would be
13 interpreted as a threat.

14 A. One of the people who were with my brother punched this
15 person in the face and they considered that as an
16 assault so he made a threat.

17 THE INSPECTOR: The person on the motorcycle, was he
18 a member of the Al Bedany family?

19 A. Yes. The person who was on the motorcycle from the
20 Al Bedany family, and that evening they held a tribal
21 council to reconcile the situation and this person
22 confessed or admitted that he went into the offices and
23 removed furniture from the office.

24 THE INSPECTOR: Who had the tribal council meeting?

25 A. Our Sheikh -- this was later.

1 MS AL-QURNAWI: Wanting to be clear we have done it
2 because --
3 A. This was later, three months later.
4 MS AL-QURNAWI: This was 5 November and now we jump to
5 events three months later.
6 THE INSPECTOR: Okay.
7 MS AL-QURNAWI: So these tribal things happened three months
8 after 5 November. They took three months, not on the
9 same day.
10 THE INSPECTOR: Thank you, Ms Al-Qurnawi, we'll jump right
11 back then to 5 November.
12 This man on the motorcycle was with others, was he,
13 or was he on his own?
14 A. He had two -- he had two with him but when I arrived
15 there he was the last one there on his motorbike about
16 to leave.
17 THE INSPECTOR: The others had gone?
18 A. They went before I left.
19 THE INSPECTOR: Did you know the Al Bedany family at this
20 time? Had you known them?
21 A. Yes, I know them. He was famous in the political party.
22 THE INSPECTOR: He was a supporter of the previous regime,
23 he was a Ba'ath party member; is that it?
24 A. Yes, yes. The party organisation was in the name of his
25 father.

1 THE INSPECTOR: Was there, therefore, any ill will between
2 you and the Al Bedany family on the basis of politics?

3 A. No.

4 THE INSPECTOR: You had no difficulty with him because -- or
5 the family -- because they were Ba'ath party supporters?

6 A. No. I don't know but his father was in the Ba'ath party
7 before the regime went down basically and after the
8 regime had gone then his uncle was killed.

9 MS AL-QURNAWI: He was a Ba'ath supporter and a well known
10 member of the Ba'ath party, like I mean probably if you
11 speak to half the people in Basra they will know who was
12 a member of this party and what their positions were.
13 But it was public knowledge, everybody knows who they
14 are and where they were. So at least from that point of
15 view he knows about his family and his brother -- father
16 and uncle.

17 THE INSPECTOR: The reason I have asked you about this
18 possible political background is because in your
19 statement you refer to the situation which developed
20 after the tragic shooting of your brother-in-law. Where
21 you refer in your statement to the antagonism that
22 developed with Mohammed Salim's family against you
23 because they thought that you were possibly a Ba'ath
24 party supporter and that that had in some way
25 contributed to Mr Salim being killed.

1 Do you remember saying that in your statement?

2 MS AL-QURNAWI: Sorry, Sir George, do you mind repeating
3 this? Are you saying -- he's asking me, he's not clear
4 about your question -- is that because of political
5 reasons they attacked Mr Salim, because he was well
6 known for his political support of the Ba'ath party, is
7 that what you are saying?

8 THE INSPECTOR: No I am not, Ms Al-Qurnawi. I'm trying to
9 draw various things together which I have seen, which
10 I need to --

11 Have you got the English version, or if better the
12 Arabic version, of the statement in February 2013,
13 Ms Al-Qurnawi?

14 MS AL-QURNAWI: I have 18 November 2013. I don't have
15 Arabic, there's just English.

16 THE INSPECTOR: Well then I can explain to you,
17 Ms Al-Qurnawi.

18 MS AL-QURNAWI: Sorry, is it the 18 February 2013 statement?
19 That report? I have it here in front of me, the
20 English.

21 THE INSPECTOR: Yes. Paragraph 41.

22 MS AL-QURNAWI: Okay, 41.

23 THE INSPECTOR: Would you like to read that to your yourself
24 in the English?

25 When you have read it, let me know you have read it,

1 Ms Al-Qurnawi, and I will ask [REDACTED] to translate
2 the English into Arabic for Mr Zuboon. All right?
3 Okay?

4 MS AL-QURNAWI: Okay.

5 (Interpreter translates)

6 THE INSPECTOR: That's all you need.

7 A. I repeat the same things I said. Same thing I said.
8 Before the incident when they raided my home, I used to
9 feel that I was a respected person but when the English
10 raided my home others, they started to feel -- dislike
11 from others because some people, according to the
12 rumours I've heard from people, that the British forces
13 raided this person, or this lawyer, this could be
14 because of relationship with the previous regime. And
15 Mohammed's family believed, or they imagined, that I was
16 the cause of the incident. That I was the cause of
17 their son's death. The evidence of this -- so I went
18 with my family, with my tribe, and we went to Mohammed's
19 family or tribe and I conducted the tribal rituals
20 follow in the area.

21 Because their son died in my home.

22 THE INSPECTOR: Yes. All right. I wanted to explain to you
23 why I was asking you as to whether there was any ill
24 will between you and the Al Bedanys because of any
25 Ba'ath party issue. Now you have explained, and we can

1 move on. Okay?

2 A. Before we move on, he wants to explain that when there's
3 abandoned homes or abandoned offices.

4 MS AL-QURNAWI: What he is saying, Al Bedany comes from
5 a very poor area or background and therefore they took
6 advantage of the lawlessness of the country and the town
7 and they used to break into offices and empty houses and
8 empty places, that's the point he was making.

9 THE INSPECTOR: I understand. You are describing a very
10 lawless position in Basra at this time.

11 A. Almost that. Almost. Not lawlessness, but it was like
12 anarchy.

13 THE INSPECTOR: Anarchy, fair enough. Did the men who went
14 to your offices and encountered your brother and the
15 others have guns with them when they were at the
16 offices?

17 A. My brother was an officer in one of the police stations.
18 He was an air officer before then, he became a police
19 officer after the -- when I heard from my brother that
20 one of the police officers, who he doesn't know, in
21 attempting to settle between the people who came to the
22 office and my brothers, the person who was on the
23 motorcycle, what I have heard, he shot a shot in the air
24 to separate people, to settle the dispute. To stop the
25 assault on my brother or the office. The Al Bedany

1 family believed that this person is a relative of mine
2 so they came to retaliate on that evening. It was
3 Ramadan and breaking the fast about 5.30/6 o'clock.

4 THE INSPECTOR: I will come to that in a minute. I am still
5 at the offices.

6 The police were called to the offices. Is that
7 right?

8 A. I don't remember. I came late, I saw the man on the
9 motorcycle, a man on -- when I arrived, I heard some
10 threatening words and he got his on motorbike and left.

11 THE INSPECTOR: Who shot the gun into the air?

12 A. This was a police officer.

13 THE INSPECTOR: Where was he?

14 A. I don't know, he was maybe in the street, I don't know.

15 THE INSPECTOR: But there was a police officer then in the
16 vicinity of the offices?

17 A. Yes, in the vicinity of the office. In the vicinity.
18 For this reason we considered this as a small incident
19 and we didn't report it.

20 THE INTERPRETER: I think he said we didn't report it.

21 THE INSPECTOR: Didn't report it, is that right,

22 Ms Al-Qurnawi?

23 MS AL-QURNAWI: Yes.

24 A. Well we didn't report it but they believed that the
25 person who shot the shot in the air was one of our

1 people.

2 THE INSPECTOR: Right.

3 MS AL-QURNAWI: So just let me recap on this item to be
4 clear, including myself. It's: there was this fight, if
5 you want to call it fight, between the people who broke
6 into his offices, Mr Zuboon's office. Mr Zuboon's
7 brother and the two guys who were with him. Mr Zuboon
8 was not there at the time and according to Mr Zuboon, if
9 I understood what he just said, there was a policeman in
10 the area, he was guarding somebody somewhere in the
11 vicinity, so these guys sort of fighting -- so he shot
12 a bullet just to separate them. To stop this. And what
13 he said, they did not report the breaking into the
14 office incident to the police. This is because they
15 consider it just a simple thing and they thought it
16 would go away, this guy broke, this guy picked them up,
17 locked the office. But it seems -- the guy thought that
18 the guard on the motorcycle that shot was part of
19 Mr Zuboon's family and therefore came back to seek
20 revenge that evening around 5.30, when they drove by and
21 shot at Mr Zuboon's house.

22 THE INSPECTOR: Thank you. I was going to say this but I'll
23 ask it as a question. Did you go home to your house
24 after you had been at the offices?

25 A. Yes.

1 THE INSPECTOR: It's a long time ago now, but you have
2 already told us that at about 5.30 there was an attack
3 on your home. How long roughly do you think you had
4 been at home before that attack?

5 A. I came back at lunchtime, or midday.

6 THE INSPECTOR: I see.

7 A. At 5.30, the incident occurred.

8 THE INSPECTOR: So the office incident took place in the
9 morning?

10 A. Around midday.

11 THE INSPECTOR: Okay.

12 MS AL-QURNAWI: Afternoon.

13 THE INSPECTOR: Okay. You have said in your recent account
14 that you and your brother felt there was a need to
15 protect your home and yourself. And that your brother
16 offered to give you, or bring to you, a gun.

17 A. A rifle.

18 THE INSPECTOR: A rifle. Correct?

19 A. When we heard the threatening words that came from the
20 Al Bedany family, one had to take precautions. The
21 rifle came after the incident with the Al Bedanys.

22 THE INSPECTOR: Yes. But the rifle came to your house from
23 your brother before the army came to your house.

24 A. It had no magazine in it.

25 THE INSPECTOR: No, I'll come to that as necessary. But I'm

1 right, am I, in understanding that what you say to me is
2 that your brother brought the gun, or gave you the gun,
3 and that you had that gun in your house before the army
4 raided?

5 A. Yes.

6 THE INSPECTOR: The purpose that you had in having the gun
7 was to help you protect yourself, and your family, from
8 any possible raid from the Al Bedanys.

9 A. In fear of the Al Bedany family coming back at us again.

10 THE INSPECTOR: Exactly. You also had in your house a rifle
11 of your own.

12 A. I have a licence for one.

13 THE INSPECTOR: Don't worry. But you had a rifle of your
14 own in your house on 5 November 2003. Your brother
15 offered you, or you accepted, your brother's rifle in
16 order to give you, if it could be done, greater
17 protection?

18 A. Yes. The rifle didn't have a magazine in it.

19 THE INSPECTOR: No. But if it did have a magazine, it would
20 provide you with greater protection.

21 A. I called somebody to obtain a magazine, he didn't have
22 one and he said I will provide you one two or three days
23 later.

24 THE INSPECTOR: You called him before the Al Bedanys drove
25 by and shot at your house?

1 A. No, this was afterwards. Basically after the incident
2 when they drove by and shot at the house, the police
3 were called and everybody knew, we had tribal meetings,
4 and then my brother said here is a rifle, you should
5 keep that, but it doesn't have a magazine in it and
6 I called to find a magazine later.

7 THE INSPECTOR: Fine, thank you. So, rewind. When you left
8 the offices and went home that afternoon, I understand
9 you to be saying that you believed there was a risk that
10 the Al Bedanys might retaliate by some sort of violence
11 against your property.

12 A. No, I didn't believe that. I simply believed that they
13 threatened but I didn't believe to be that violent or
14 that hard.

15 THE INSPECTOR: Did you not think there was a risk at all
16 that they might come to your property and retaliate?

17 A. I didn't believe it would be that hard. I believed that
18 they might come and knock on the door but not as violent
19 as that.

20 THE INSPECTOR: What did you believe they might do when they
21 came and knocked on the door?

22 A. Maybe they would punish me or beat me up, but not that
23 violent.

24 THE INSPECTOR: So maybe they would beat you up?

25 A. Yes, possible.

1 THE INSPECTOR: In order to protect yourself against
2 a possible beating up, am I right that it was, you
3 thought, sensible that you could protect yourself by
4 having a weapon in the house?

5 A. That was the belief. I had developed -- that belief
6 developed after they attacked the house, I believed that
7 they might come back again.

8 THE INSPECTOR: Right. I'm sorry to take so much time but
9 I need to follow the detail almost minute by minute.
10 Okay?

11 A. Yes.

12 THE INSPECTOR: We will now move forward to the time in the
13 afternoon, which I think was 5.30, when the Al Bedanys
14 did return to your property, your home. Did return and
15 come to you.

16 A. They came only once.

17 THE INSPECTOR: Yes, at 5.30?

18 A. 5.30.

19 THE INSPECTOR: Yes. That is what I'm referring to. Were
20 you inside your house when that happened?

21 A. Yes.

22 THE INSPECTOR: Who else was in your house at that time?

23 A. Myself and my wife.

24 THE INSPECTOR: Can you remember now what you were doing
25 when the Al Bedanys came by?

1 A. After breaking the fast, having tea, things like that.

2 THE INSPECTOR: And what did you hear from inside the house?

3 A. Very heavy shooting, firing.

4 THE INSPECTOR: Could you tell where their firing was

5 targeted?

6 A. There was the effect on the house. It's still there,

7 the effect of the shooting.

8 THE INSPECTOR: What did you do when you realised there was

9 shooting at your house?

10 A. I called the police.

11 THE INSPECTOR: Yes. You called the police. And then?

12 A. Police arrived. I told them about the effect of the

13 shooting on the house, the bullet holes. And they found

14 the empty cartridges on the ground. The empty

15 cartridges, the used cartridges.

16 THE INSPECTOR: How long did it take for the police to

17 arrive?

18 A. Not more than 15-30 minutes.

19 THE INSPECTOR: What did you do while you were waiting for

20 the police to come?

21 A. I was just waiting for the police inside the house and

22 outside the house.

23 THE INSPECTOR: Did you go outside the house?

24 A. I was afraid that they were still around in the area.

25 THE INSPECTOR: So you didn't go outside the house?

1 A. When the police -- I remember I went up to the roof and
2 I saw the car that made the firing.

3 THE INSPECTOR: That is what I wanted to ask you about.

4 A. At the end of the street, far away.

5 THE INSPECTOR: When the shooting of the building took
6 place, how long -- was it a matter of half a minute,
7 a minute or what?

8 A. I saw the car at about 400 metres away, or 500 metres
9 away, it's the time for the car to travel that far.

10 THE INSPECTOR: You had to go upstairs to see the car?

11 A. Yes.

12 THE INSPECTOR: When you get to the top of the stairs, is it
13 a balcony or is it an interior part of a house?

14 A. A balcony about a metre wide.

15 THE INSPECTOR: When you get to the top of the stairs --
16 I have seen a plan -- there is some flooring and there
17 is a balcony immediately there. Is that it?

18 A. Yes.

19 THE INSPECTOR: You went up the stairs while the shooting
20 was taking place?

21 A. No.

22 THE INSPECTOR: No?

23 THE INTERPRETER: He just said no.

24 THE INSPECTOR: No? You waited for the shooting to stop?

25 A. Yes.

1 THE INSPECTOR: Then you went up the stairs and looked out
2 over the balcony? Yes?

3 A. Yes.

4 THE INSPECTOR: You looked and you could see a car, which
5 was driving away from your home, and you recognised the
6 occupants of the car?

7 A. No. After the incident and I heard from people that
8 they were the Al Bedanys.

9 THE INSPECTOR: So you saw the car being driven away but you
10 didn't at that time know that it was the Al Bedanys?

11 A. I was sure that it was the Al Bedanys because they had
12 previously threatened us.

13 THE INSPECTOR: Yes. You were sure that it was but you
14 hadn't been able to identify them by seeing them?

15 A. Later the head of the family, or the head of the tribe,
16 the Sheikh, he came to me to my house to express sorry,
17 or regret, to express regret about the incident and he
18 took it upon himself to calm down the situation.

19 THE INSPECTOR: Right.

20 A. It was two hours -- or three hours after the incident
21 that this man came to us.

22 THE INSPECTOR: Yes.

23 A. An elderly person.

24 THE INSPECTOR: Thank you. You came down from the balcony
25 and did you discuss what you had seen and what you

1 believed with your wife?

2 A. Yes. My wife was screaming and -- screaming basically.

3 THE INSPECTOR: Your wife was, I'm sure, very upset and very

4 afraid.

5 A. Yes.

6 THE INSPECTOR: Is it then that you made contact with your

7 brother?

8 A. I contacted my brother and my other brother.

9 THE INSPECTOR: Two brothers. And the police?

10 A. Yes.

11 THE INSPECTOR: Did the brother who had the gun, you say

12 without the magazine, is it then, after you have talked

13 to him, that he comes round to your house with the gun?

14 A. He had the gun. He came -- when he initially came --

15 initially my brother didn't have the rifle. He told me

16 then that one gun in the house is not enough and I have

17 a gun, and he brought it later.

18 THE INSPECTOR: How much later?

19 A. After things calmed down and the man came and visited to

20 calm things down. He went -- in order not for the

21 incident to be repeated he brought me the gun -- the

22 rifle.

23 THE INSPECTOR: The brother brought?

24 A. About three hours after the incident.

25 THE INSPECTOR: Okay. That's fine. The gentleman who came

1 from the council was able to talk to you and your wife?

2 A. Yes, discussed with me and my wife and one of my
3 brothers was there also.

4 THE INSPECTOR: When the man who came to discuss things and
5 calm things down, did you tell him that you believed
6 that it was the Al Bedanys who had sprayed the bullets
7 at your house?

8 A. Yes, he is their uncle. He told me that "I am his
9 uncle".

10 THE INSPECTOR: That who is his uncle?

11 A. The uncle of Khaled Al Bedany.

12 THE INSPECTOR: He said he is the uncle of Khaled Al Bedany?

13 A. Yes. He told me that he is the uncle of Khaled
14 Al Bedany and this person is careless and we were able
15 to calm the matter down.

16 And he talked about Khaled Al Bedany, that this is
17 a careless person, irresponsible, we can calm the matter
18 down. I felt that this person was ashamed of Khaled's
19 behaviour.

20 THE INSPECTOR: Yes. But you were still, as I believe you
21 have told me, you still had some fear that he might
22 return?

23 A. Given the heavy firing on the house, and this person is
24 careless, that he might come back again.

25 THE INSPECTOR: I understand. Did you know by then where

1 the Al Bedanys lived?

2 A. Yes, I know.

3 THE INSPECTOR: How did you learn that?

4 A. I told you his father was a well known person in the

5 party and he had his own branch in the party.

6 THE INSPECTOR: So you knew where the Al Bedanys lived?

7 A. Yes. I know where their house is.

8 THE INSPECTOR: This was frightening for your wife?

9 A. Naturally.

10 THE INSPECTOR: And it was frightening, was it, for you?

11 A. Of course, that's a natural thing, someone attacking my

12 home.

13 THE INSPECTOR: Yes. It is a very serious piece of conduct.

14 A. I've not had this sort of thing before, I'm a peaceful

15 person. And I wasn't supporting the previous regime.

16 THE INSPECTOR: Sorry?

17 THE INTERPRETER: I think he said I wasn't a supporter of

18 the previous regime.

19 THE INSPECTOR: Was not a supporter?

20 A. Yes.

21 THE INSPECTOR: Then the uncle of Khaled Al Bedany left --

22 A. Yes.

23 THE INSPECTOR: -- and the police --

24 A. The person said "I am his uncle", of Khaled Al Bedany.

25 THE INSPECTOR: And he left?

1 A. Yes.

2 THE INSPECTOR: And the police came?

3 A. No, the police came about quarter of an hour after the
4 event, or maybe half an hour after the event.

5 THE INSPECTOR: Did you make a written --

6 A. They made their investigation and left, then I was able
7 to leave.

8 THE INSPECTOR: Did you make a statement to the police at
9 your home?

10 A. Yes.

11 THE INSPECTOR: Was that a written statement?

12 A. Of course.

13 THE INSPECTOR: Do you know whether you have a copy of that
14 statement or whether that written statement to the
15 police may still be available?

16 A. Before we made this call I was talking to the colleague
17 here about going to the police station to get the
18 papers.

19 THE INSPECTOR: Could you do that, please?

20 A. Yes.

21 MS AL-QURNAWI: Yes. I discussed this earlier with
22 Mr Zuboon about discussing how we can get hold of the
23 copies of the incident, going to the police station,
24 because you know the matter was flagged from 2006 and
25 they promised to help us and to see how we can get hold

1 of these papers.

2 THE INSPECTOR: Thank you. At what time was it that -- or
3 how long after this event at 5.30, and the police and
4 your brother coming, bringing the gun; how long after
5 all that did you have your contact with Mr Salim which
6 led to him --

7 MS AL-QURNAWI: Sorry, they used the first name but --

8 THE INSPECTOR: Mohammed.

9 A. My sister was one of the people who heard about the
10 incident and her home was not far, was close by.
11 I don't remember whether that was an hour or more later
12 after the incident, he came to find out what happened,
13 basically.

14 THE INSPECTOR: He came round to see what had happened?

15 A. Like any person, to come to see what happened.

16 THE INSPECTOR: Yes. Would I be right to understand that
17 when he arrived at some stage your nephew arrived?

18 A. Yes.

19 THE INSPECTOR: How old was your nephew then?

20 A. When my nephew came, he was a young man, he came at my
21 request -- after my call.

22 THE INSPECTOR: Why did you request that he come?

23 A. In order not to -- in case the door, get a knock on the
24 door again or in case there was another attack on my
25 home.

1 THE INSPECTOR: In case there was another attack?

2 A. Yes.

3 THE INSPECTOR: So we have the evening then continuing, with
4 you eating and having your fruits and so forth.

5 A. It was 11.30 pm.

6 THE INSPECTOR: Yes. At 11.30, it was the army who arrived.

7 A. No -- at 11.30 the army came.

8 THE INSPECTOR: Yes. But in the period of time that you
9 were there with Mohammed, your nephew and your wife, you
10 were expecting, or realised, that there was the
11 possibility that the Al Bedanys might return.

12 A. Yes. We believed that.

13 THE INSPECTOR: But your brother, as I understand it, didn't
14 stay?

15 A. No, he left because he has his family. And he left.

16 THE INSPECTOR: After he had been, and you had the gun, you
17 had tried to obtain a magazine for it but you had not
18 succeeded.

19 A. On the same evening, on the phone, I tried to obtain
20 a magazine.

21 THE INSPECTOR: Yes. At 11.30, there was an enormous crash
22 or noise at your gates. Yes?

23 A. The external metal door, yes.

24 THE INSPECTOR: Yes, the external gates to the courtyard.
25 Correct?

1 A. Yes.

2 THE INSPECTOR: I would expect that you immediately thought
3 that the Al Bedanys had returned.

4 A. I didn't have to -- time to think, between the noise at
5 the gate and their arrival was about six second.

6 THE INSPECTOR: Are you telling me that it didn't occur to
7 you that this was possibly the Al Bedanys who had
8 returned?

9 A. I didn't have anything else but thinking this way.

10 THE INSPECTOR: You did think?

11 A. That was the topic of the conversation that we were
12 having before they came.

13 THE INSPECTOR: Yes. And when the crash was heard, what
14 I was suggesting was that you must have thought the
15 Al Bedanys are back.

16 A. Yes.

17 THE INSPECTOR: Yes. You must have thought that if you were
18 going to protect yourself against the Al Bedanys, there
19 was a need for you to use whatever weapons you had to
20 protect yourself.

21 A. I didn't have a chance. I didn't have enough time to
22 think, or a chance to think. It was not even five
23 seconds when the first soldier arrived.

24 THE INTERPRETER: I think he said.

25 MS AL-QURNAWI: Sorry there is something more important

1 before he said. He said: the sound of the crashing of
2 the gate came to him as an explosive, like a bomb.
3 That's the sound which they thought that they heard.
4 A. It was a loud noise. And it was strange to have this
5 loud noise. They appeared as if they have struck at the
6 external metal gate and the wooden door at the same
7 time.
8 THE INSPECTOR: All right. But what I'm concerned to follow
9 is you must tell me whether I am wrong if I was to infer
10 that you thought that what was happening, putting aside
11 the detail, that what was happening was you were being
12 attacked again by the Al Bedanys.
13 A. Yes. That's correct, yes.
14 THE INSPECTOR: Thank you. As I understand your account,
15 Mohammed, when the crash and the noise occurred to the
16 outside gates, went up the stairs. Correct?
17 A. First Ahmed went first.
18 THE INSPECTOR: First your nephew went up the stairs?
19 A. First. Yes, first.
20 THE INSPECTOR: Then Mohammed?
21 A. Mohammed wanted to find out what happened.
22 THE INSPECTOR: Yes. They went up the stairs, am I right,
23 I would guess, because --
24 A. Yes.
25 THE INSPECTOR: -- they would be able to see from the

1 balcony what was happening?

2 A. What I should from Mohammed at that time he wanted to
3 know what's happening. But Ahmed went upstairs before
4 Mohammed. Without talking to him, I didn't have the
5 chance to talk to him. When Mohammed left me and went
6 upstairs he said I want to find out what's happening.

7 THE INSPECTOR: Yes. In order to find out what was
8 happening he could look to see what was happening from
9 the balcony.

10 A. He only went up four or five steps and then the British
11 came in.

12 THE INSPECTOR: Yes. Please just concentrate on my
13 question, if you will.

14 The purpose in going up the stairs, in order to see
15 what was happening, was to see what was happening from
16 the balcony. Otherwise, there's no point in going
17 upstairs, unless you can see what's happening from
18 inside the house upstairs. Do you understand?

19 A. Yes. He said I'm going up to see what's happening, then
20 he was up four or five steps and then the British came
21 in.

22 THE INSPECTOR: I understand. I'm coming to that. But
23 Ahmed was already up there?

24 A. Yes.

25 THE INSPECTOR: And at the top of the stairs, as

1 I understand it, your rifle was on the floor.

2 A. When I had my rifle -- when I took the rifle upstairs
3 after I heard the noise and I went myself upstairs and
4 I left it upstairs.

5 THE INSPECTOR: Which noise?

6 THE INTERPRETER: Previously.

7 THE INSPECTOR: The noise from the Al Bedanys at 5.30?

8 A. Yes, 5.30, the rifle remained up there.

9 THE INSPECTOR: I understand. So the gun was upstairs on
10 the floor because you had left it there after the
11 Al Bedanys because that was a good place for it to be in
12 case they came back, where you would be able to see what
13 was happening if they did come back and have your gun
14 for you to protect yourself and show retaliation to the
15 Al Bedanys.

16 Is that right?

17 A. When the Al Bedanys opened fire, I took the rifle in my
18 hand -- I took the rifle in my hand -- and then I saw
19 the car had gone away, then I came back.

20 THE INSPECTOR: And left the rifle up there.

21 A. And left it there. At the top of the stairs on the
22 second floor, I left the rifle, yes.

23 THE INSPECTOR: So that if there was another incident, that
24 was a good place to have it.

25 A. And to have a single rifle you cannot face the sort of

1 barbarism that occurred.

2 THE INSPECTOR: No, I'm talking about your preparations for
3 what might occur, not what occurred.

4 A. With the long period between 5.30 and 11.30, and we
5 heard the noise, then I went upstairs --

6 THE INTERPRETER: Or somebody went upstairs.

7 THE INSPECTOR: Not him?

8 A. No, not him. I didn't have the chance to go upstairs,
9 didn't have the opportunity.

10 THE INSPECTOR: Did Ahmed, when he got to the top of the
11 stairs, pick up your gun?

12 A. All this happened in seconds. Ahmed -- what
13 I understood from Ahmed on the following day, that
14 before he picked up the rifle he heard the shot that hit
15 Mohammed. He told me the following day, after the
16 incident, "if I used the rifle the British would have
17 killed me." He said "if I had picked up the rifle --
18 basically I did not see him pick up the rifle myself
19 because the stairs turn around and go up another flight
20 of stairs but he told me the next day if "I had picked
21 up the rifle the British would have killed me."

22 THE INSPECTOR: So did he tell you the next day that he
23 didn't pick up the rifle?

24 A. He said "I didn't pick up the rifle, thank God I didn't
25 because the British would have killed me".

1 THE INSPECTOR: When the British came in through the front
2 door, did you hear any shots from inside your house?
3 A. No, never. Not at all. Not at all.
4 THE INSPECTOR: When the first soldier came towards the
5 stairs, is it right that Ahmed and Mohammed were on the
6 stairs?
7 A. Mohammed was coming down -- he had returned, he was on
8 the second step.
9 THE INSPECTOR: Fine. So he was on the stairs, on the
10 second step.
11 A. Yes. He was coming down. He was coming down. He went
12 up four or five steps, he saw the British and then he
13 came back down. On the second step he was hit in his
14 abdomen by a bullet.
15 THE INSPECTOR: I know that.
16 A. Evidence of this that I didn't have a chance to get up.
17 THE INSPECTOR: At the time that Ahmed and Mohammed went up
18 the stairs, your brother's rifle was lying at the bottom
19 of the stairs. Is that right?
20 A. It was under the stairs.
21 MS AL-QURNAWI: Under the stairs.
22 THE INSPECTOR: What does that mean?
23 MS AL-QURNAWI: There is a space under the stairs. There's
24 always a space under the stairs.
25 A. In the space under the stairs. It was an old rifle, not

1 a modern rifle, and we kept it under the stairs.

2 THE INSPECTOR: But it had only come within hours.

3 A. Yes, a few hours. Two and a half hours/three hours,
4 something like that.

5 THE INSPECTOR: It's not a question of keeping it under the
6 stairs. It's a question of it having been put there.

7 A. Because it didn't have a magazine, there was no point of
8 it to keep it in the house.

9 THE INSPECTOR: But it was in the house.

10 A. It was in the house, yes.

11 THE INSPECTOR: Had you said to Mohammed that the gun which
12 was near the stairs did not have any magazine?

13 A. It didn't have a magazine.

14 THE INTERPRETER: I said: did you tell Mohammed but I didn't
15 get an answer.

16 THE INSPECTOR: Did you tell Mohammed it did not have
17 a magazine?

18 A. He knows that it didn't have -- because I asked him if
19 he could obtain a magazine and he said no.

20 MS AL-QURNAWI: Sorry because he asked Mohammed himself
21 could you please arrange for a magazine. Mohammed said
22 no he couldn't arrange for it, therefore Mohammed knew
23 it had no magazine.

24 THE INSPECTOR: That was said after Mohammed arrived?

25 A. Yes, after he arrived. I asked him and he said he could

1 arrange for it.

2 THE INSPECTOR: Did you explain that the gun upstairs had
3 a magazine?

4 A. I don't remember. Whether I told him or not, I don't
5 remember.

6 THE INSPECTOR: It would have made sense, since you were
7 afraid of the possibility of being attacked, for
8 Mohammed and Ahmed to know where there was a gun which
9 had a magazine. That is right, isn't it?

10 A. Yes, that's right but I don't remember. Ahmed knows --
11 knew. I called them to come to protect me.

12 THE INSPECTOR: "I called Ahmed to come to protect me."

13 A. Yes, so he knows.

14 THE INSPECTOR: So he knows there's a gun upstairs which has
15 got a magazine?

16 A. Yes. He knew. He knew.

17 MS AL-QURNAWI: He's saying the reason that Ahmed knew about
18 the magazine and the gun upstairs is because he called
19 upon Ahmed to come and to protect him. While Mohammed
20 didn't come for the same reason, he just came to just
21 check everything with him is fine after they heard about
22 the incident.

23 THE INSPECTOR: I follow. So Ahmed knew the gun was
24 upstairs with a magazine and he knew that you wanted him
25 to protect him by using the gun. Correct?

1 A. Correct. Not as far as Mohammed was concerned.

2 THE INSPECTOR: Not so far as Mohammed, I understand what
3 you're saying. But would you have not expected, if
4 Ahmed was going to protect you, by using a gun with
5 a magazine, that when he went up to the top of the
6 stairs where that gun was, he would pick it up in order
7 to protect you.

8 A. Yes. Basically to protect me you would expect -- what
9 we expected would be natural. If there was an attack it
10 would be by knocking on the door or shooting on the
11 building but not this violent explosion that blew up the
12 front metal gate, which was a steel gate, and this
13 explosion that was heard in all the area. We didn't
14 expect that big explosion.

15 THE INSPECTOR: No.

16 MS AL-QURNAWI: What he's saying here, so he's clear exactly
17 what he just said, because he said the reason that he
18 did not pick up the gun, because it's not shooting or
19 anything that he could answer back. They thought it was
20 a bomb because it was not just shoot the house, shoot
21 the whole area, so there was -- that's the reason,
22 according to Mr Zuboon, why. About the gun, why he did
23 not pick up the gun.

24 THE INSPECTOR: He doesn't know whether Ahmed picked up the
25 gun or not that evening.

1 A. I didn't know until the following day. Because then
2 they handcuffed us and took us outside. I knew the
3 following day. I didn't know from Ahmed on the same
4 night.

5 THE INSPECTOR: No.

6 A. Because the British had handcuffed us and they separated
7 us.

8 THE INSPECTOR: Yes.

9 A. And they put our faces towards the wall and they took us
10 outside the house.

11 THE INSPECTOR: Yes.

12 A. And they searched the house.

13 THE INSPECTOR: Yes.

14 A. When they found out that we had been attacked by firing,
15 they took us back into the house, after they searched
16 fully the house. Then they brought us back into the
17 house. I remember my wife was kissing the hands of the
18 British to take the injured to the hospital. About 4 am
19 it was.

20 THE INSPECTOR: I think --

21 A. But I didn't -- due to the circumstances I didn't ask
22 Ahmed on that night.

23 THE INSPECTOR: No. Can we go back --

24 A. The following morning Ahmed told me that "I didn't pick
25 up the rifle otherwise the British would have killed me,

1 thank God that I didn't."

2 THE INSPECTOR: The British soldiers say that Ahmed put the
3 rifle down and that is why there was no question of
4 Ahmed being shot by the British, because he had the
5 rifle but he put it down and put his hands in the air.

6 A. But Mohammed did the same thing, he lifted his arms in
7 the air.

8 THE INSPECTOR: I'm talking about Ahmed at the moment.

9 A. Yes. I remember that Ahmed came down without a rifle.

10 THE INSPECTOR: Yes. Ahmed came down without a rifle
11 because he had put the rifle down when he saw the
12 troops.

13 A. Yes. It was actually Mohammed who told Ahmed to go
14 back, these are British soldiers, he was the one to tell
15 him. Because Mohammed saw the British soldiers before
16 Ahmed because of the flight of stairs.

17 THE INSPECTOR: He told him that so Ahmed could put the gun
18 down.

19 A. In order for him to come down.

20 THE INSPECTOR: And put the gun down.

21 A. I don't know. I remember that Mohammed went up four
22 steps and told Ahmed to go back, these are British
23 soldiers.

24 THE INSPECTOR: Right. And he said that before he was shot.

25 A. By a second -- he told him to go back. What he meant is

1 that these are British soldiers. I remembered him
2 telling him "Don't be scared, these are British
3 soldiers." Considering that the British soldiers
4 were -- indicate reassurance at that time.

5 THE INSPECTOR: All right. Mr Zuboon, I need to ask you to
6 think very carefully about whether Mohammed had a rifle
7 in his hands when he was on the stairs. Will you think
8 very carefully about that.

9 I ask you to think -- you will do that for me, will
10 you, please?

11 A. I remember exactly that moment when Mohammed -- he told
12 Ahmed to go back, not to use fire, not to open fire. So
13 from that perspective, for the son not to use the rifle.

14 THE INSPECTOR: I am not suggesting that there is any
15 account which I have received that Mohammed used a rifle
16 or even pointed a rifle, but that what happened was that
17 when he was on the stairs facing down, at that time he
18 had a rifle in his hands and it was whilst he had
19 a rifle in his hands, or within seconds of being seen
20 with the rifle in his hands, that he was shot. You
21 understand that that is what is said by witnesses? Do
22 you understand that that is what is said? You don't
23 agree with it but you understand that that is what is
24 being said?

25 A. I will deny anything that the witnesses have seen

1 because I have seen it myself. He didn't have a rifle.

2 THE INSPECTOR: I just want to be entirely open and fair
3 with you because it is my job to find the facts. And
4 I want you to understand that there is evidence, from
5 more than one witness, that Mohammed, at the time he was
6 shot, had a rifle in his hand. I just want you to know
7 that. I need to make a decision, after I have heard all
8 the evidence and considered it, as to what the position
9 was.

10 So I want you to realise that now is your
11 opportunity to help me to come to a conclusion on the
12 facts, which is accurate and true. All right?

13 A. Understood, understood. I am sure, I'm sure, sure,
14 totally, totally, that Mohammed -- when he was coming
15 down the stairs, he didn't have a rifle in his hand.
16 Totally sure. Discussing with my wife we were both sure
17 that, with my wife, that when he came down he didn't
18 have a rifle.

19 THE INSPECTOR: Okay. We know that -- it's agreed between
20 you and what I have seen from the officer, Routledge,
21 that you had a conversation with him. That is right,
22 isn't it?

23 A. Yes. On the same day --

24 THE INSPECTOR: On the same evening.

25 A. We were asking him to rescue the injured, to see to it.

1 They handcuffed us and made us -- it was two hours later
2 when we had a conversation.

3 THE INSPECTOR: I know that, we have seen that. It may have
4 been two hours later when you had the conversation. It
5 isn't that which I want to concentrate on but before we
6 move to your conversation with Major Routledge, I have
7 had evidence, and seen evidence, that whilst it took
8 some time for the ambulance to arrive, it was not
9 a matter of hours. That's the evidence that I have
10 seen.

11 THE INTERPRETER: Sorry, how long was it?

12 THE INSPECTOR: Not a matter of hours.

13 What I want, in fairness, to ask you to reflect on
14 is that I have little doubt that the period of time
15 after he was shot and the period of time that you had to
16 wait could have seemed like hours to you, and indeed it
17 was probably about 40 minutes or thereabouts. That it
18 wasn't a matter of hours. But I have in fairness to
19 suggest to you that you could have got that wrong, it
20 was a horrendous event.

21 A. No. When they shot Mohammed, they handcuffed us -- they
22 took us outside, outside the house, we were there
23 outside the house about an hour or an hour and a half
24 until they searched the house. According to what
25 I remember my wife went out with them outside to show

1 them the bullet holes on the house and she was with them
2 about quarter of an hour outside the house. Then she
3 went inside. When they found that there was nothing in
4 the house, they brought us in, they brought us back to
5 the house and it was half an hour or more than half
6 an hour in the house, then I saw them take out
7 Mohammed's body outside the house.

8 THE INSPECTOR: All right.

9 A. That took more than two hours, or two hours.

10 THE INSPECTOR: I will have to return to this topic perhaps
11 later when we have the other evidence prepared.

12 I will for the moment turn back to the question of
13 the guns in your house.

14 In your statement which you made, I think in
15 Istanbul, I believe you have seen that your statement
16 makes reference to the fact that you say there were no
17 weapons in your house and that is what your statement
18 says. It says that, as I understand it, both in Arabic
19 and in English. Correct?

20 MS AL-QURNAWI: If I may, there is no Arabic statement.

21 THE INSPECTOR: There is no Arabic statement.

22 MS AL-QURNAWI: There is no Arabic statement because when
23 I enquired of this point with his lawyers, PIL, and they
24 said I asked for the Arabic statement, they said there
25 was no Arabic statement, they take it -- produce it in

1 English but they read it for him through interpreter in
2 Arabic and they then sign the English. So there is
3 nothing written in Arabic besides the English.

4 THE INSPECTOR: Thank you. Mr Zuboon, I want to draw this
5 interview today to a close quite shortly because I think
6 we have done a great deal and I want to concentrate now
7 on this question, that Ms Al-Qurnawi has informed me
8 that you say that your statement, so far as it refers to
9 there being no weapons in the house, is wrong. That is
10 correct? Please just answer yes or no.

11 A. It was wrong.

12 THE INSPECTOR: It was wrong.

13 A. Maybe I didn't understand the question at the time from
14 the interpreter. I may have not understood the question
15 from the interpreter.

16 THE INSPECTOR: Yes.

17 A. Maybe it was referring to other weapons other than the
18 two rifles.

19 THE INSPECTOR: Well I must ask you about one part of that
20 statement which at the moment appears to me to suggest
21 that there was no mistake in the interpreter or the
22 translation and I will ask Mr [REDACTED], and Ms Al-Qurnawi
23 will have the English in front of her, paragraph 31, and
24 I will ask, therefore, for context only, that Mr [REDACTED]
25 reads the lines of paragraph 31 until I tell him to

1 stop.

2 (Interpreter translates)

3 Can I just stop there. You have told me this
4 afternoon that there were two people on the stairs,
5 namely Ahmed and Mohammed, near the bottom. Correct?

6 That's what you told me this afternoon.

7 A. I've always said that Mchammed and Ahmed were in the
8 house, whether it was in Beirut or here.

9 THE INSPECTOR: No, on the stairs.

10 A. Mohammed came down, he was on the second step. Behind
11 him was Ahmed who told him to go back.

12 THE INSPECTOR: Thank you, all right.

13 A. Even in Beirut I said this.

14 THE INSPECTOR: Ms Al-Qurnawi, you see the point. I don't
15 think that I want to say any more for the moment. Do
16 you see the point? Ms Al-Qurnawi?

17 MS AL-QURNAWI: Yes.

18 THE INSPECTOR: Then go to this next sentence if you would,
19 Ms Al-Qurnawi.

20 (Interpreter translates)

21 Now, that seems to me to be you saying, and giving
22 an explanation for, that your gun was not in the house
23 because, although you had owned one, it had been stolen
24 in a burglary and you had not replaced it.

25 What troubles me about that is that that explanation

1 for not having a gun cannot to me be explained by
2 a suggestion that there was some mistake with the
3 interpretation or anything else because you were being
4 very specific.

5 Do you see my point?

6 A. Yes.

7 THE INSPECTOR: Can you help me?

8 A. I had a handgun, not a rifle. Because I had two people
9 protecting me. After the fall of Saddam the two people
10 protecting me left. I had to buy a rifle from Arabs
11 outside the city and they brought it to me and I kept
12 it. The major said that "we were told that there were
13 ten guns entering the house", I told him that's all
14 I had, the two.

15 THE INTERPRETER: Basically to sum it up because he said
16 a lot, that Mohammed was coming down, he had no guns,
17 the major reported that he was an unarmed person, that's
18 basically the summary.

19 MS AL-QURNAWI: Sorry, I'm sorry maybe it's difficult to
20 hear him. I see sometimes translation is not really
21 very accurate, what Mr Zuboon is saying --

22 THE INSPECTOR: You help, Ms Al-Qurnawi, you know
23 I appreciate your help.

24 MS AL-QURNAWI: Yes. I mean what he's saying here, is that
25 he had hand rifle not -- that's what -- by reference to

1 gun, the gun that he was stolen, it was the handgun, not
2 the kalashnikov. The kalashnikov he said he bought it
3 later on from -- he bought it later on and kept it.
4 That's the reference in -- he said about four or five
5 months before the incident.

6 But according to Mr Zuboon, the gun is referred to,
7 that's the handgun that was stolen.

8 THE INSPECTOR: Right. So as I understand it, the
9 distinction which is being drawn, Ms Al-Qurnawi, is
10 a distinction between a gun and a rifle?

11 MS AL-QURNAWI: Yes. This is the explanation that Mr Zuboon
12 provided re the word "gun" mentioned on his report.

13 THE INSPECTOR: Yes, I've got that. Ms Al-Qurnawi, could
14 you go to paragraph 11.

15 MS AL-QURNAWI: Okay.

16 THE INSPECTOR: By way of introduction, Ms Al-Qurnawi, could
17 you explain that this is the statement dealing with the
18 moment when the troops raided the house, okay?

19 Your statement says -- translate, please.

20 (Interpreter translates)

21 That's not what you have told me today.

22 A. Ahmed was behind Mohammed. The one who came down first
23 was Mohammed. When the shooting occurred, then Ahmed
24 came back after him -- came down after him.

25 THE INSPECTOR: But in your statement you say it was

1 Mohammed who went up the stairs to see what was
2 happening from the balcony. But today you have told me
3 that it was Ahmed who went up the stairs to see what was
4 happening from the balcony and that Mohammed followed
5 him, which is quite opposite to what you have got in
6 this statement. Is this a mistake?

7 A. Yes. As I told you, this all took seconds. I remember
8 exactly that Ahmed went first and then Mohammed. When
9 he saw the British, he told him to go back.

10 THE INSPECTOR: I would like to stop now, Ms Al-Qurnawi.

11 I would like you, please, Ms Al-Qurnawi, to take
12 a statement, if you can, from Ahmed. Can you try to do
13 that?

14 MS AL-QURNAWI: Yes, I was planning to do that.

15 THE INSPECTOR: Thank you. What we now have in mind, as you
16 know, Ms Al-Qurnawi, is that I would like Mr Zuboon to
17 listen to the military witnesses if he would at the
18 later occasion that we have set at the end
19 of November/beginning of December and we can use that
20 occasion to revisit this most unhappy and tragic
21 incident.

22 I hope that Mr Zuboon will make himself available to
23 listen to that. He will have the freedom, if you
24 indicate to me, to tell me more. I want to emphasise
25 that at the moment I am seeking to find the facts and it

1 is not my job at this stage to come to any conclusions
2 on the facts. It is my difficult job to wait until
3 I have gathered all the evidence and sat down with the
4 record and considered it all.

5 For the moment, I think we understand where we are.
6 I will endeavour, and indeed not endeavour, we will
7 provide you, for the benefit of Mr Zuboon and Ahmed, and
8 I will, if it's possible for Fatima to attend as well,
9 she is not an eyewitness but I would like her to be
10 familiar with what we're trying to do, and also of
11 course for Mr Zuboon's wife to be there. Insofar as you
12 wish to take a more focused statement from her,
13 Ms Al-Qurnawi, dealing with the core issue, then please
14 will you do that.

15 MS AL-QURNAWI: Yes.

16 THE INSPECTOR: Okay?

17 MS AL-QURNAWI: Yes.

18 THE INSPECTOR: What I would like to conclude by saying is
19 that Mr Zuboon should understand that I'm not in any
20 doubt that this must have been a terrifying occasion.
21 And I am not in any doubt that for his brother-in-law to
22 have been shot in these circumstances must have been
23 a terrible and long lasting shock to him and his family.
24 But I am determined not to let the emotion of the
25 occasion divert me from my difficult task of finding the

1 facts.

2 As I have said in writing and I will say again
3 today, I believe there is only one area in which there
4 is a dispute of fact which might be said to be at the
5 heart of this. That is whether Mohammed and/or Ahmed
6 had a kalashnikov in their hand at the time that he was
7 shot.

8 All right? Anything you would like to say to me,
9 Ms Al-Qurnawi?

10 MS AL-QURNAWI: Will there be a transcript for this
11 discussion?

12 THE INSPECTOR: Yes.

13 MS AL-QURNAWI: Okay. Just Mr Zuboon wants to announce of
14 course he wants to have a copy of this.

15 The second point, are we still aiming for
16 27 November and 30th?

17 THE INSPECTOR: Yes.

18 MS AL-QURNAWI: For the (inaudible) number --

19 THE INSPECTOR: Not so much the first, I hope we can do it
20 on the two days, on the Friday and the Monday.

21 MS AL-QURNAWI: We are aiming for 10 o'clock because it's
22 important, as I said before, Mr Zuboon has a very busy
23 schedule and he is between Kuwait and Basra, so to make
24 him --

25 THE INSPECTOR: I know it's time consuming but we have to

1 get on with it. 10 o'clock London time.

2 Thank you then.

3 MS AL-QURNAWI: Thank you.

4 THE INSPECTOR: I am sorry that we have had such a long
5 session.

6 A. Could I explain or clarify other matters?

7 THE INSPECTOR: What, now?

8 A. Perhaps the judge is now tired.

9 THE INSPECTOR: How much time would you like to take to
10 explain certain things?

11 A. The interpreter at the time when the house was raided by
12 the British was the [REDACTED] of Khaled.

13 He was the one who misled the British forces.

14 THE INSPECTOR: Yes.

15 A. First of all.

16 Second. I think that only -- the soldier number 11
17 said that "I saw Mohammed with a gun". That's what
18 I understand he said.

19 People who came into the house, about ten to 15
20 British soldiers. The only person who opened fire -- if
21 his statement is true that Mohammed had a gun, the major
22 wouldn't have chastised him or told him off about
23 opening fire.

24 THE INSPECTOR: I'm sorry to interrupt but I think -- I want
25 in a moment to deal with evidence. I will listen to

1 argument and I think it is better to have that when we
2 have all the evidence. Okay?

3 A. I know that the evidence is left to you but I just
4 wanted to clarify.

5 THE INSPECTOR: I understand. I understand. We will not
6 leave it where it is, we will listen, and I will listen,
7 but I want to proceed as I've indicated.

8 Thank you. Thank you very much. And thank you,
9 Ms Al-Qurnawi.

10 MS AL-QURNAWI: Thank you, bye-bye.

11 (3.48 pm)

12 (The hearing concluded)

13 MR MAHMOOD AL-AKHRASS ZUBOON (via1
14 video link, in Iraq)

15 Questions by SIR GEORGE NEWMAN1

16
17
18
19
20
21
22
23
24
25

