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Witness Name: Niall Patrick Brennan

Statement No.: 1

Exhibits:

Dated:

**In the matter of an investigation into the death of
Mr Ahmed Jabbar Kareem Ali**

**WITNESS STATEMENT OF NIALL
PATRICK BRENNAN**

I, Niall Patrick Brennan, will say as follows:-

1. I am making this statement for the purposes of the investigation into the death of Mr Ahmed Ali.

Background

2. Between 6th March and 9th May 2003 I deployed on Op TELIC with No 1 Coy and served in Kuwait and then latterly in Iraq. Following the war fighting phase of operations, No 1 Coy was located within a base known as the 'Gymnasium' which was situated a couple of kilometres from the centre of Basrah. We were based at the Gymnasium from either the 7th or 8th April and remained there until our extraction on Friday 9th May 2003.
3. During my time at the Gym and in fact throughout the deployment, I was employed as the 2iC of No 1 Coy and had been so appointed some time in 2002. My duties were diverse but I was responsible for the day-to-day running of the Company, which was led by Maj MacMullen, of my unit. I was also ultimately responsible for the establishment and running of the Coy Ops Room. This was located within the main building within the Gym complex and the Ops Room itself measured about 12' wide and 20' long. Within the Ops room were located a total of six tables, which were placed around the outside of the room up against the walls. One, at the end of the room, was where the Coy and Battalion radio nets were monitored. These were vehicle sets mounted in a Warrior outside and remoted in by handset and headset. Wired to

each radio was a speaker, which was permanently on enabling all staff on duty in the Ops Room to be able to hear net traffic.

4. I would describe that collectively I was employed within the Ops Room for up to 20 hours a day and would have been present in the Ops Room on most if not all days. Employed with me permanently within the Ops room was LCpl Danny Burton who was employed as the Coy Signaller. Further to LCpl Burton and I, Watchkeeper teams were also employed within the Ops Room to maintain a listen watch on the radio and this manpower would be taken from different areas of the No 1 Coy orbat as and when it became available.
5. On the whole there were never less than 3 people employed at any one time, including the Int Cell representative who would also be present, but there could be up to 10 persons present conducting tasks such as booking out or preparing briefs.
6. The Ops Room was in place to provide an infrastructure, primarily of command and communications in order to allow the Coy to perform as to the objectives of the Coy Commander.
7. Generally speaking, at any one time the Watchkeeper and Signaller would be busy manning the Battle Group ('BG') and Coy nets respectively.
8. Each would be responsible for sending and receiving radio messages and for maintaining entries within the designated Radio Operator's Logs, which were located at the table where the nets were monitored.
9. I should explain that due to the volume of radio traffic on both the Battalion and Coy nets, it became impossible to maintain a contemporaneous record of all messages received and transmitted over the respective nets. As a result, it became acceptable practice for Watchkeepers and Signalmen alike to only record radio traffic considered at the time 'critical' or other messages that were worthy of note. Accordingly, information relating to contacts on the ground would always be recorded whereas other more routine traffic relating to callsigns assuming duty or returning to locations may not always have been recorded.
10. The Ops room was incredibly busy and handled so many lines of communication. The other thing to consider was how unprepared we were to conduct this operation. We all felt that we shouldn't have gone to Iraq and we knew that in 2003. We were extraordinarily unprepared to conduct this operation given the size of the task, but we conducted ourselves in an exemplarily fashion. It wasn't only the Ops room that was busy. There were 2 Coys, so about 200 men to control the whole of the southern part of the city. Looking back on it, we were lucky that we were so young and carefree. If I'd

been older, I would have been more conscious of the enormous danger. There was a tide of literally thousands of looters that we couldn't control. We had conducted public order operations in Northern Ireland, but here we had situations in which we had 2-3 soldiers in front of 5000 looters. We needed 5 divisions to do the job that 176 men were doing. We were breathtakingly swamped in everything.

11. Some patrols were called out because of unrest, others were just regular patrols. We would arrive at the scene and some would disperse and some would not. There were swarms of them, like termites, they stole everything, stripped everything bare. On one occasion I stopped an old man who was stealing a lamppost from a motorway. I'd never seen anything like it before. They were nice people, so you didn't feel in extraordinary danger, but they stole everything. On the day we took Basrah, I stood in front of 5-10 thousand people. We were fighting the Fedayeen, and people would turn up to watch us fight, right beside us but not in a threatening way - they weren't afraid of the danger of it. It was a ludicrous scene. It was a weird environment. This went on for a long time.
12. At this time we were transitioning from the fighting to the occupation stage. I do not subscribe to any belief of any sort that there was military chaos, or that there is any time in which a soldier is allowed a degree of latitude because of 'red mist'. Soldiering is a most complex engagement and there is no room for getting it wrong. Everything we did was considered and done properly.
13. The 3rd of April was the day we went into the University, and this was the day we had two soldiers killed. As we came out of the fighting, the next day it was obvious that the combat operations had stopped. We weren't fighting Iraqis but the Fedayeen. Then there was a pause to consider 'what do we do now?', which took place at every level. Suddenly we were in control of a city that didn't have any water or electricity, and we had no idea what to do. That day we brought in some water tankers and I saw guardsmen who had been fighting 6 hours before and had friends killed taking buckets of water to old ladies. We switched at that point to being policemen. I had experience from Northern Ireland, but soldiers being policemen doesn't work philosophically. At the Coy level we moved to peace enforcement and then very quickly the main concern became looters. There was nothing we could do, but we tried to do our best. We did not ask whether we could shoot people stealing things because one can not kill people for theft but we were under no illusion that if we had seen weapons and there was an armed threat from inside a group of looters then we would be free to engage that threat under the Rules of Engagement.

14. The Royal Marine Commandos had a slightly different fight, which I don't think was as simple as ours. On the last day of combat Ops, which I think was the 3rd April, we had been engaged with people shooting us, and about 50,000 people turned up to the university to see who we were. It's not like war films, shooting someone is a precise art and killing someone is difficult to achieve. At no point did I feel that if we saw a weapon that we couldn't shoot. So the question of whether as Irish guards we could shoot looters was moot. We wouldn't have asked that question because we knew we could have shot someone if they presented a threat.
15. We were very careful about collateral damage – not like the Americans. We were concerned with peoples' property. On the first day I remember being scared, but the second day when we were in peacekeeping operations we didn't see an enormous threat, apart from people getting very close and we had Northern Ireland in our minds. I recall being with Maj MacMullen and we put our berets on and went for ice cream to show the public that it was safe. We went without body armour and chatted to locals. The marines handled things differently. I don't think at any time we would have killed looters for posing a threat to us. Our soldiers understood what the situation was and there was never any thought that the general Iraqi population were a threat or would come out and kill us. If they had posed a threat they could have been killed as 'bad guys', but we never thought we could shoot someone just for stealing. However, there was an enormous sense of unease generally due to the chance of us being overwhelmed, which was very strong as we were 2-3 people up against thousands. There were also terrorist cells, but there was a good separation between the bad guys and the regular population.
16. Warfighting was a pleasant place to conduct ops, as it was a simple process that we were expertly trained for and equipped to deal with tactically and philosophically. Being a soldier conducting combat operations is much like a chef cooking. We were experts, we were trained and we were capable. Peacekeeping in contrast is horrendous. 'What should a policeman do?' was an age old debate from Northern Ireland. There were regular attacks on the Gym, and at every moment we were in danger, especially at night, by shells and mortars. We were petrified 24 hours a day and were exhausted, overloaded, with bad leadership and direction from our Government. We were young and confused, but at the same time incredibly professional. There were lots of things happening to us all the time but we didn't know what they were. I always thought that death was around the corner from mortar rounds. The first time I got mortared, it was after I had taken off my one set of clothes to wash. When the mortar hit I jumped up out of bed without any clothes on and put on my helmet. The other soldiers were looking at me for instruction as to what to do. I had no idea because I'd not been mortared before. After a few minutes we did checks, and then radioed to see if we

could go back to sleep. I overheard the other soldiers talking about me saying how brave I was, but I wasn't brave, I just didn't know what to do. There were lots of things that could have killed us.

8th May 2003

17. I don't actually know what happened when Ahmed Ali died. It's strange to be talking around an event when I don't actually know what happened. For the transition we didn't bring back lots of looters to the Gym. I would say the figure was under 50. They were difficult to catch as there were so many of them, and we didn't know what to do. When we brought them back, we were having a go at doing policing but it soon became obvious that we couldn't do it. I remember on one occasion going round a corner to see some of the guardsmen with some looters, maybe 10, in plasticuffs and with sandbags on their heads. This was the first time I'd seen this in real life. The sight was horrific and I immediately decided we couldn't do that. The officers and senior officers – myself, MacMullen, O'Connell, Megan, **SO23** and Danny Burton talked. I recall one of the Guardsmen being overly robust. I turned round and said 'Calm down. this is not how we do things.' But I wasn't angry with him. In the Officer-Guardsman relationship you show them how things should be done. I was there to make sure things were controlled and appropriate. We didn't have angry soldiers rolling around Iraq, hateful because their friends had been killed and beating people up. Our soldiers were nice, decent people, but they were traumatised. It was obvious we couldn't do anything. We saw we couldn't have an effect, and that Iraq was being disassembled in front of us. There was a feeling of great impotence, but it didn't drive people out of frustration to do wrong things.
18. I have been asked by the Inspector what I know about events on that day. I am aware that it concerned a Warrior which was on duty at the hospital. We had 4 static positions and one of them was at the Basrah hospital. We had come within a skin of opening the hospital within the first 72 hours of occupying Iraq. The only thing that stopped this was the septic tanks. I went to Kuwait to get a company that cleans septic tanks. I went to the Coalition HQ and they asked me to check my weapons in. These guys were there in air-conditioned offices on computers, whilst 25 metres away we were in combat. If we could have opened the hospital the next day it would have been amazing, but the civilian governor from DFID said we couldn't open it because he would not authorise payment for the sewage trucks to come from Kuwait and empty the septic tanks in the hospital so weeks later the hospital was still closed but we had a position there. I was aware that the guys were there and aware that at some point they left with looters to go to Bridge 4. I imagine they threw them into the water and this chap died. That's all I know.

19. I did see looters being thrown into the Shatt Al-Arab river. It was unusual for Coy ops to go outside of their area. The only reason I know a bit more was because it was No. 2 Coy IG so there was a bit of mixing between the two of us. I had little idea about what Black Watch or the Fusiliers were doing. No. 2 Coy was on the right of the Shatt Al-Basrah river, so their Area of Responsibility ('AOR') included a body of water, but No. 1 Coy's didn't. We used a variety of methods to deal with looters, such as sitting them in the sun with a bottle of water, taking their shoes off, or throwing them into one of the waterways. Because No. 2 Coy had a body of water, throwing looters into the river was not something I would have been surprised to see them doing. I remember driving past and seeing it. It was commonplace for them to do that, but not for No. 1 Coy. But if we had also had water accessible we would have done that all the time.
20. Looters would have been put into one of two canals. Soldiers were robust people and big, compared to Iraqis who were generally smaller. A soldier would throw a looter into the river, rather like a big brother would throw a little brother into a pool, grabbing them by the scruff of the neck and launching them off into the water, which is how I saw soldiers from No. 2 Coy throwing people off the pier. If it was a bridge they would have thrown them over a railing, or pushed them in. Looking back on it I don't think that we checked that the water was deep enough.
21. This practice was absolutely known and understood by every single person in Basrah, unless you were an idiot you could not have missed it and the talk of looters and what we did with them was on everyone's lips all of the time. Everyone knew, even in our HQ, of that I have absolutely no doubt. I'm not saying it happened a lot, but it happened. I went a couple of times to HQ, to a 'Red Brick' briefing. Maj MacMullen let me go to this. If someone said they didn't know about the practice and what was happening I would unequivocally call them a liar as everyone knew. It may have been that some people such as those doing the catering didn't know but every single officer knew.
22. I have been asked by the Inspector whether I believe that Lt Col Riddell-Webster would have been aware of the practice. I would unequivocally say Yes. I think I actually remember discussing it with him myself when I went to a Red Brick. There is absolutely no way that our commanders could not have known about this.
23. I am aware that Lt Col Riddell-Webster is on record as saying that he didn't know what was going on. If he said this to me I would look him in the eye and tell him he was a liar. The practice was not commonplace, but was relatively common.
24. **SO15** was not obliged to ask me for permission for everything he did. Some commanders used their initiative more than others. I would like to add that **SO15** was

not one of our best commanders. He was quite average. I'm not surprised that he went and did what he did without asking, but at the same time I wouldn't have been surprised if he had radioed me. If he had radioed me on the 8th May I wouldn't have given him permission, but if it had been any other day I would have. He was a Sgt on the ground and that was for him to decide. But on that day I would have stopped it because we were leaving the next day. The fact that this happened just as we were about to leave Basrah is what annoys me about this incident.

25. In terms of the Warrior leaving the dismounts at the hospital, this was a decision for the commander on the ground to make. The Warrior crew and the dismounts were not inextricably linked all the time. There wasn't that much distance between the hospital and Bridge 4, and we also had the QRF at our disposal that could provide cover if needed. Whether a commander wanted to split the mounted and dismounted section was up to him. If **SO15** had wanted to go on a drive around I wouldn't have expected him to ask me for permission. A Warrior is a fairly useless bit of kit in the city. However, it was a great big vehicle, which projected strength and it had very beefed up radios in terms of communications which was a huge asset in the urban environment.

Orders

26. To my recollection, I was always present at MacMullen's orders' meetings. I thought that we had decided not to tell people that we were leaving until the actual day we left, and so I'm pretty sure we didn't tell the other officers at MacMullen's orders on the 8th May that we were leaving.
27. Generally at all times we were encouraging soldiers to operate in a gentlemanly fashion, and I saw great examples of that. We thought that throwing looters into the canal was relatively appropriate, and I think the thinking was that if a looter walked home dripping wet then that would be shameful for them. I was brought up in the Middle East, so know about the mentality and culture. Shame was probably the only tool that we could use, and so we would take their shoes off or chuck people into the water. We thought chucking people into water was a fairly good idea, and if I was back there now I'd do the same again, but actually catching people, containing them, getting them to water and then throwing them in was not easy to do.
28. Obviously it was potentially dangerous if people couldn't swim. I remember seeing people being thrown into water and thinking 'has anyone checked whether there's anything dangerous in that water?', as there could have been things in there such as sharp objects from the fighting. I remember thinking that no-one had checked what was in the water, but we were incredibly busy and whilst that thought flew through my

head I did not stay long enough for me to be concerned about it it didn't concern me greatly and I don't think we even considered that someone might drown. I don't know why. If it was clear that someone was in difficulty then without a doubt I would expect a soldier to have gone in and helped. This practice was not at all designed to be at any risk to life, and protecting life was what we did. It wouldn't surprise me to see a soldier going in to rescue someone in the water who was getting into trouble. I don't think we even considered that they might not be able to swim.

29. I don't think this should have been specifically conveyed to the men, as I think general rules of common sense applied. It could have been the case that there was something in the muddy water which we were unable to see. It would have been fairly obvious if someone was struggling and that you needed to get them out, so I wouldn't have discussed the fear of drowning as it was common sense. Now that I reflect on it, fear of sharp objects in the water was a bigger danger, and I think we should have thought about it but we didn't.
30. If the men had seen the boy struggling and his head going under were told 'If he comes up again we'll try and help him but otherwise leave him', then that is the most horrible thing I've heard in my life and makes whoever those people are responsible for his death. If they were aware of him drowning and had pushed them in then I would say they were responsible for his death. If that happened that is horrible and brings disgrace to everything we achieved and that makes me physically sick.
31. I would say that the general rules of common sense and decency should have guided us at all times. For all difficulties in Iraq and all of my military career, at no point ever is there any excuse for operating outside of the norms of general decency. At no point does any soldier get a free hand to do something that in another situation would be considered awful. The thought of **SO15** leaving his position to drive to Bridge 4 is not the most pleasing thing to me and probably at the time I wouldn't have allowed it because it was outside the AOR, but if he had come in and said that's what he did I wouldn't have been too concerned. I wouldn't have said don't do it again if the boy hadn't died. Even if he had decided to take the looters outside of his area he's a senior person so he could make that decision. But any suggestion that they left knowing the boy was drowning - that would make me sick. That is outside societal norms. You never got a free pass to be brutal. If this did happen that he was in distress and his life was in our hands then that brings shame to me and is the worst thing ever. At every level it is unacceptable, and should never be tolerated. We are not normal people - we have extra training and abilities to be able to operate in these spheres, and it wasn't acceptable for people like us to do something like that even at stressful times.

32. We don't get to operate under a different set of rules because we're operating in an environment that is strange. We're operating under decency. Soldiers I was friends with were staggeringly decent. We made mistakes but never intentional ones. It would be the greatest sorrow if this happened and we had blood on our hands.

Statement of Truth

I believe the facts stated in this witness statement are true

Signed 

Dated 10th May 2016