



MOD-83-0000338-A

Witness Name: Peter Charles Alfred MacMullen

Statement No.: 1

Exhibits: PCAM/1, PCAM/2, PCAM/3

Dated:

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

**WITNESS STATEMENT OF
PETER CHARLES ALFRED MACMULLEN**

I, Peter Charles Alfred MacMullen, 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 8th March 2003 and 8th May 2003 I deployed with my unit on Op TELIC to Iraq. On arrival our unit underwent Reception Staging Onward Integration (RSOI) until 20 March 2003. Between 20th and 22nd March 2003: Forward Staging Area (FSA) Bamsley, Kuwait crossing the border on 22nd or 23rd March 2003, thereafter engagements to the north of Basrah. On 24th March 2003 we moved to Shaibah airfield until 28th March 2003 when we moved forward to Bridge 4, one of the bridges providing access to Basrah over the Shatt-al-Basrah.
3. On 8th May 2003 I held the rank of Major ('Maj') and was in the appointment of Company Commander of No 1 Company, 1 Irish Guards ('No 1 Coy, 1 IG'), having been in that appointment since 3rd January 2003.
4. After the warfighting period in Iraq No 1 and No 2 Coys moved from the Scots Guards to the Black Watch ('BW') Battle Group ('BG'). This was on 9th April 2003, after the

last big fight. BW was commanded by Lt Col Riddell-Webster. The map at PCAM/1 shows the Area of Responsibility ('AOR') of BW BG which was effectively cut into four blocks forming a square, with four Coys (A Coy commanded by Lindsay MacDuff, B Coy commanded by someone whose name I don't now remember, 2 Coy by Ben Farrell, and 1 Coy which was commanded by myself) responsible for each. These four blocks covered the ground holding for the part of Basrah from the Shatt Al-Arab river to the main part of town. The AOR of 1 Coy within Basrah lay about 5-6 km into Basrah along Route Red on the map of Basrah at PCAM/1, and about 5-6 km to the east. The sketch diagram at PCAM/3 also shows the area. The RRF (Fusiliers) commanded the area to the north of the city.

5. Within that area we were responsible for security provision. There were only 160 of us and we were responsible for a large chunk of Basrah, tens if not hundreds of thousands of people. We were based in an old school or gymnasium, which remained our Coy HQ until our departure from Basrah on 8th May 2003. I would be able to indicate the location on a map.
6. My Coy did not receive any Rules of Engagement ('ROE') training or direction whilst on Op TELIC prior to our departure. My Coy did receive training on the Geneva Convention in the Individual Training Directive ('ITD') package regarding the Laws of Armed Conflict ('LOAC'). We weren't given any formal orders for later phases of the war fighting and events developed on a daily basis, for example, I saw the plan to attack Basrah a month after we had actually done so. I had the impression that some plans were made retrospectively. That said I was only a Coy Comd and some of these orders may have sat at BG HQ and been extracted verbally down to the Coy level.
7. We weren't issued with cards stating the ROE such as Card Alpha. What we did have were fire control measures as listed in the Tactical Aide Memoires ('TAMs') which outlined how you mask yourself as a tactical formation on the battlefield and when you can unmask (return fire). During the warfighting phase we were free to engage targets as they were presumed to pose a threat: if I saw someone with a gun or in a tank we would open fire. As the threat lessened you had to see someone presenting a threat before opening fire. However, I don't recall receiving any formal notification that there was a change in the ROE at any stage.
8. I felt that there was a natural change in the phase of operations on about the 6th/7th April 2003 but there were still ambushes in the centre of town. Anything in terms of saying there was a change in the ROE would have come from Division to Brigade to Battle Group Commander 7 Brigade ('Comd 7 Bde'), who was Brigadier Graham Binns and the GOC was Maj Gen Robin Brims. However, I cannot remember getting any cards

saying there had been a fundamental change in the ROE, and nothing in my notebooks from the time says anything to this effect.

9. Around March/April 2003 there were lots of raids and attacks. For example, on around 6th April circumstances occurred resulting in 2 people being killed and 7 wounded, all within 24 hours. However, there was little top down direction. We found ourselves asking “what’s next” and “how do we deal with this?”. The feeling was that Lt Col Riddell-Webster, who had taken his BG to Kosovo, was keen for things to transition from warfighting to peacekeeping and for soldiers to take their helmets off. I was uncomfortable about the speed with which this was done. There was a lot of training about going to war but no training for handling civilians.
10. Once established in the Gym complex I changed our Coy order of battle (‘Orbats’) to reflect our responsibilities of providing a Platoon on guard, rest, statics and patrols. The patrols were within the AOR providing a presence and stopping looting. The statics included the hospital and petrol station. The statics and patrols were required to prevent general disorder, including looting and causing damage to persons and property.

BG Orders Meetings

11. Orders for the BG (‘BG Orders Meetings’) were held at HQ 1 BW on a daily basis and I held my Orders (‘O Gp meetings’) within the Coy each evening. There were many people present at the BG Orders Meetings. The most senior person was Lt Col Riddell-Webster. Maj Nick Channer who was second-in-command (‘2iC’) of BG would also be there, along with his 4, 5 or 6 Coy Comdrs. Maj Dougie Hay with his Support Coy would have been there, as well as Signals Officers, the Regimental Sergeant Major (‘RSM’) and the Pl Comdrs. It was a busy room with about 20-30 people there on a daily basis. BW had two rifle Coys, a support Coy, and may also have had a HQ Coy represented as well. The Adjutant may have made notes, but whilst the meeting was fairly formal, there were no formal minutes taken. The Commanding Officer would give his orders and would want a report, and we would each give a SITREP at the start about what we had done. At these meetings there may have been conversations and reports from Coys that had access to the river about using it to deal with looters, but it would have been just chit-chat.
12. At that time society had collapsed, looting was rife and the looters were taking the city apart brick-by-brick. Anything that was part of the establishment was fair game, and

people even took air-conditioning units from police stations, as well as taking windows. There were a whole load of building suppliers on the route up from Bridge 4 who were being stripped out on a daily basis due to looting. People were looting from banks. People were pulling the hospital apart. I also recall an incident where someone was brought into the Coy base after people were ripping out incubators from the maternity ward of a hospital and one occasion when we chased a guy in a truck who had stolen something. The situation was fraught, and this kind of thing was going on all around. It was like the Wild West. We were on patrols, and I established points to guard petrol stations and water distribution points. The British have a habit of making paucity of resources into a doctrine. But we needed a tank on every corner. Not only that, the local people were desperate for it. They were taking the law into their own hands, there were always dead bodies on the street in the morning.

13. Initially we were trying to take looters somewhere after detaining them, but there was nowhere for them to go. I was having to give directions to patrols to go to points to prevent looting and my recollection is that patrols who encountered looters at that time, who were arresting them and reprimanding them by shouting. It was a very difficult situation, as you had two sides, one pulling everything apart, and the other who were mainly Sunnis, who were probably more educated, trying to keep things together. The people that owned infrastructure were trying to get us to do something about the looting problem. Some people wrote 'Ali Baba' on looters' foreheads in permanent lumicolour as a punishment. I remember on one occasion one man had stolen something, I think it was a fridge, and was carrying it on a donkey and cart. We stopped him and I remonstrated with him, but there were crowds all around saying 'hang him' and I felt the pressure to punish the man in some way. It was a fraught and tense scene and there were soldiers all around me. It was one of those moments where I was on the edge and so angry, having reached the end of my tether with all the looting that was going on.
14. I remember another incident where a man came into a hospital with a grenade which had the pin pulled from it. He was pinned down and the grenade was put into a skip. He was arrested and removed by the patrol and taken back to Coy HQ, during this he was bagged, cuffed and was inevitably shouted at by one of the soldiers. It was an incredibly fraught situation where adrenaline was high and given the background to what had used to happen under the previous regime I am sure he thought he was going to die. On returning to camp the CSM, ^{SO20} [REDACTED] cut the man's cuffs and gave him water and sat him down which de-escalated the situation. This incident showed me that a lot of behaviour was triggered by exasperation and fear and most importantly the role good commanders had in intervening at the right time and deescalating the situation.

15. Post conflict operations were not really subject to any detailed planning. I just received verbal information. My diary entry from the 10th April 2003 shows that we received orders from Lt Col Riddell-Webster to 'stop looting, guard and control, and stop the stealing of cars'. Around this time there began to be a change in direction in terms of what to do with looting. At the BG Orders Meeting on 10th April we were told to 'Stop looting' but there were no specific directions about how to do that.
16. The Inspector has asked me whether I ever saw FRAGO 91 [PCAM/2], which included the Commanders Guide on Looting, dated 9th April 2003. I can answer that I did not see it. It would have stood out in my mind if I had seen it as it would have given context. David Hannah might have seen it. It was reasonably binary what we were doing, and normally a FRAGO would be distributed after creation. BG HQ was relatively sophisticated with computers set up in the police college where it was based. BG HQ was outside my AOR so I had to go north towards the river from where I was based, and this was a 20-30 min drive. I went there every day I think. Notes in my diary say that there were orders on the 10th, 11th and 12th April, so I imagine I went to BG HQ for BG Orders Meetings every day.
17. By the time of the meeting on the 10th April I was exasperated by the situation. We were arresting people but there was nowhere to take them. Up until that point we were arresting people suspected of being a prisoner of war ('PoW'), but the problem was becoming much more sophisticated. I've written in my book 'bag and tag' so we must have felt that that is what we were to do with PoWs according to the rules at the time. PoWs were cuffed and blindfolded (bagged) and then moved. After being captured they were taken to camp, to the RSM, and then to the PW cage in Um Qasar. However, my level of awareness at that time was limited to staying alive and keeping people alive, and my wider understanding was not as good as it should have been. I was just trying to keep up. I seem to recall being told at a BQ Orders Meeting that we weren't to arrest them as there was nowhere for them to go, but I can't now find anything in my notes from the time recording this.
18. In terms of direction of what to do there was nothing, but you would hear stories at BG Orders Meetings about what everyone else was doing. I recall hearing that 2 Coy and A Coy, which were the two Coys that faced the Shatt Al-Arab river, had found people robbing a bank, and put them in the river bank for them to swim back, with the idea that they would get wet, feel foolish and miserable and have to walk back home like that. That is my recollection. Prior to that, you would take looters somewhere and drop them off. I don't know where exactly the idea came from, but the Coy Commanders would have talked among themselves and in BG Orders Meetings, and there would have been discussions about looting. Some soldiers certainly had the idea that there were still

rules that said that looters could be shot. I was very clear that this was not the case and that this may have happened many years ago but it was not current policy at all.

19. I felt very acutely that we had to do something. I remember for example that three children were killed, and other such things which created a fraught atmosphere, not to mention the fact that we were in temperatures of up to 50 degrees and wearing body armour. We were also going on patrol and being shot at, and I remember on one occasion someone fired an RPG through the landrover of the CO of Scots DG as he transited through our AO, which went right through the vehicle without detonating. There was a lot of ordnance around. Moreover, when we stopped to remonstrate with looters, we ourselves became exposed to risk. Basrah developed into a very hostile and chaotic environment, a very different place from the jubilant atmosphere after the fall of Saddam Hussein.
20. I remember that in Northern Ireland in the 1990s we knew that when we stopped and searched people we should only put one arm up otherwise the person would be in a stress position. In contrast, Iraq in 2003 was like the 1950s. The context was that the Iraqis' society had been totally destroyed and we had something to do with it. We were forced to operate in an environment that had a different set of values but we were controlled and constrained by our values. We were taught to think around problems. Part of our orders are to try and deceive the enemy, you look for alternative solutions. I don't think there was any practical purpose to putting people in water apart from to piss them off. There was an element of corporal punishment to it. I never came across people taking looters' clothes off. We were constantly crying for direction on what to do with looters.
21. When combatants were captured they would be handed up through the chain of command but after that I don't know what happened to them as they were taken out of my area. First they came to my Coy HQ and they took them away. We had a secure room in the Gym.
22. People became more and more frustrated by the issue of what to do with people. I remember explicitly stating on the last day we were there, which was the night before this incident: 'Don't do anything. Just be there at points guarding', 'don't move from your location', 'don't go and do anything with the locals'. The main thing I thought for the next 24 hours was that no one else should die, and I wanted people to not take any undue risks. I said this as I was feeling by this time pretty raw, and I also felt that there was nothing we could do.
23. Prior to this stage when we wanted Commanders to deal with looters we would have expected them to report to Coy HQ and BW. They would have come in. I would

receive orders at BG Orders Meetings and then go back and give them to my Coy. They would have given a report including saying where looters were encountered, but I doubt there would have been a written record. I don't have any written note saying 'looters stopped here' for example. I would generally only make a written record of exceptional occurrences.

24. People may have radioed through when looters were detained but there was no solution as to what should be done with them, so it was for people to act sensibly without crossing the decency threshold.
25. Throwing people into the river is not a practice that originated from my Coy. It was something I heard at BG Orders Meetings, and guys would hear about it when they mixed with their mates in other Coys. I clearly recall that the idea to put looters into the river to get wet was definitely discussed in the forum of BG Orders Meetings. In one instance a Coy had caught 40 looters and marched them down to the river to get wet. At no point did the BG Comdr say "That's got to stop". I might have relayed it to my own Coy, but I didn't say go and do this, "go and throw them in the river" because my Coy didn't have a river frontage, and there was no access to a river without going into another Coy's AOR or driving right to the other end of our AOR to the canal, a significant move that would have entailed a degree of risk that I would have thought unacceptable.
26. The area was densely populated, and I don't remember my Coy patrolling down by Bridge 4. If I had gone down there I would have gone with two landrovers and a sniper section for protection.
27. I don't recall hearing of looters being put into the canal, but I believe I heard that people were being thrown into muddy puddles, which weren't shallow, but weren't deep enough for anyone to drown in. I don't think I ever told anyone to do anything like this, and think if they did it was of their own volition.
28. I didn't know that people were being put into muddy puddles by the Iraqi police. I have no idea who the individuals that made up the Iraqi police force were. I think there was probably an expectation that looters would be shot. Certainly we were pressured by local people to "beat this man" and their expectations were very out of skew with ours, but we couldn't beat people and I was clear that we couldn't do this.
29. I think at times the chain of command stepped in and said things had gone too far, and did intervene at times. I have a feeling that Lt Daniel O'Connell might have talked about an incident that he had prevented. Daniel's platoon had been involved in the fiercest fighting and he had a very strong moral compass about what to do, as did his PI

Sgt, SO25 [REDACTED]. Daniel won the Military Cross. While Sgt SO25 [REDACTED] may not have been at the Coy Orders Meetings his Pl Comd, O'Connell would have been and he would have told me about what they had done during the day, the Coy 2 IC Captain Niall Brennan and Coy Sgt Maj SO20 [REDACTED] were there as well. There were only three platoons but we created a fourth by restructuring the Coy, this was under the Comd of 2 Lt Alex Durdin-Robertson. O'Connell and SO25 [REDACTED] might have formulated policy within their own platoon, as there was an element of latitude involved.

30. There was no log or record kept of what my men had done each day, but they would report to me verbally what they had done that day.
31. I have been asked about the Coy Ops room. In charge of that would be the signaller, who would either be Eugene McGillyCuddy, Matthew Bull-Edwards or Daniel Burton. Niall Brennan would have been there too. When we left we took the logs with us and didn't hand over to anyone. There would have been a watch keeper as well as a signaller in the Ops room. The 2iC spends most of his time in there so there would have certainly been another officer in there.

8th May 2003

32. The Inspector has told me the facts as known to him of what occurred on the day of the incident. This is the first time I have heard specific details. I was asked about the incident when I was at Shaibah and I said that if it happened on our last day in Basrah it would have been unlikely because of the orders I had given. I asked my men about it and they said they didn't know. I asked again when we were back in Germany and was told nothing in response. I was with SO18 [REDACTED] and SO17 [REDACTED] (I think SO16 [REDACTED] had gone off to the Parachute Regiment by this time) for a couple of months after we came back from Iraq and at this time I spoke to them again about the incident and they said nothing. I would say that I had a tight relationship with these guys.
33. I have been asked whether I would have expected the Warrior to have been moved away from its position protecting Basrah General Hospital ('BGH'). My answer is categorically no.
34. It wouldn't surprise me if SO15 [REDACTED] radioed through to the Ops Room. He had been given the direction by me not to do anything, so maybe that's why he phoned through to check what to do.

35. If a query as to what to do with the looters had been radioed through I believe the response would have been to let them go. I have been asked whether this would have been the response even in the situation where there is a baying crowd of Iraqis present. In such a scenario I would have probably said let the looters in their underpants go into the baying crowd, as I wanted to get out of there and didn't want any of my guys to get killed. I don't think the looters would have been killed if they had been released into the crowds. Iraqi crowds could be very volatile, but very few people in Iraq escalate from shouting to shooting randomly. Someone might have got a roughing up, but I don't think anyone would have been killed.
36. I think if Riddell-Webster had said 'do not do this', I would have passed on that message and said to my men 'do not throw people in water'. But he didn't say that, and no one was reporting any crisis. I was certainly not encouraging or accepting the throwing of looters into water, and was not aware of any instances of this, apart from into puddles. Throwing people into a pond was familiar to me, but I don't think I ever saw someone being thrown into the river or being forced into the river. It's possible that people were being put into rivers on a regular basis but that I didn't know about it.
37. I don't know where my boys got the idea of going to the canal, but we'd been there when we first came into Basrah. I don't know if my chaps ever went as far as Bridge 4. I can't envisage them leaving guard duty and going to a far location such as Bridge 4 and the thought of them doing this makes me feel uncomfortable, especially as there had been some heavy fighting in this area, with lots of RPGs and mortars and people taking pot shots at us there. Some people would have gone there as it was on route to Shaibah Logistics base, and there was a Pizza Hut restaurant there, but I don't think it would have crossed my mind to send people there.
38. I have been asked what I think about the practice of throwing people in the river. When I had heard of it happening in other companies it seemed to me to be a pragmatic solution in absence of any other options, as it didn't on the face of it appear to be hurting anyone. I can't see the difference between putting someone into a canal rather than a river. The whole principle under which we operated which was tacit throughout was that you would just act in a proportional manner. There was always someone in the chain of command dispassionate enough to pull someone back if they acted disproportionately. I never heard anyone say, 'I made someone cross the Shat Al-Arab river'. Personally, I certainly wouldn't have wanted to swim that.
39. I have never heard anyone say 'throw them off the top deck'. That phrase means nothing to me. Presumably the 'top deck' refers to the front deck of a warrior, but I can't be sure.

40. I realise that I probably could have thought more about the situation regarding looters, but at the time I was exasperated. I was also a very young Coy Comdr, but the other Coy Comds were more senior to me and I don't think they did anything differently.

Statement of Truth

I believe the facts stated in this witness statement are true

Sign



Dated 24 Jul 2016