



MOD-83-0000315-A

Witness Name: SO15

Statement No.: 1

Exhibits:

Dated:

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

**WITNESS STATEMENT OF SO15  
SO15**

I, SO15, will say as follows:-

1. I have been asked to provide a statement setting out what I can remember in relation to an incident that occurred on 8 May 2003 in the vicinity of the city of Basrah in Iraq, resulting in the death of an Iraqi male whom I now know to be Mr Jabbar Kareem Ahmed Ali.
2. By way of background, at the time of the incident I was deployed on Op TELIC with No 1 Company ('No 1 Coy) of the 1<sup>st</sup> Battalion Irish Guards ('1 IG') which came under the command of the Scots Dragon Guards Battle Group. I held the rank of Sgt and was the SNCO with overall responsibility for the fleet of four Warrior Infantry Fighting Vehicles which deployed with 1 Platoon ('P1') of No 1 Coy of IG to Iraq.
3. Specifically, I commanded one of those Warriors which was designated the Call Sign '1-2'. However, as Sgt SO25 has explained in his statement dated 28 July 2004, responsibility for the personnel management of the members of the four P1 Call Signs lay with him as the P1 Sergeant under the authority of Lt Daniel O'Connell.

4. I was first requested to make a witness statement about these events on 31 March 2004, nearly 10 months afterwards. Subsequently I became a suspect and was interviewed under caution, first on 14 May 2004 and then again on 29 September 2004. Even on the first of those occasions my recollection of the events was less than perfect. Needless to say, almost 13 years later my recollection is even less clear now than it was then. I accordingly adopt the content of what I said on those occasions as my truthful account of the events save as otherwise indicated in this statement.
  
5. Much was made by the RMP Investigators and by the Prosecution at the Court-Martial before which I appeared in June 2006 about my decision to take the detained looters to Bridge Four and whether I obtained permission to make that journey. Accordingly, before dealing with the incident itself, it may be helpful if I deal with deal with:
  - (a) the training and guidance relating to the Law of Armed Conflict ('LOAC') that I received prior to our deployment to Iraq and whilst in theatre;
  - (b) the system in place at the time of the incident for dealing with looters;
  - (c) the issue of whether or not I had sought - and been given permission - to make the journey to Bridge Four ('the permission issue'); and
  - (d) my choice of Bridge Four as the place to drop off the looters ('the Bridge Four issue').

#### **LOAC training and guidance**

6. In his statement dated 16 December 2005 Lt Col Nicholas Mercer states:

"As far as the treatment of civilians was concerned, UK Forces received a considerable amount of training. In the first instance they received ITD(6) which is part of their mandatory training on the Law of Armed Conflict (LOAC). In this training it makes it clear that civilians and prisoners alike are to be treated properly at all times. In addition to the above, soldiers who arrived in Theatre were provided with an Aide Memoire on the Law of Armed Conflict (NJM/5) which makes clear in paragraph 19 that 'Civilians . . . must be treated humanely and respected'.

In addition to the above, all combat troops were provided with a briefing on the Law of Armed Conflict immediately prior to the commencement of the ground war (two weeks before) (*sic*) and were also given a brief by the Prisoner of War Handling Organisation (PWHO). In both briefings, troops were specifically taught that civilians were to be treated with humanity and dignity at all times.”

7. As regards the Aide Memoire on the Law of Armed Conflict to which Lt Col Mercer refers, within No. 1 Coy it was given only to the dismounted section commander and the dismounts as there was an insufficient number to go around everybody. The only paperwork that I was given was SOC Cards (Secure Order Cards) which were used when communicating over the radio due to our radios not being secure.
8. Although we were provided with a LOAC briefing of the sort described by Lt Col Mercer, it was very perfunctory. As I remember it, the LOAC training package which CSgt SO20 describes in his statement dated 17 June 2004 as being delivered to No 1 Coy troops at the Sennelager Training Centre shortly before the unit's deployment to Kuwait, was in fact delivered to us in the open, in heavily snowy conditions.
9. Some measure of the inadequacy of the training can be derived from CSgt SO20 comment that “Generally, policy evolved on the ground that during transit, looters would have a sandbag placed over their heads and would have their hands plasticuffed at each callsign commander's discretion. I'm not aware of the existence of any orders extant at the time concerning the handcuffing and sandbagging of looters”.
10. It is also clear that even at the very highest levels of the chain of command there was uncertainty as regards the proper handling of looters. Lt Col Mercer gives the example of the OC 3 Cdo Brigade who “contacted Divisional Headquarters to ask if looters could be shot as looting was becoming endemic in their AO [Area of Operations]”. Unsurprisingly, Lt Col Mercer advised that there was no legal authority to do so and, as a result of this request, issued a Commanders Guide on Looting.

11. He goes on to describe how paragraph 10 of that Guide states that "Once detained the looter should be handed over to the MP who will remove the suspect to a Police Station and take all the suspect details".
12. As Lt Col Mercer acknowledges, however, there were only 64 Military Policemen in Basrah to deal with a population of roughly 500,000 and that he was later informed, specifically in relation to looters, that "the RMP were simply releasing criminals because they could not begin to cope with the volume of details".
13. Lt Col Mercer comments at length on what he perceived to be a lack of planning for the occupation of Southern Iraq: "There was scarcely enough time to plan for the invasion of Iraq, never mind any subsequent occupation." Despite those shortcomings, he describes the "extraordinary efforts [that] were made to restore the criminal justice system in Southern Iraq and, by the beginning of 1<sup>st</sup> June 2003, a fledgling Iraqi Law and Order system had been restored. However, it is clear that many of the problems encountered by UK Forces in Iraq arose in the six week period between 13<sup>th</sup> April – 1<sup>st</sup> June".
14. As my Counsel said in his closing submissions to the Court-Martial:

"It is very easy to formulate policy (or it may be); disseminating it is another matter altogether. And all this forms a backdrop, we suggest, inconvenient as it is to the Prosecution, to the journey to Bridge Four" (Transcript 218/16-20).

This incident fell right in the middle of that period of difficulty identified by Lt Col Mercer, and I deal with the impracticability of dealing with looters as envisaged in the LOAC training provided to me in the next section of this statement.

#### **The system for dealing with looters**

15. As I said in my witness statement, the fighting stage of Op TELIC was relatively short-lived. Following that stage one of our main objectives was to maintain security at key installations such as the Basrah General Hospital ('BGH'). By far the largest threat to this security came from looters and criminal gangs who appeared to be operating on a large scale within the general area.



16. In my statement I go on to describe how, in a situation where looters were apprehended, it would be routine to report events on the No 1 Coy (radio) net and seek guidance regarding their disposal. In practice, however, there was no real policy or procedure in place detailing what should happen when Iraqi citizens were detained by British Forces personnel.

17. In his statement dated 17 June 2004 Captain Niall Brennan (2 I/C of No 1 Coy) describes a system that was devised for dealing with detained looters, who would be brought to the Gymnasium complex for processing and onward transportation to Battle Group Main. He goes on to say that this system became totally ineffective within a short space of time due to the large number of looters being detained and there being no real facility to detain or feed them for any extended period of time. "As a result," he says, "it became the accepted practice that other solutions would be adopted including the practice of looters being driven away and out of their own locality before being dropped off and forced to make their own way back under their own steam", albeit he says that in his experience such occurrences were infrequent.

18. In his statement dated 17 June 2004 CSgt SO20 confirms that No 1 Coy did not undergo any training with regard to looter handling. He says that (i) in the absence of orders or policy providing direction for handling looters, and (ii) a reluctance on occasions by Battle Group Main to receive them, a policy developed whereby detainees were driven out of town in order to disrupt their activities. He says that he himself verbally briefed the troops within No 1 Coy that in the closing days of the tour he no longer wished to receive arrested looters, which instruction he believes would have been sanctioned by the Coy Commander himself, Maj Peter MacMullen. Specifically, he says that by this time he was aware of Call Signs removing looters from their place of arrest and conveying them out of town to be dropped off.

19. In his statement dated 7 August 2003 Lt Daniel O'Connell describes the procedure for dealing with looters as follows:

" . . . the procedure consisted of a patrol attending the scene and efforts to stop the activity. If no weaponry or munitions were involved, the looters were escorted out

of the area. If, however, weaponry was present, the individuals would be taken to Coy HQ and processed by the CSM prior to being conveyed to a central location”.

20. Lt O’Connell appears to resile from his earlier position as regards the policy of escorting looters away from the area in his subsequent statement dated 14 June 2004, where he states:

“Having also been asked, I can confirm that I was never involved in driving looters out of town in order to release them, whether it was at Bridge 4 or any other location for that matter. Nor did I have any knowledge whatsoever that any such activity may have been taking place. There was certainly no authority that I was aware of indicating that such activities may have been authorized or sanctioned at Platoon or Company level.”

21. In the event, however, Lt O’Connell’s evidence at the Court-Martial was rather different. Indeed, as noted in my Counsel’s closing submissions, Lt O’Connell was in fact “someone who had been present when a looter had been put into water, apparently at gunpoint . . . Perhaps it’s fortunate that no, that no mishap came to those who were put into the water on that occasion. Otherwise, who knows what might have been the consequences for . . . those present, including Mr O’Connell” (see transcript 217/28 to 218/3, also dealt with in more detail at 222/21 to 224/13).

22. Lt O’Connell’s evidence is also to be contrasted with that of Maj McMullen who, in his statement dated 19 April 2004, confirms that even he received no clear direction on the handling of Iraqi civilians involved in creating general disorder. He states:

“In an effort to deal with the thousands looting, some were arrested and returned to the coy location where they were held in a secure barbed compound, temporarily, after which they would be ‘told off’ then released. Others would be removed from the area where they were apprehended and conveyed a short distance away, for their own safety, when again they were ‘told off’ and released. There was no Iraqi infrastructure or Courts system where these individuals were able to be conveyed for formal proceedings.”

23. Importantly, so far as my own decisions taken on 8 May 2003 are concerned, Maj McMullen goes on to say:

"The decision on the detention of looters or whether it was necessary to extract them from the area, due to for (sic) their own safety was the responsibility of the Commander on the ground. He would determine if it were necessary to convey individuals from the scene due to their safety being threatened buy other Iraqis. Due to the frequent and continual capture of looters at that time it was not necessary for Commanders on the ground to report to Coy HQ their apprehension or subsequent dealings with looters as their capture was commonplace."

24. Despite the evidence that escorting looters away from the area where they were carrying on their activities was accepted practice, the Prosecution persisted in disputing it throughout the Court-Martial. My Counsel summarized their stance in his closing submissions as follows:

"But why do the Prosecution continue to point to witnesses like SO24 and SO22, to whom apparently even the practice of dropping people off was unknown in order to cause them the inconvenience of walking back home, when it is clear that such a practice was prevalent? Why are you constantly invited to prefer the evidence of witnesses to whom putting looters in water was unknown when it is clear that senior members of the company, including Major McMullen, Captain Brennan and Lieutenant O'Connell knew and had witnessed examples of it? Why did McMullen tell you that there was scope for it and that it had been discussed without disapproval at Battle Group and O Group meetings?" (see transcript 216/12-17).

25. In light of the above, I wish to stress that although I neither directed that the looters that we took to Bridge Four on 8 May 2003 were to be 'wetted' nor did I acquiesce in any member of my Call Sign engaging in any such practice that day, there was clearly nothing particularly unique about it having occurred on this occasion. Indeed, as described below, it was apparent to me that the four looters had already been 'wetted' that day before they were brought to the Warrior, albeit that the evidence on this point suggests that it was at the instigation of the Iraqi police.



26. I reiterate what I stated in my witness statement and when interviewed under caution, as regards my reasons for deciding to place the looters in the Warrior and escort them away from the BGH that day. When they were brought to the Warrior they were dressed only in their underpants, and I could see that they were wet and apparently very frightened. It was clear to me that they had "clearly suffered a rough time from a physical point of view". I also describe one of them being jabbed with a hand-held truncheon by a civilian male person present, who I assumed was an Iraqi policeman, and a baying crowd of about 20 to 30 having gathered who were also showing signs of hostility towards the detainees. I go on to say:

"Within a matter of minutes of the looters arriving at the vehicle, I took the decision to have the looters placed in the rear of our warrior as I was concerned about the hostile nature of the crowd who seemed to be baying for the looters. Similarly I was still concerned, given that I'd witnessed an assault as described, about the conduct of the men I believed to have been Iraq Police" (see witness statement page 4).

27. In other words, quite simply, in the circumstances I describe turning the detained looters loose in the immediate vicinity of BGH did not appear to me to be appropriate on this occasion. Quite apart from the need to disrupt their looting activity, I also considered that they needed to be escorted some distance to ensure their physical safety.

28. I accept that there is a divergence of evidence on this point. For example, in his witness statement dated 24 May 2004 LCpl **SO19**, the dismount Section Commander, flatly contradicts it:

"I have no recollection of witnessing anybody assault, punch or kick any of the looters. Similarly, having been asked, I don't remember witnessing the Iraqi Police or members of my callsign make the detained strip and roll about in muddy water of any kind once arrested".

29. However, at least two of the dismounts involved in the detention of the looters, Gdsn SO22 and Gdsn SO24, do confirm that there was some mistreatment and the hostility of the crowd.

30. Gdsn SO22 says this:

“At one point [having detained the looters] walking the 100 metres or so back to the hospital wall we passed a stagnant water pool and after much shouting the Iraqi police made the looters take their outer clothes off before forcing the looters into the water pool. There, after more shouting from the Iraqi police, I saw the looters lie down in the water and roll about. It looked to me like the Iraqi police were making the looters get dirty in order to punish them. By this point about 20-30 Iraqi locals had appeared and seemed to be supporting and applauding the treatment dished out by the Iraqi police” (see witness statement dated 19 April 2004, pages 2-3).

31. He also says this as regards the treatment of the looters by the dismounts:

“It would be fair to say though that those detained looters were man-handled firmly and confidently in an aggressive manner, by our callsign members present” (*ibid*, page 3).

32. In his witness statement dated 8 June 2004 Gdsn SO24 gives a very similar account, both of the looters being ‘wetted’ by the Iraqi Police and their being “man-handled quite roughly and firmly throughout their detention”. He also describes the reaction of the local populace to what was going on as follows:

“As I reached the looters I could hear a lot of shouting going on in Arabic which I couldn’t understand and I remember a small crowd of Iraqis in and around the area and this crowd seemed to be cheering the Iraqi police on over the arrest of the looters” (*ibid*, page 2).

33. Although I was not present when the looters were detained, what Gdsn SO22 and Gdsn SO24 say is more consistent of my own experience of the dismounts than LCpl SO19 account of events. At page 104 of my interview under caution on

14 May 2004, for example, I refer to previous difficulties I had experienced with his team.

34. That there were concerns generally about the treatment of detainees by members of the unit as a whole (not just my Platoon) during the course of the deployment is also apparent from the evidence of WO **SO25**. In his witness statement dated 28 July 2004 he describes briefing all platoon personnel regarding looter-handling techniques, "having been down briefed by my chain of command that the lads needed to be less aggressive when handling looters who, it had ben observed universally across the orbat, were being treated with too much force . . .the key words were 'less aggression' ".

#### **The permission issue**

35. As with my decision to escort the looters away from BGH, the question of whether I obtained permission for the journey to Bridge Four was a major focus of the RMP Investigation and during the course of the Court-Martial.
36. Lt O'Connell suggests in his witness statement dated 7 August 2003 that it would not have been Standard Operating Procedure for me to have directed the Warrior away from BGH both while it was on static duty at there and without its full crew complement. He says:
- " . . a Warrior vehicle is situated in the area of the hospital at all times. I cannot accept or envisage that vehicle leaving the area at any time with members of the crew having to remain at hospital. This practice would not happen and my Pl members would not leave other members of its vehicle crew in an exposed position."
37. In my experience, however, the reality is that the Warrior crew would not remain together at all times. The three essential components to its operation were myself as the Commander, Gdsn **SO17** as the gunner and Gdsn **SO16** as the driver. For that reason, as I said at page 3 of my witness statement, when my Call Sign was deployed to the BGH the three of us would normally remain with the vehicle taking it in turns to maintain security at the BGH entrance. However, the dismounts under the



command of LCpl SO19 and LCpl SO26 would base themselves in a small air-conditioned room within the hospital. Plainly, therefore, there would be times when they went on patrol or to attend to specific tasking (such as to detain the looters on 8 May) that they would be some distance from the Warrior.

38. Gdsn SO24 in his statement dated 3 June 2006 confirms this when states:

“In relation to the Warrior departing from the hospital that morning with the detainees, I can state that this was the first time, to my knowledge that the vehicle crew had left in the Warrior leaving the dismount section at the hospital. That said, the dismount crew often worked alone from the Warrior crew at the hospital so I guess they could’ve driven away before without my knowledge, but I certainly never knew of that being the case.”

39. It should also be borne in mind that the incident occurred during the occupation rather than the fighting phase of operations in Iraq. Although the security situation was still tense, operations were generally more relaxed than during fighting phase, as evidenced, for example, by the references to our having reverted to wearing our berets rather than helmets.

40. Apart from anything else, the maximum capacity of a Warrior is nine, comprising three crew and six dismounts. Once I had made the decision to convey the four looters away from the area it was inevitable that not all the dismounts would be travelling there as well.

41. The evidence on the permission issue is conflicting and was fully aired during the course of the Court-Martial. In his closing submissions Counsel summarised it as follows:

“We have heard from a witness who said he would not have given permission. We have heard from witnesses who have said that if they had known the full picture of what had taken place so far as the looters are concerned they would have released them. But just pause here for a moment and consider this: there is no evidence before you that when the looters were put into the Warrior at Basrah General Hospital Colour

Sergeant **SO15** knew what had happened to them. He was not present at the stagnant water. He had not been present at any man-handling. So evidence from witnesses who describe what their expectation may have been, who describe what the system was, is all very well, but what the Crown has not been able to prove is that no permission was given.”

42. Stated simply, I would not have departed BGH without reporting that intended movement over the I Coy net and being satisfied that I had permission to do so. I have no reason to think that my actions in this regard were anything other than as I describe them in my witness statement, as follows:

“As we departed the BGH, I distinctly recall reporting to the Ops Room on the Company net that it was my intention to leave the BGH for a location known as Bridge 4, where I intended to leave the looters to have to walk back into Basrah. . . I am adamant that had I not been given authority to travel to Bridge 4 as planned, I would have aborted the idea. The journey was authorized, however, although I can’t now recall who it was authorized by at the No1 Coy Ops Room.”

43. I am aware that in in his incomplete and unsigned witness statement dated 27 April 2004 Gdsn **SO16** states that he was positioned in the Gunner’s turret of the Warrior maintaining a radio watch when the four looters were brought to it by the dismounts and Iraqi police. He says that it was in fact he who reported the apprehension of the looters over the radio (although whether on the Battle Group net or the Coy net he could not recall) “and them saying in reply to take them out to Bridge 4 and leave them”.

44. Gdsn **SO16** repeats this account in his interview under caution the same day, although on this occasion he provides the following additional detail:

“They came back over and said, ‘Throw them off the top deck’. As in like, just get rid of them. I suppose they would have said that because we’re going the next day, kind of thing.”

I deal with that aspect of Gdsn **SO16** evidence at paragraphs 52 to 54 below.



45. Despite what Gdsn SO16 says, I still believe: (i) that it was I who was maintaining radio watch in the Gunner's turret when the looters were brought to the Warrior; (ii) that the decision to take them to Bridge Four was my decision; and (iii) that it was I who sought and was given permission to depart BGH for that purpose. However, I accept that it is equally possible that Gdsn SO16 could also have reported the intended movement using his own radio handset and that I simply did not hear it over my headset.
46. Whether the call was made by me or Gdsn SO16, the information disclosed to me includes several witness statements, the purport of which appears to be to establish that no record was found of my Warrior being given authority to exit BGH to drop off the looters at Bridge Four. Patently, however, the absence of a record does not inevitably lead to the conclusion that permission was not given.
47. In his statement, for example, Capt Brennan describes how, due to the volume of radio traffic on both the Battalion and Company nets, it became impossible to maintain a contemporaneous record of all messages received and transmitted over the respective nets. As a result, he says, it became acceptable practice for Watchkeepers and Signaller alike only to record radio traffic considered 'critical' or other messages worthy of note.
48. The CQMS, Graham Todd, in his statement dated 12 August 2004 confirms that "Whilst most [radio] traffic would be recorded in the [Radio Operator's] logs, more routine traffic of a non-urgent nature may not have been recorded all of the time, especially at more busier times".
49. Due to the prevalence of looting activity at the material time, a journey such as the one that I decided to make to Bridge Four on 8 May to drop off the looters was not exceptional. In light of what Capt Brennan and Mr Todd say, that in itself may explain why no record of it having been authorized was made.
50. In addition, however, bearing in mind that the incident occurred on the last day before No 1 Coy was to be extracted from Basrah, the absence of any record of permission for the journey to Bridge Four may also be attributable to the shambolic

record-keeping at a time when the Operations Room was being dismantled and disbanded in anticipation of that move. This was forensically examined at length during the course of the Court-Martial and described by my Counsel at the court-martial in closing submissions (see transcript 209/23 to 210/7) as follows:

“But the background was that the ops room was being broken down. People were looking forward to leaving theatre. Who could blame them? And as Corporal Smithson told you, things were not being recorded as they should have been. He’s right about that, isn’t he? There’s really no question that the log keeping had become sloppy.”

#### **The Bridge Four issue**

51. CSgt SO20 says in his statement dated 7 October 2004 that he never directed any person to use any specific drop-off point such as Bridge Four but it is implicit in what he says that the choice was up to the Call Sign Commander. Quite simply, as Maj McMullen confirms, both I and the other Call Sign Commanders had complete discretion when it came to make decisions about extracting arrested looters away from the area of their activity.
52. As regards Gdsn SO16 suggestion that when he reported the intended movement of the Warrior he received the response that we were to “Throw them [the looters] off the top deck”, I can only say that I have absolutely no recollection of anyone making any such comment to me that day (or indeed any other) to the effect. In any event, I have no idea what “the top deck” means in this context.
53. Neither, it would appear, do others. For example, in his statement dated 31 August 2004 CSgt Richard Watkins states that he had been told it meant that the looters “should be thrown off the top of Bridge 4”. By contrast, CSgt SO20 in his statement of 17 June 2004 suggests that “the top deck” can “only relate to the top footing deck upon a warrior vehicle.
54. Against the background described above of the practicalities of dealing with looters, I believe that if any such comment was made it would have been a throw-away line,

said jocularly and not meant to be taken literally, in the sense of "don't bother us with them".

55. On exiting BGH there were only two ways we could have gone: left into the city or right out of the city. Clearly, the city was not an ideal place to drop off the looters so I naturally went right. It just so happened that the latter led to Bridge Four. As stated before, that was my decision and mine alone, although it might have been influenced by my remembering hearing that the Company Commander had dropped people off there – as I mentioned during my interview under caution on 14 May 2004 [page 51]. Bridge Four and its lay-out was well-known to me, having been one of the staging posts for No 1 Coy after entering Iraq (see statement of Maj MacMullen dated 19 April 2004) and having had occasion to drop off Special Forces there.

56. I chose to go to Bridge Four simply because it was sufficiently far enough away both to disrupt the looters' activities by forcing them to walk back from there and to remove them from the hostile environment which followed their detention. It was also a convenient place to turn an unwieldy vehicle like a Warrior around and head back into the city.

57. It was suggested to me in interview that there was some sinister purpose for taking the looters to Bridge Four (see record of interview, pages 92 to 93). I adopt what my Counsel said in his closing submissions as regards the reasons for our going to Bridge Four that day, as follows:

"But why were they not dropped off a kilometer away? Answer, because they were not. Why were they not dropped off at the hard shoulder at Bridge 4? And the Warrior just turned around? Well what hard shoulder was that in relation to the state of the road at that particular location? It was, we respectfully suggest, a vehicle which turned off and dropped off the looters and returned back on the road because that is the way that on that particular occasion that is the way the vehicle was driven."

## The incident

58. In light of my comments above, I strongly refute the inference arising from the statements made by some of the witnesses (both in their witness statements and in their evidence to the Court-Martial) that my decision to remove the looters away from the immediate area of BGH was some sort of 'frolic of my own'; and likewise that there was some ulterior motive for my deciding to take them to Bridge Four, as evidenced by my choice of that particular location and their insistence that I did not seek permission for that journey. I turn now to the incident itself.
59. The evidence of Aiad Salim Hanon (who I shall refer to throughout as 'Hanon', as was the case during the Court-Martial) is critical to what happened once the Warrior arrived at Bridge Four.
60. Two statements made by Hanon have been provided. The first is dated 10 May 2003 and the second 15 April 2006. It is plain even on the face of those statements that there are clear discrepancies between the versions of events as Hanon has described them in each one. Significant further discrepancies emerged when he gave evidence before the Court-Martial, as considered at length in my Counsel's closing submissions.
61. I adopt and re-iterate what was said in those submissions as regards Hanon's demonstrable untruthfulness and tendency to exaggeration (see transcript 190/17 to 207/225). Further, as my Counsel said (207/22): "No interview, no witness statement can be relied upon by the Crown to be pointed to in order to say, well, that supports what Hanon has to say".
62. My Counsel also pointed out that, although ruled to be inadmissible by the presiding Judge Advocate, neither did anything that I said in my witness statement and during both of my interviews under caution provide any similarity to Hanon's account of events (see transcript 192/27 to 193/5).
63. In light of those discrepancies I respectfully submit that no reliance can safely be placed on any detail of Hanon's account, including - in particular - his description of



events at Bridge Four. This is particularly relevant to the time over the incident occurred, which was momentary, as opposed to being drawn-out over a fairly prolonged period as Hanon's evidence would have it.

64. As previously stated at paragraph 4 above, for the purposes of this Investigation I adopt the content of what I said in my witness statement dated 31 March 2004 and in my two interviews under caution on 14 May 2004 and 29 September 2004 as my truthful account of the events, save as otherwise indicated in this statement.

65. I am as sure as I can be at this remove in time that I was 'on stag' in my seat in the Warrior's turret maintaining radio watch when the dismounts arrived at the Warrior with the detained looters time. Gdsn SO16 and Gdsn SO17 (ie. the Warrior crew) were also there, as would normally be the case when we were engaged in static duty, either resting in the back of the vehicle or sat on the kerb nearby. The Warrior accordingly had the full complement of crew with which it would normally be deployed operationally.

66. Given that there was a total of four looters to be dropped-off (as I now accept was the case, having previously been somewhat confused as to the precise number), I am certain that there was at least one other Guardsman with Gdsn SO18 in the back of the Warrior. In both my witness statement and my interviews under caution I stated that I believed the two dismounts who got into the back of the Warrior with the looters were Gdsn SO18 and Gdsn SO24. In light of the information subsequently disclosed to me, however, I appear to have been mistaken in thinking that Gdsn SO24 was one of those present on the journey to Bridge Four.

67. Both Gdsn SO18 (in his interview under caution on 27 April 2004) and Gdsn SO16 (in his incomplete and unsigned witness statement of 27 April 2004, and during both his interviews under caution on 27 April 2004 and 18 November 2004) state that Gdsn SO17 travelled in the back of the Warrior.

68. However, although I did not specifically address the point when I made my witness statement, I assumed that Gdsn SO17 had travelled in his usual position in the gunner's seat in the Warrior's turret at all material times. I still believe that to be the case.



69. In his witness statement dated 19 April 2004 (which he did not dissent from when interviewed under caution on 14 May 2004) Gdsn **SO17** also appears to confirm that he was in his gunner's seat at all material times.

70. I am today unable to say today with any certainty who the other person was in the back of the Warrior with Gdsn **SO18** and the four looters, if not Gdsn **SO24**. Although I accepted during my interview under caution (see pages 37/38) that there were times when the Warrior might travel without Gdsn **SO17** being in that position, it would be surprising for him to have taken on the role of a dismount rather than gunner on this occasion given that there were clearly sufficient dismounts available not to have made that necessary.

71. I also appreciate that different accounts have been given by myself, Gdsn **SO17**, Gdsn **SO18** and Gdsn **SO16** as to what happened at Bridge Four. I can only re-iterate that to the best of my recollection they happened as I have described them in my witness statement and interviews under caution. I invite the Inspector to read that account in its entirety, although I emphasise the following observations that I made when I was interviewed under caution on 14 May 2004 (all page references being to the transcript of that interview):

"... by the time the vehicle had stopped and I saw what was happening, I took off my headset and I got down and I told them [Gdsn **SO18** and the person I believed to be Gdsn **SO24**] to stop, because I could see what was happening" [page 103] . . .

"... there was four in the water, one on the river bank, having got from the vehicle, because I thought 'nah, here we aren't another fucked up scenario from Corporal **SO19** team, I then fucking jumped off, took, sorry my headset off and jumped off [the Warrior] and said 'Come on and let's go, that's it' [page 104] . . .

"... I went down there and said, 'Come on, that's it, enough's enough, we're going, let's go and walked back towards the vehicle, I was obviously leading, I then climbed onto the vehicle, and they got in the back and we left' [page 105] .

All of the above occurred in the space of just "a few seconds" [page 113]. At no time did I see any Guardsman "push the individuals into the water", "force them into the water by any means" or "throw anything at them [whilst they were in the water]" [pages 116-117], nor did I take any such actions myself [page 117] .

At no time did I "observe anybody in any degree of difficulty in the water" and, had I done so, "I would have jumped in, or I would have told one of them [the Guardsmen] to jump in; I did not give any such instruction "because I didn't see anyone in difficulty" [pages 117 – 118].

When I returned to the Warrior and remounted it 'SO17 and SO16 were still in their original positions" [page 119].

I gave no "backward glances at those individuals [the looters] either in the water or at the river bank", nor did I give any consideration to the fact that "they were still in the water at the time when [we] departed that location" [page 120].

The first knowledge I had of one of the looters drowning at that location on that date "would have been when we came back from Iraq, I think we went on leave and somebody from the SIB came to ask some questions[:] we were all in the Company Commander's office and I remember seeing on the SIB's folder manslaughter, and I thought to myself I'm not getting the fucking blame for that you know' " [page 122].

72. Finally, I wish to deal with the suggestion by Gdsn SO17 in the penultimate paragraph of his witness statement dated 19 April 2004 that I "visited [him] in his single accommodation within Oxford Bks " when "[I] told me not to say anything about that day or what I knew about [it]". I have never had any such conversation with Gdsn SO17 either at Oxford Barracks or elsewhere.

73. Gdsn SO17 pinpoints this alleged discussion by reference to my having "been interviewed" by the SIB. Bearing in mind that Gdsn SO17 witness statement is dated 19 April 2004 and I was not interviewed until 14 May 2004, he simply cannot be correct about that.

74. Even if the reference to my having been "interviewed" were instead taken to be the date I provided my witness statement to the SIB, 31 March 2004. Gdsn SO17 and I had long gone our separate ways by then. Oxford Barracks is in Munster where No 1 Coy of the IG was stationed prior to our deployment to Iraq. After we left Basrah on 9 May 2003 I was sent to Kuwait Port for a short period before re-joining No 1 Coy for processing and being flown back to Germany. After a period of about two weeks, which we spent removing the armour from our vehicles, the Unit went on leave for about four weeks. Only a skeleton staff of IG remained at Oxford Barracks, which were to be handed over to the Scots Guards. Most of IG therefore did not return to Germany following the period of leave but went straight to their new duties in London. I, however, did return to Germany as I transferred from IG to the Scots Guards. So whether the correct reference point is 31 March 2004 or 14 May 2004, not only were Gdsn SO17 and I not co-located at Oxford Barracks in Germany, we were in fact stationed in different countries.

**Statement of Truth**

I believe the facts stated in this witness statement are true

Signed SO15 [REDACTED] .....

Dated 29/04/16 .....