



MOD-83-0000318-A

WITNESS STATEMENT

(CJ Act 1967, s.9; MC Act 1980, SS.5A(3)(a) and 5B; MC Rules 1981, r.70)

Statement of **SO17**

Age if under 18:

Occupation:

This statement (consisting of 10 pages) each signed by me, is true to the best of my knowledge and belief, and I make it knowing that if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated: 17/05/16

Signature: **SO17**

I, **SO17** (D.O.B:), will state as follows:

Personal circumstances

1. I have been employed as an HGV driver since early 2015. I have been on sick leave from this job for a total of eight weeks this year. My first period of sick leave began on 20 January 2016, shortly after I was informed that there would be an inquiry into the death of Mr Jabber Ahmed Kareem Ali.
2. I went to visit my doctor who diagnosed me with depression. I have been prescribed various antidepressants since this date. I am currently taking 20mg of Citalopram per day.

Career in the army

3. I joined the army on 10 September 2000. I had always wanted to enlist and I left Britannia High School at the age of 16, before completing my GCSE's, in order to do so.
4. My training began at the Army Foundation College in Harrogate, North Yorkshire, for recruits aged 16 and 17 years old. I stayed at this facility for 12

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months. During this time I was introduced to the basic principles of the military and what was required to become an infantry soldier.

5. When I was 18, I went to the Infantry Training Centre in Catterick where I stayed for about nine weeks. I completed Phase 1 and 2 Infantry Training at this facility.
6. From there, I joined the First Battalion Irish Guards. There are several different companies in this battalion. I was placed in No 1 Company, which was sent to Senelager, Germany for further training.
7. No 1 Company went to Canada in early July 2002 for combat training. On 21 July 2002 I learned of my father's death. I returned to the UK the same day for his funeral. A week later, I returned to Canada to continue my training. Because of my absence, I missed much of the battle training which was part of the programme.
8. My company returned to Germany to continue training. The primary focus of this training for me personally was to become familiar with the role of the Gunner, as this would be my role when the company was deployed. As it is unusual for a gunner to leave his seat, I did not take part in much of the 'on the ground' combat training.
9. The army is a hierarchy and works in a system of ranks. It was a fundamental principle of all training that we were not paid to think, but to follow orders. This mentality was ingrained in all members of my command as a necessary discipline to perform effectively in a combat situation.

Deployment

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10. In March 2003, I was deployed to Iraq under No 1 Company, Irish Guards, on Op Telic. At this point there were 80-100 soldiers in No 1 Company.
11. The company spent the first three weeks in Kuwait to acclimatise and receive further combat training. While in Kuwait, other members of my company received further 'on the ground' training to prepare them for their roles in Iraq. I did not take part in the majority of these exercises. I was ordered to focus specifically on my role as a Gunner.
12. We were in Kuwait for about 3 and a half weeks before we went to Basra in Iraq, where we were based.
13. I was assigned to a Warrior. My Call Sign Warrior was 12. I was the Gunner and was responsible for firing the tank when I was told to do so by Sergeant **SO15** or any person of a higher rank than myself. Sergeant **SO15** was the tank commander. This means that in the Call Sign, he had the duties of Warrior vehicle sergeant.
14. When we arrived in Iraq, we went directly to Basra. This was my only base during my deployment. After one month of fighting, we took over the city. There followed a two month period of peacekeeping.
15. After the war, looters became a very big problem. Their main targets were the General Hospital in Basra, the petrol station and the bank.
16. We were told that our aim was to restore normality for the Iraqi people. As looters were persistently targeting these three facilities, we were instructed to guard these places. Each Call Sign took it in turns to fulfil this duty.
17. At no point did I receive any training on how to deal with looters. As far as I am aware, no other member of my company received any such training. I have since confirmed with my Major that this is correct.

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18. During the last three weeks of our time in Basra, the Iraqi Police began to emerge. There was no relationship between the British troops and the Iraqi Police. When we first arrived in Iraq, there were no Iraqi police. We were never told to work in conjunction with the Iraqi police and my Call Sign did not have any direct dealings with them. We received no training on how to coordinate with them.
19. The Iraqi Police also took up the role of guarding the three locations targeted by looters. I am aware that when there had been incidents involving Iraqi civilians, members of No 1 Company had used the local police as interpreters. This was not an official practice put in place by the British Army.
20. While we were in position guarding the Basra General Hospital, it was procedure for the Call Signs to stay on the premises. The dismounts would normally take turns to patrol. The Warrior would stay at the main gate of the hospital with the commander, the gunner and the driver.
21. My Call Sign spent the period of peacekeeping fulfilling these duties. We also had rest days. At the end of April I lost my eyesight and was admitted to the Army hospital. My sight returned after three days and my condition was put down to acute stress. As soon as I could see properly I was released from hospital and continued my duties. I was not offered any counselling or medication to help overcome stress at this point.

Events of 8 May 2003

22. As stated above, by May 2003 we had taken control of Basra and were in a period of peacekeeping. The primary role of my Call Sign in this period was guarding facilities targeted by looters. In order to do so we were engaged in active patrols or static guard outside one of the frequently targeted facilities.

23. On 8 May 2003, Call Sign 12 were on static guard at Basra General Hospital. I remained in the Call Sign while the dismounts patrolled the area of the hospital. It was usual practice for two of three of us to remain in the Warrior

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which was stationed just inside the main gate to maintain a security presence at the entrance.

24. While dismounts were on patrol I went to the toilet. Sergeant **SO15** and Guardsman **SO16** were still with the Warrior when I left.
25. I was radioed to return to the Warrior. As I approached the vehicle, I noticed that a crowd of Iraqi civilians had formed a semi-circle behind the vehicle surrounding several suspected looters. I noted that this crowd were extremely hostile towards the looters. Sergeant **SO15** ordered me to get in the back of the Call Sign with the looters and Guardsman **SO18**. These looters had their hands tied.
26. This was the first occasion I had had any physical contact with looters. My involvement with them in the past had only been to chase them out of the areas they were operating or provide a military presence as a deterrent. I had never detained them in the past.
27. As stated, I had not been notified of any procedure to follow with the detention of looters. On 8 May 2003 I became aware of an informal policy of taking looters far from the vicinity in which they were stealing and leaving them to walk back as a punishment.
28. I followed the orders of my superior officer and got into the back of the Call Sign with Guardsman **SO18** and the four suspected looters.
29. Sergeant **SO15** then took his place in the Commander's seat. Guardsman **SO16** was in the driver's seat. There was no one in the turret because I had been ordered to get into the back.
30. We began driving. I was not aware of where we were going. During the journey, which lasted around 20 minutes, one of the looters became confrontational. He kept shouting and trying to stand up. We told him to shut up and sit back down. He continued to be aggressive so Guardsman **SO18** got up and pushed him back down into his seat.

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31. When the Warrior stopped, I was ordered by Sergeant **SO15** to get out. I could see that we were by Bridge 4. I had passed this bridge once before when we had first entered Basra.
32. There was a wall by the right hand side of the Warrior. Guardsman **SO18** took two of the looters to this wall to untie them. I brought the other two out to untie them.
33. Sergeant **SO15** and Guardsman **SO16** had come down from the Warrior. Guardsman **SO16** took the two looters that I had hold of and asked me to go and fetch something to cut the cloth that had been used to tie their wrists. I went to the back of the Warrior where we keep a first aid kit to try and find something that I could use.
34. I could not find anything appropriate so I returned. At this point Guardsman **SO16** and **SO18** were standing by the river bank. There was a gradual slope down into the water. The looters had already been untied and were in the river. They were standing and the water level was up to their waists.
35. Three of them swam to the bank and climbed out. The remaining man, who I now know to be Mr Jabber Ahmed Kareem Ali, seemed to be struggling. He went under water once and then resurfaced. Then he went under water again.
36. Sergeant **SO15** said to Guardsman **SO16** that if this male resurfaced a further time, he should be ready to jump in and get him. Sergeant **SO16** started to undo his combat top and boots as if to prepare himself to go into the river. However, Mr Jabber Ahmed Kareem Ali did not resurface.
37. Guardsman **SO16** asked Sergeant **SO15** whether he should go in but Sergeant **SO15** told us to mount up. I followed his instructions and went back into the Warrior as I was obliged to do so by Army law.

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38. I did not go into the river to help Mr Jabber Ahmed Kareem Ali because I was not told to do so. Sergeant **SO15** had already delegated this job to Guardsman **SO16** but then told him not to go in. It was not my position to question the orders of Sergeant **SO15** or volunteer myself to undertake a task he had ordered Guardsman **SO16** to do.

39. We all mounted the Warrior and returned to our usual positions. I was in the Gunner's seat. We returned to the hospital. Guardsman **SO18** went back to the rest room. The rest of us stayed on the Warrior as usual. We did not discuss what happened.

Life Post Deployment

40. My company left Iraq in May 2003, shortly after this incident. We did not return to the UK but went directly to Germany. We had been there for around a month when the Company Commander Major McMulan called for all Platoon Sergeants to come into his office and informed us that the Special Investigation Branch were there.

41. Sergeant **SO15** took Guardsman **SO18** Guardsman **SO16** and me to one side and told us that someone had died on 8 May 2003.

42. Later on that night he came to my room. I shared a room with Guardsman **SO16** He told us both not to say anything to anyone as he had family to worry about.

43. At the end of 2003 we came back to London. I went on light role of walking around, tabbing and Queen's Guard Duty. I went home for Christmas and when I returned in early 2004 I began training for Northern Ireland. We were due to go to Northern Ireland in January 2004 to support the Police Service of Northern Ireland.

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44. I was on leave in Birmingham prior to our departure to Ireland. I took the train back to London the day before I was supposed to leave. When my train arrived in London I turned around and returned immediately to Birmingham.
45. In the Army we would describe what happened to me as 'going stupid'. That day is still a bit unclear to me. I just remember turning around at the station and boarding another train. I went to see my doctor when I got home and was prescribed antidepressants and advised to take leave from work. I was advised that the time I had spent in Iraq, coupled with the young age at which I had joined the forces and my father's death had put me under extreme stress and caused my mental health to deteriorate. I called my superior officer and told him what I had done and requested medical leave.
46. While I recuperated at home with my partner and her mother, both received calls from my Regimental Sergeant Major telling them I had disgraced my unit and brought shame on my family. I received similar calls telling me to pull myself together and that I was a disgrace, who had let down other members of No 1 Company.
47. It is common knowledge that the Army offers counselling. However, at no point did any of my commanding officers or army doctor suggest I make use of this service. It was made clear to me that if I did so of my own accord I would be confirming that I had 'gone soft'.
48. Because of the pressure being exerted on me and my family, I went to Ireland after four days at home and re-joined my Company. I was sent to see a psychiatrist who assessed me and made the decision that I was not capable of handling weapons at that time. I was put on surveillance duty.
49. I felt incredibly ashamed during this period. I did not know who to turn to for help. I knew that I was not coping, but I was scared of being branded a 'wetter' and of further calls being made to my family. It was at this time, a couple of weeks after I arrived in Ireland, that the Special Investigation Branch initially interviewed me regarding the death of Ahmed Jabber Kareem.

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50. In my first interview of 11 February 2004, I told them that I had no knowledge of what they asking. This was because I was confused and could not recall the incident.
51. I was interviewed once again on 19 April 2004; I said that I was on a rest day on that day. I said this because I was too frightened to say anything following Sergeant **SO15** comment in Germany. At this point the Army had been all I had known for my entire adult life. The motto of the Irish guards, 'who shall separate us' was deeply ingrained in my way of thinking. I did not have a solicitor present on this day. I was not informed of my right to legal representation. I was approached and interviewed. I was already under extreme stress and I panicked.
52. When I returned from Ireland, I was stationed at Wellington Barracks. It was here, that I was arrested in front of the whole parade. I was interviewed again on 14 May 2004 and 28 September 2004. This time I gave a no comment interview having received advice from my solicitor.
53. I left Wellington Barracks shortly after my arrest and returned to the Infantry Training Centre in Catterick, where I held the position of barrack room instructor with the local rank of Lance Corporal. This was a promotion. I was in this position for around a month and a half.
54. My Commanding officer of the Guards Training Centre, Catterick found out about the impending prosecution against me. He relieved me of my duties as he did not want the training centre to be negatively affected by the publicity associated with the case against me.
55. I was sent to Chelsea Barracks. The soldiers there were in training to return to an operational tour. I was not permitted to join this training programme. I worked on the regiment information team at Chelsea Barracks until I was sent home before my trial, due to fears of publicity.

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56. In 2006, following a seven week trial, I was acquitted of the manslaughter of Mr Jabber Ahmed Kareem Ali. I resigned from the Army immediately as I felt I had been scapegoated after reports that British soldiers had abused Iraqis. The Army needed to publicly show that it was dealing with the reports and chose to prosecute members of my Call Sign for following orders.

57. This statement is written in my own words. These are the true facts of my case.

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