



MOD-83-0000319-A

Witness Name: SO19

Statement No.: 1

Exhibits: SO1 /1

Dated:

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

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### **WITNESS STATEMENT OF SO19**

SO19

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I, SO19, 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 May 1999 and February 2004 I served in the British Army with the 1<sup>st</sup> Battalion Irish Guards (IG). Between 28<sup>th</sup> February and 9<sup>th</sup> May 2003 or thereabouts, I deployed on Op TELIC and served as a LCpl with No 1 Coy, 1 IG who were seconded firstly to the Scots Dragoon Guards Battle Group and then to the Black Watch Battle Group ('BW BG'). Following warfighting, we were based in the Basrah area. I was employed as the Section Commander (Sect Comd) of callsign '12', which was commanded by Sgt SO15 of the Coldstream Guards. Our crew was Warrior mounted and made up of the following members; Guardsmen SO16 (Driver) and SO17 (Gunner), LCpl SO26 and the dismounts who were Guardsmen SO27, SO22, SO18 and SO24.
3. I remember that in May 2003 when we were based at the Gymnasium we were on a rotation of 8 hours' patrol, 8 hours' sleep, and 8 hours' guard duty. 2 Coy were based in Basrah palace. However, it was different when we were at the hospital, when we could be doing Quick Reaction Force (QRF) tasks and activities, 8 hours later guarding the

base then 8 hours later doing weapons, or cleaning and washing, which were second-in-command (2iC) duties. The times when we slept depended on what our rotation was, and such times were staggered. My section were always required for QRF, and I would only travel with my section – LCpl SO26, Guardsmen SO22, SO24, SO18 and SO27. We would all sleep at the same time. If there was an emergency, we would go off as one unit, with instructions from the Platoon Commander ('PI Comd'), Lt O'Connell, who would get his orders from Captain Brennan.

4. I recall a few times where we were called upon to go out as the QRF. There was an Ops room in the Gym, and Maj MacMullen and Captain Brennan would come in and get us, and there would be a designated runner. They would come in and wake us and we would put our kit on. We were all in the same area sleeping in the same part of the Gym, which was like a school Gym from the 1950s. The Gym was about one and a half acres with a wall around it and was constantly getting mortared. There were three buildings. It was formerly a boxing Gym I think. We would go out with instructions either from Lt O'Connell or Sgt SO25. There were 4 Warrior vehicles for each platoon. We were in 1 section - callsign 12 was in the Warrior, which consisted of Sgt SO15, and Guardsmen SO17 and SO16 inside the vehicle, we were in the back as dismounts. We all went together, including LCpl SO26. There were 3 people in the front – one gunner, one in the command position, the driver who was SO16, and the rest of us in the back. Altogether seven people could be in the Warrior.
5. Looting was rife at that time and was what we dealt with the most. I don't remember there being any other means to deal with looters apart from us and the Warrior.
6. I remember we went from warfighting to peacekeeping in a month. We had to take Basrah and get a command element, then on the flick of a coin they wanted us to be peacekeepers, giving out water. It was a very hard mind frame adjustment to make. We were just told 'that's it, now it's peacetime, start giving out water'. It was very strange, and I had never experienced it before. I had previously been in Northern Ireland which was peaceful. The real cause of difficulty was that there were still people there doing bad things. The only change was that our objective had been reached, but we were still in a warzone, it was just that there wasn't officially a war going on anymore. It was the same situation, just a different phrase used to describe it. People were still getting killed, there was no change there.
7. I can't remember being told anything with regards to how to deal with looters, we were just thrown into it with no precise orders. We were told that if we captured any looters we were to send them down the chain of command. But we couldn't handle that many people. Sometimes we went out in Landrovers as peacekeepers to show a softer side of

the British Army, but there were so many people to deal with amongst all the looting and rioting, it was unmanageable.

8. In terms of the mindset we had after the change to peacekeeping, it was still the same situation for me and my lads I believe. There were the same people there as when we started. During the warfighting phase we had gone out on patrol to get a feel for the players in the area. To me the Warrior was just a taxi, a means of getting from A to B. It wasn't really any more secure than other transport because you would still have to get out and patrol on foot, which I preferred doing.
9. Sometimes we would go on patrol knowing that looting was going on. At other times, we would get a message whilst on patrol telling us that there was looting taking place. A typical scene would be that we would turn up and there would be hundreds of people inside going in and out of a building with different equipment, and when we would turn up they would scatter. It was a hard situation to deal with. The majority of people would scatter but the ones that didn't we would line up and get them ready to go through the motions of sending them down the chain of command to the Gym or another designated area for them to be filtered through. Once we got them back to the Gym I don't know what happened to them. We would still be out on patrol, more involved with defence, so we didn't get involved with the processing side of things.
10. In terms of principles of treating looters we were just concerned to get them contained and send them back down the chain of command. There weren't any messages regarding treating people differently now that we were in the peacekeeping phase, because even in wartime we weren't told to do anything with the people we captured, apart from to send them down the chain of command.
11. When we captured people, we would search them, and some we would have to restrain if they were being physical in order to contain them. I don't know if I was briefed on any legal principles in this regard such as the Law of Armed Conflict (LOAC), but I don't recall any such briefing. If there had been one, it would have probably been in a classroom where they would teach you this and that about laws. I don't remember anything being said specifically about how to deal with looters, for example by Major MacMullen or Capt Brennan, we were just told to pass them back to the chain of command.
12. There were too many looters to stop them all. We stopped and searched the majority, but it's hard to say how many. I was in charge of the dismounts, so it would be me, possibly also Sgt **SO15** who would make the decisions as to who to stop and search. Rather than there being a discussion between myself and the dismount crew about how to deal with looters, we would more just decide on the ground how to deal with them, as every

situation was different. I don't think there was a standard protocol. We weren't policemen, we were soldiers who were trained to be soldiers.

13. Sometimes we would have to be a bit more physical with looters and if we had to restrict their movement we would do this by restraining them with their arms behind their back. I never saw anyone being punched, kicked, or hit with a rifle butt. However, raised voices were used.
14. We had been dealing with looters from the very beginning. The country was lawless.
15. We talked with other sections in the platoon about what to do with looters, which was basically just to restrain them and send them to the chain of command. I can't remember much chat with other sections back at the Gym about what had happened out on patrol. When we got back to the Gym we took a break.
16. We didn't see that many other Coys. 2 Coy were based in the palace, and I think on one day we went there but I can't remember why. Then we went back to the Gym. I didn't really ever wonder how other Coys or platoons were dealing with looters. I don't recall us ever taking looters anywhere, we just saw that our job was to bring them in and pass them back to the chain of command.
17. The Warrior wasn't always stationed at the hospital. I can't remember who decided where it was stationed, maybe it just depended on whether or not it was available. If there were two Landrovers, we would get dropped off and one would stay with us. Sgt **SO15** never came into the hospital with us. It was just me and my section in the hospital. We would go into a room in the hospital, the same room, with a high view, which was perfect for our needs. The room wasn't secure, but it was the best of a bad situation.
18. The point of us being there was to send out dismounts to protect the hospital. We went out in twos around the perimeter wall. Unless something had happened I would remain with the others back at the room until the men on patrol came back. They would go out on patrol for 2 hours checking buildings. It was 2 hours stag, and 2 hours guard. I would wait with the other men while this was going on, waiting on guard and observing.
19. If there were occasions when the foot patrol had to deal with looters, they would call in and inform us if there was a situation because we would want to know. I would instruct them to inform me on the radio if they encountered anyone or there were any issues, and that we would come out to help. I think on a couple of occasions we went out to help. One time it was nothing and they were allowed to carry on. The other time there were looters on the other side of the wall by the swamps. On this occasion we went out, detained the looters, brought them back through the hospital and gave them to Sgt **SO15**

to take to the chain of command. He would take them back to the Gym or another designated area, and would leave the hospital site and travel a few miles.

20. Generally, the Warrior was stationed at the hospital, but it was a regular occurrence for it to leave the hospital to take looters somewhere, and at such times the Warrior could be away for hours, during which time we were vulnerable. I myself never went back with the Warrior. When the Warrior left the hospital, it would have arrived back at chain of command in order to drop off the looters, so the chain of command must have known that at those times the dismounts at the hospital were unprotected. As I have said, the Warrior was just a taxi for us, a means of getting from A to B.
21. Every time the Warrior left the hospital a call would be made through to the Ops room, but I don't know if Sgt **SO15** made the call to the Ops room on the day in question. It got to the situation where looters were a pain, stopping us from doing real soldiering. We were too busy to deal with looters. We were getting attacked every night at the Gym, they were sending in mortars and small arms fire. We were in the village town, in the middle of it, in a vulnerable spot, being attacked by mortars and gunfire. The QRF would try and find the mortar base. At times that would include me, and even Maj MacMullen would go out at times. Then there would be an engagement of gunfire, with someone in a property shooting back at us. I remember speaking to Maj MacMullen about the situations, which were a regular occurrence.
22. As soon as we went into Basrah we were probing the other side of Bridge 4. This was one and a half to two weeks before we went in. That night 2 of callsign 13 got killed. On night excursions when attacks took place and soldiers were engaging with insurgents, the fighting would be unpredictable and sporadic. On one occasion in which I was involved, the lads got ready to assault a house, but we got word that others were coming so I moved the lads back to an observation point, and the Warrior came round and other people took over the situation. However, the insurgents just disappeared into thin air, it was very strange.
23. When the two men got killed, it had an impact on the attitude of the lads, but not in the way that they dealt with civilians. We were still there to do a job and we were there to do that as best we could. I can't speak about the attitude of others, but that was certainly the way I saw things. Our job was to eliminate insurgents and keep Basrah Safe. However, looking back I think they should have sent a different group of soldiers in after the combat phase. People had been through a lot and they wanted you to go from fighting to being a peacekeeper. We hadn't had much training to keep the peace. I think we did one exercise of being peacekeepers which involved riot shields. I had previously been in Northern Ireland in 2001, but Iraq was very different, we were just thrown in at the

deep end. Some of the men had been to Kosovo in 1999 and been in actual situations, but the fresh crop of lads in Basrah in 2003 had not seen any war, and this was the first thing they'd ever done, and the closest thing they'd seen to it was in Canada which was an exercise. I was about 22 or 23 years old at the time. The rest of the dismounts were between 18 and 20. **SO26** was probably about 21, **SO24** about 18 or 19 and I think **SO22** was 18 or 19. **SO15** was probably a bit older, about 30 something perhaps.

24. In terms of reporting back and liaising between myself and the officers, this was mainly with Lt O'Connell, because he was our commander. Other than that there was nothing major, and not so much between myself and Capt Brennan. With regards to a formal reporting process as to what had gone on in any given day during a patrol, I can't remember if I filled out any paperwork. I don't think that I did. If something major happened it would go through the chain of command, but dealing with looters came to be so routine that there was nothing to report in this regard.
25. I would be at the daily Coy briefings, the orders meetings held by Maj MacMullen. These were concerned with what to do with the situation at the time, what had happened the night before, whether there was anything to report, and maybe also objectives. At these meetings, we wouldn't feed back anything to do with looters, as it was too much of a routine occurrence. They were just a nuisance.
26. I have been asked by the Inspector whether I recall Maj MacMullen saying anything such as 'don't go and do anything with looters because we're pulling out of Basrah tomorrow'. I do not remember this being said.

### **8<sup>th</sup> May 2003**

27. I have been shown exhibit **SO19/1** which is a sketch plan of the hospital in Basrah. I can't remember when on the 8<sup>th</sup> May we went down to the hospital. I remember going to our room and being called out with one or two others to the perimeter wall and remember picking up looters. I remember that there was a hole in the wall. I can't remember who was with me when I went there, it could have been **SO22** and **SO24**. When I got to the swamp I remember there were a few people there that must have been looting. I don't remember where they had been looting or what they had been doing. I think there were 3 people there, as well as people who looked like Iraqi policemen, but I don't know if the Iraqi police had anything to do with capturing the looters. We took the looters back through the hospital through a hole in the wall and to the Warrior. I'm not sure what the looters had taken. All I know is we took them through the hospital.

28. The looters were fully clothed, but I don't know if they were wet or not. I remember a swampy area, but can't recall if these looters were in the swampy area. There was lots of water in Basrah, lots of rivers, and on odd occasions when looters dispersed they would try to jump in water to swim away and escape. I once had to bring two people back from out of the water. I never went into the water myself, I just said 'come back from the water'. When they came back I got them out of the water and they were detained and taken back to the chain of command. There was no irrigation, just big ponds, big main rivers. I remember the Shat Al-Arab river. This river flowed through Basrah, through different areas.
29. On the 8<sup>th</sup> May I believe the looters must have been restrained in some way. It was a difficult situation with people around, but every such situation was threatening, and you were always at the peak of anxiety, worrying what was going to happen. On this occasion a crowd had gathered, which could have made the situation difficult for us.
30. I don't know why we were called or who called us. It wasn't one of the lads on patrol. I don't know. I don't know if it was the Iraqi police. I just took them back and handed them over to Sgt **SO15**. I think there were 3 looters. I handed them over because that was the routine. That was what we did, we would send them back through the chain of command. It was for **SO15** to decide then what to do with them. It's hard to remember the situation at the time, hard to say whether it was up to **SO15** to decide whether to release them or not.
31. I don't know if I was back in the hospital by the time **SO15** put the looters in the Warrior. All I know is they were taken off and he went off with the looters and must have taken a couple of lads off in the back because they wouldn't have been able to be in the Warrior in the back on their own. I sent one of my men – Guardsman **SO18** with them. I had no objection to sending **SO18** off in the Warrior. I assumed it would be the same situation as that which always happened, namely that the looters would be taken back through the chain of command.
32. I can't say that a message filtered back to me to not bother bringing looters back because there was no space for them. We were still just handing them over to be taken back to the chain of command.
33. After the incident we went back to the same situation, with 2 on patrol and 2 on guard. I don't remember **SO18** coming back but he would have returned and come back to the restroom, and the chances are that I would have been there when he did. However, I don't remember any conversation when **SO18** came back, and don't remember him saying anything about what had happened. I don't remember him saying anything about having been down to Bridge 4, and I didn't ask him where he'd been. Indeed, I didn't



think to ask him where he'd been, as this was a situation we'd been in so many times before.

34. I didn't know that **SO22** said at the Court Martial that he and I were there when **SO18** came back and that **SO18** said that one of the looters had drowned, or words to the effect that one of them had been thrown into the water and drowned. If I had heard **SO18** say that, I'm not sure what my response would have been. It's hard to say how I would have responded, as I don't remember anything like that being said. It would have struck me as something that shouldn't have happened, and if I had heard that something like that had happened I probably would have taken steps to report it. I wasn't aware that looters were being put into water as part of a treatment process.
35. Everything I did out there was by the book, and if I had heard that a looter had drowned I hope I would have done the right thing which was report it down the chain of command.

#### **Statement of Truth**

I believe the facts stated in this witness statement are true

Signed **SO19**.....

Dated 27-04-16.....