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Witness Name: [REDACTED] SO21

Statement No.: 1

Exhibits: SO232

Dated:

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

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**WITNESS STATEMENT OF**

[REDACTED]  
SO21

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I, [REDACTED] SO21, will say as follows:

1. I am making this statement for the purposes of the investigation into the death of Mr Ahmed Jabbar Kareem Ali.
2. Between March and May 2003 I was deployed on Op TELIC 1 and towards the end of that tour was based within the town of Basrah, Iraq. I was a captain. On 8<sup>th</sup> May 2003 I was Platoon Commander of 2 Pl, No. 1 Coy, 1<sup>st</sup> Battalion Irish Guards, attached to the Black Watch Battlegroup.
3. It is my recollection that within hours of moving into Basrah looting commenced on a huge scale. To give an example of the extent to which the looting went, I even saw people hacking the steel reinforcements out of the concrete around windows of buildings on the University of Literature campus. The sheer number of looters meant that you could not have had a policy to arrest those caught looting. Within the first 24hrs of entering Basra, Number 1 Company found ourselves having to establish static guards on 3 locations in our Area Of Responsibility (AOR) to deter looters: the hospital, the Rasheed Bank Seef 60 and a petrol station. The Company found itself becoming a fixed force. In order to relieve ourselves of the task on the bank, I got the Royal Engineers to try and cut open the bank

vaults, but after 24 hours we were still unsuccessful. We therefore abandoned the bank on the assumption that if we couldn't get in then nobody else could either. The next day we went back to find that someone had blown the doors off one of the vaults. We were eventually able to locate the bank manager, Mr [REDACTED] I think I asked the Imam of the main mosque nearby for help to contact him. The bank manager was able to unlock the intact vaults and we lodged the remaining cash in Brigade HQ. I still have my copy of the Brigade receipt, reference number BFAO P4/001 dated 14 Apr 03, for approximately Iraq Dinar 572 240 850, 47 gold items and various cash books. The Company then immediately withdrew the guard force from the bank, but our presence remained permanent at the hospital and for some time at the petrol station.

4. At that stage we were operating with three standard platoons in No 1 Coy. Towards the end of the tour we split these to establish a fourth platoon or multiple under 2Lt Alexander Durdin-Robertson. There were about 164 men in the Coy; there were additions to this such as 2Lt Radclyffe, who joined us for the last few days of the tour and took over the remnants of 2 Platoon from me. The re-organisation was done both to improve our operational rotation, or routine, and to give new officers in our Battalion some command experience on the ground. If I recall correctly, there had also been an intent for me to be in the first wave of troops sent back to Germany so that I could attend the summer Anti-Tank Platoon Commanders' Course at Warminster. In the event I attended the Autumn course. At the end of our time in Basrah we reconstituted the three platoons for our withdrawal and I reassumed command of 2 Platoon.
5. We had instructions from Bde that arresting was not a general option for looting, although we were still to deter it. We simply did not have anything close to the resource base that would have been required to process such a volume of arrests. We would only arrest someone if they were conducting a more serious crime, engaging in anti-coalition activities or on orders from above. My own approach toward looters was generally to take the loot off them and destroy their means of taking loot. In the case of donkeys carrying carts with loot, I would take the cart off the donkey and drive over the cart. We would return the loot if we were in a position to do so, otherwise I would drive over the loot with a Warrior or dispose of it by some other means. I have been shown FRAGO 100 [SO23]2] which includes the instruction at paragraph 8 not to take weapons off people. I do not recall having that kind of instruction relayed to me. I respected the individual's right to protect their home and their family, and I like to think that all of us respected that right. For example, I would not have sought to take any action if I had known a house contained an AK-47 - there was probably an AK-47 or other firearm in near enough every house. However, if I found someone driving or walking around on the streets with a weapon or I

came across a disproportionate arsenal then I would probably have removed it or driven over it to destroy it.

6. Such ideas as these were probably generated at our level, given the instruction that we had to deter looters but that we couldn't arrest them. The instruction would have come through from the Coy but I recall limited direction from Brigade or Battlegroup on the actions to take in place of arrest.
7. In my mind the approach that I took was the most practical way I could think of to stop it, but at the end of the day I'm not sure if it was effective. Going back to my earlier example, I remember driving past the University of Basrah some days after reprimanding looters there only to see that all the steel bars had been hacked out: the looting went on regardless. Looting was primarily against state institutions – universities, hospitals - and corporations, such as banks, petrol stations, engineering and fabrication yards. Our primary roles were to reassure the local population and provide security. Where there was anti-coalition activity or crime directed more towards civilians, that was what we really wanted to focus on.
8. I don't recall there being a specific policy to arrest looters, but I recall there was instruction to deter them. I suspect if there was an official line which came down to us about how to deter looting then it was along similar lines to the measures which I took. I am aware of general procedures regarding stop and search, arresting, reading rights and that kind of stuff. I can't remember if we had such procedures in Basrah but I would be surprised if we didn't because we had them on all other operations in the Army. So if you arrested someone there would have been a formal process of some kind, but it was probably not exactly as done in more established 'peacekeeping' operational theaters.
9. I know that we detained some looters and took them to the Gymnasium to be processed and then either sent them on up through BG/Bde or they were released, but as already said, that would have been for the more extreme cases. I'm sure I would have taken a looter to be processed, but I can't recall any specific instance. When people were arrested we transported them in the back of a Warrior and handed them over to an area in the back of the Gym.
10. I do recall seeing some people 'sandbagged' (that is with sandbags over their heads). My recollection is that the only troops 'authorised' to do this were the 'Field HUMINT' team, and that the individuals I saw 'sandbagged' were under that group's control at the back of the Gymnasium. I don't remember any specific instances of my platoon 'sandbagging' people. However, I do recall the interpreters were sometimes nervous of being recognised

by specific individuals we may have gone to arrest. The obvious solutions to this are that: we would have taken another interpreter (unlikely); the interpreter would have opted to wear a sandbag when appropriate (not totally improbable, but unlikely to have been the norm); or, to sandbag the detainee. Therefore, although I cannot remember it happening, this argument would imply my platoon must have done it as well. It would also indicate that even though I seem to remember being told not to sandbag people, my memory of this must either be from toward the end of our time in Iraq or from pre-deployment training for another tour. The Inspector has mentioned that Maj MacMullen had said if we were unsure of the security risk posed then we would have sandbagged an individual - this obviously makes sense. The Gym was not particularly suitable as a Security Force Base. There were a lot of taller buildings which overlooked the compound. When we pulled out of the Gymnasium our relieving force did not take it over as their base.

11. I cannot remember if and when there came a time when the Gym became such an inadequate place to take detainees that they were taken direct elsewhere. I do recall my platoon going to "Breadbasket", as it became known after our tour, which was a big shed or a complex of sheds to the north-west of the city on the outskirts. I remember this as I bumped into a squadron from the Queen's Royal Lancers when there, and so met some friends whom I had been deployed with in Kosovo so that was a bit of a social occasion. I can't recall if we were taking detainees there, but we must have been tasked with taking something there so it is very likely that is what I was doing.
12. I recall No 3 Pl on occasion took looters away from the scene of looting and dropped them off somewhere else so that they would have a long walk home. The vehicles we had were Warriors, so the looters would have been taken in the back of a Warrior.
13. I remember we all had our own form of administering on-the-spot justice. Mine was to take loot off people and to sometimes destroy their means of taking the loot. I certainly recall No 3 Pl transporting looters to drop them off somewhere else on their patrol route at least once, something like 10km away. It must have been discussed otherwise I wouldn't have known about it.
14. I've read about 'watering' practices in various articles since 2003, but have no recollection of anyone being taken to the Shatt Al-Basrah canal. I would be surprised if that was a practice because it would have involved not just going out of your way on a patrol, but going all the way to the edge of the Company's boundary. I do think on occasion someone might have been chucked into a ditch or canal in a more central part of town, but my platoon did not do this, or if any of them did then I was not aware of it. I am positive that I personally did not as my policy was to take loot off people and to replace it from where it

had been taken or destroy it. I knew that this use of water was a measure taken, in the same way that I knew that [REDACTED] SO23 3 Platoon dropped people off. It was talked about. At least one incident happened. I don't think it was encouraged, although I don't recall that it was discouraged. I have also read in the past about hoses being used by the first battlegroup in Basra. I have no recollection of this and never saw it myself. If Fire hoses were used in Iraq in 2003 then I can only assume it was another unit that employed this practice.

15. I remember people looting a lot of building material, corrugated bars, tin etc. As I have said, I would sometimes destroy the means of taking the loot, for example by driving over looters' carts. I regarded this as a deterrence. I saw it as one of my responsibilities to take measures to deter them. The Inspector asked questions along the lines of whether we had poor guidance on how to deal with looting. That may have been the case, but it does not excuse you of the moral obligation and your self-conscience to know whether the actions you take are just or not.
16. Looters knew that they were acting in the wrong. They would run away from the site of the looting when we turned up. The looting was extreme to say the least. I can't recall when exactly, but I'm sure that it did die down. Towards the end of my time in Basrah I don't recall the looting being anything like it had been in the beginning.
17. The Inspector asked me why we interfered with looting at all. Looting is a form of criminal activity and civil unrest. In some instances it was fairly minor; in others extreme. One has to ask where the line gets drawn between the two? We were there to provide reassurance and security to the local population, re-establish order and support the reinstatement of some form of local governance, whilst also tackling anti-coalition activity. From a criminal perspective we were therefore more focused on organised crime, remnants of the former regime and other anti-coalition insurgents. However, we couldn't condone looting so there had to be some kind of action to discourage it.
18. I never attended a Black Watch (BW) Battlegroup level meeting. I did, however, attend both a Scots Dragoon Guards Battlegroup 'O Group' and a Brigade 'O' Group in Shaibah before we entered Basra. Maj MacMullen attended the BG meetings with the Black Watch; either Maj MacMullen, or possibly Niall Brennan as his 2<sup>nd</sup> in command. They would then relay orders on to us at our Company 'O Groups'.
19. As far as a policy regarding looting is concerned, I can't remember specific details. I recall the instruction to deter it. It was discussed that it was impractical to arrest people just for looting. I remember right at the beginning that civil organisations such as the Iraqi Police

just disappeared, and there were activities to re-institute those organisations. I remember instructions regarding that, but don't recall specific instructions on how to act with regards to looting. I do recall some discussions regarding changes to the Rules of Engagement (RoE) and that something changed in Basrah at some point. However, it appears from the FRAGOs I have been shown that the RoE did not change until after we had left Basra in May 2003. So the discussions I refer to may have been just communications that the RoE were in the process of being re-drafted. Nevertheless, my platoon was familiar with the RoE. We would have had legal instruction prior to deployment, and again in Kuwait where we did the final bits of our training. We would often have had discussions on the RoE. If something had changed with the RoE then a Brigade legal adviser would have come around and told us what that was exactly, providing instruction to all troops. The RoE were taken very seriously.

20. I would be surprised if we hadn't been given cards with the RoE on them, as we were on every operation. I served in Kosovo, Northern Ireland and again in Iraq in 2007 and on those tours you had to carry printed RoE cards on you as a reminder.
21. I would not say it was largely left for each platoon to decide what measures to take to deter looters. There must have been some direction from the Coy Commander and Battlegroup, and I expect that my actions would not have been out of line with those. I would be surprised if we hadn't been told to take the loot from them.
22. Generally, the looters did not respond with violence when we apprehended them. I do not recall witnessing any resistance when loot was removed. Most accepted that they had done something wrong.
23. I never saw any 'wetting' but I was aware it did happen in at least one instance.
24. I don't remember any ponds or stagnant pools near the hospital. I do remember some large pools near the gates of Basrah. My assumption has always been that the instance I was aware of happened around a 'drain' or canal running through the centre of the old town. I cannot understand that you would have driven out of your way to find somewhere to 'wet' looters. I wouldn't have wasted my time to take some looters off to a bit of water. I can't see why you would go out of your way when there was so much else to do. If troops encountered looting activity in close proximity to a 'drain' then I can understand how they would have come up with the concept of putting the looters into the 'drain'.
25. If someone had done that, I wouldn't have encouraged it. I don't recall my platoon doing that. To the best of my knowledge none of my platoon ever did it. I just would have destroyed the looters' means of taking the loot. This seemed the simplest recourse to me at

the time. I read an article the other day which said something along the lines that the first BG into Basrah adopted a policy of 'wetting' in order to try to humiliate looters. I didn't encourage it, and it wasn't a form of justice I considered.

26. I have been asked by the Inspector what I would have done, given my state of mind at the time, had I been driving along the Shatt Al-Basrah canal and seen British forces on a pier with civilian looters who they were putting into water in order to 'wet' them. If I had seen this I would have thought it quite strange. I can't say I would have stopped it. I like to think that I would have done. I would have asked myself 'why do it?', as we had a task to get on with, there was a limited amount of time on patrol and we wouldn't have had spare time to do something like that – The Shatt Al-Basrah canal was on the edge of our Company AOR and was thus normally quite out of the way for us. I don't think it's outrageous, but I still think I would have said something to the soldiers about getting on with their job, so my concern would have been more about practicalities. It would have presented a security risk as well. If I was out patrolling the centre of Basrah driving over Bridge 4 and saw a lone vehicle down by the water's edge I would want to know where their security was. On reflection, I expect that if the vehicle had belonged to another unit or No. 2 Company then I would probably have gone to find out what they were up to.
27. It was not uncommon to find other troops in our Area of Responsibility (AoR) without our knowledge and I would have wanted to know what they were doing, for example I recall once bumping into some Norwegian or Czech troops handing out water on a busy street in the middle of our AoR without my knowledge. If it was a couple of vehicles from another platoon in my Company that I saw, then I expect I would have just driven on, assuming they were on their own tasking. If it was just one vehicle then I guess the reality is I would have waved, and if they had waved back I would have driven on. That said, I maintain that I would be surprised to see a lone Warrior from one of the platoons, unless it was driving directly between the Gymnasium and a static guard position (hospital, bank or petrol station). Warriors did drive independently between these locations. However, there was a security threat and normal procedure would be to go at least in pairs.
28. I recall that the term 'Ali Baba' was used to describe a thief and that writing this with a marker pen on the forehead of a looter was employed as a deterrence. I don't know if we did it or if other units did it later. I seem to remember it was discouraged. Maybe it was in training in 2007 when I was going back to Iraq that we were told not to do it. I can picture in my mind a sweaty Iraqi face with thick blue permanent marker on his forehead by the gate to the Gymnasium, but I cannot remember any particular incident. It could be my imagination, but is as likely to be a memory. I would have thought that writing Ali





Baba on someone's forehead was more degrading or humiliating to them than 'wetting'. Regarding acceptability, perhaps in the context of the time it was considered acceptable, but not later on.

29. I have been asked by the Inspector how I would have responded if I had known that a Warrior had left the hospital. I would have only known if it was one of my Warriors, unless I heard it on the net. If the Warrior was leaving the hospital it would be to come back to Base. If it was on a static task, it shouldn't leave unless there was another Warrior to relieve it. The vehicle was there to guard the hospital. They were there to do guard duty and when they were done they would go direct back to base. A Warrior had one section which included 6 or 7 dismounts. There would have been a couple of vehicles on Quick Reaction Force (QRF) back at the Gym.
30. I left the Army in September 2007, after having done a number of tours – in Kosovo, Northern Ireland, and two in Iraq. My final post was as a company commander in Baghdad.

**Statement of Truth**

I believe the facts stated in this witness statement are true

Signed .  .....

Dated *17<sup>th</sup> June 2016* .....