

MOD-83-0000479-A

Munaam.A.Bali Al Akaili

1. Claimant: Munaam.A.Bali Al Akaili
2. Name of Witness: Munaam.A.Bali Al Akaili
3. Attachments: "MBA A"
4. No of Statement: 1
5. Date: ..28/02/2010...

**IN THE HIGH COURT OF JUSTICE**  
**QUEEN'S BENCH DIVISION**

**Claim No: HQ10X00510**

**BETWEEN:**

**MUNAAM.A.BALI AL AKAILI**

**Claimant**

**- and -**

**THE MINISTRY OF DEFENCE**

**Defendant**

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**WITNESS STATEMENT OF**  
**MUNAAM.A.BALI AL AKAILI**

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I, Munaam.A.Bali Al Akaili of Hay Al-Hussein, Basra, Iraq WILL SAY as follows:

1. I make this statement in support of my claim for compensation against the British Ministry of Defence for my unlawful treatment by British Forces in Iraq on or about 24 May 2003 and for my resulting personal injuries and consequential losses. The contents of this statement are true to the best of my knowledge and belief and are from my own knowledge unless otherwise stated.

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## BACKGROUND

2. I was born on [REDACTED] in an agricultural district called Tanuna, approximately 30km from Basra City. Growing up I lived with my father, Aude Abale, my mother, [REDACTED], and my 3 brothers and 5 sisters. I was the third eldest child and the second eldest son. We lived in rented accommodation and my father worked as a sheep farmer in the district. He would graze his sheep and sell the wool. Sometimes he would slaughter the animals in which case he would sell some of the meat and keep some for the family.
3. I would describe my life growing up as normal. I attended a local school from the age of 10 or 11 years until I was about 17 years old. I left school having completed the final grade of Primary School (Grade 6). I did not particularly enjoy school and, as my heart was not really in studying, there seemed no point in continuing my education passed Primary School.
4. On leaving school I started working in construction. Although this was casual work, I would generally get hired on a daily basis. I would help with the construction of houses in the district. At the time this was the only work available for someone like me, without many qualifications. The pay was acceptable and it was convenient to do this type of work.
5. When I was 18 years old my father successfully applied for a job as a driver in the Ministry of Labour and Social Services. The Ministry was based in Basra City and it meant that the family would have to relocate. I was very excited that we were moving to the city. My father would have a more stable job with a good regular wage and I would get to experience city life.

Signature [REDACTED]



6. My father bought a house in Basra. My family had never been able to afford to buy a house before but my father's new wages of 250,000ID per month made this possible.
7. Around the same time we moved to Basra, in approximately 1989, I was conscripted to undertake national service. On joining, I was required to undergo a 4 month training programme in Tikrit. After this I was assigned to the 3<sup>rd</sup> Regiment of Basra. I was pleased as this meant that I would be based close to home. I undertook national service until 1994, which was the usual time period at the time. Throughout my time in national service I was based in the missiles section of the regiment and I was taught to operate a weapon know as 'Stalin's Organ' which would fire many rounds at once into the sky.
8. I was undertaking my national service at the time of the first Gulf War and, as such, I was involved in active service. I was required to fire the 'Stalin's Organ' at any enemy planes flying over Basra. In reality however, I recall that there were so many planes flying over Basra we were scared to fire the weapon, draw attention to ourselves, and risk retaliation. During the period of fighting I saw many members of my regiment killed. Bombs were frequently dropped from enemy planes and, on a few occasions, I saw them land close by, killing members of my regiment. I recall being afraid during this time and wondered whether I would return home to my family. It was a dangerous position. Although I lost many members of my regiment during this war and saw a number of traumatic events, I would not say this affected me psychologically. I think I was just happy to be alive.
9. During the time I was undertaking my national service my family introduced me to a girl called [REDACTED] and we married in 1991. After our marriage my wife went to live with my family and I would visit her when I had leave from the military.

[REDACTED]  
Signature. [REDACTED]

10. On leaving national service I returned home to my family in Basra and returned to working in construction. There was a café in Basra where labourers would gather and wait to be hired. I would be hired for construction work or any other basic labouring work available. Because this was casual, the amount of work I was hired for varied. I would usually be hired for a day but sometimes I was lucky enough to be hired for a week. I would go to the café and wait for work almost every day (including Fridays). I estimate that I would be hired for approximately 20 days out of every month. The usual pay for labouring work was 10,000ID per day. I would give all of my wages to my father who would pay the family expenses.

11. At the time of the invasion of Iraq by coalition forces my 2 younger brothers were undertaking their national service. When the invasion happened, the Army disbanded and they were able to come home. I was very pleased to see them come home unharmed and I was relieved they did not have to fight the coalition troops.

12. At the time of the incident I describe below, the following people were living in the family home; my father and mother, my wife, our 2 sons [REDACTED] and [REDACTED] and 2 of my brothers. My eldest brother was married and living separately and all of my sisters were married and living with their husbands.

13. When British forces arrived in Basra there was a feeling of hope. I hoped that they would bring democracy and greater freedom. I recall seeing British soldiers on the streets and they were very friendly. They would talk and interact with us. I remember that the British soldiers established bases at the airport and in the former government buildings. I recall that, following their arrival, there was initially chaos in Basra. People in positions of power or local government fled and the infrastructure collapsed. As the infrastructure had collapsed, there was no longer any construction work available. Thankfully my father still



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received his wages (although he was not required to go back to work for some time) so the family was able to survive. At the time of the incident I describe below I was still unemployed.


14. Prior to the incident I had suffered no serious health problems and I would describe myself as happy and looking forward to a new era in Iraq.

15. I come from a large family and one of my father's cousins was a man named Radhi Shabram Wawi Al-Bazooni ("Radhi"). Radhi lived with his family in Basra. My father and Radhi were close and the 2 families spent a lot of time together. Radhi had a son called Saeed, who was about 13 years younger than me. Despite the age gap, Saeed and I became very close friends.

16. After our move to Basra City our house was only 10 minutes walk from Saeed's house. Saeed and I would see each other about 4 or 5 times a week, sometimes more. It was quite usual for us to stay at each others houses. When we were together we would just relax and talk about anything and everything.

17. At the time we moved to Basra city, Saeed was still in school. When the regime fell in early 2003 the school system also stopped for a while. During this time things became very difficult financially for Saeed's family. Saeed's father was a daily worker and his job and wages simply stopped.

18. When the regime fell, all the local authorities collapsed and the army disbanded. As such there were many government and military properties vacant. Things were so tough for Saeed's family that they moved into a vacant maritime base in an agricultural area on the outskirts of Basra. They decided to graze sheep on the land and sell

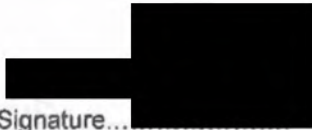
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the produce. Moving to this location also meant that they did not have to pay rent.

19. The maritime base consisted of a very large, well equipped, building. Saeed's family took over about 2 rooms and also used the communal bathrooms. Other families did the same and I recall they adapted a large hall in the building into a kitchen for all of the families to use. I would estimate that, at the time of the incident, there were about 50 families living in this place. The maritime base was on the bank of the Shatt Al Arab waterway. During Saddam's regime I understood that ships would dock at this place and offload goods. Military boats would also come and go.

20. Saeed's father brought a number of sheep. At night Saeed would make sure the sheep were inside a small pen he had built and then in the morning he would go and let them out, watching them to check they did not escape. Saeed was a very devoted son and would do anything for his father. After Saeed's family moved to this place I continued to visit them often. I would go and stay with them maybe twice a week and would normally stay overnight. I was bored at the time as I was not able to work and, as I had experience from the time my father kept sheep, I would help Saeed with the animals. When it was time for me to return home, his family would always give me some meat or cheese for me to pass to my parents.

21. The section of the Shatt Al Arab waterway around the base always seemed to be dirty and covered in engine oil. Consequently none of the residents used to fish or swim in this part of the river. Following the regime fall there were no ships docking at the base – no one was trading goods initially so it was very quiet.

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**INCIDENT ON OR ABOUT 24 MAY 2003**

22. On the day before the incident I travelled to stay with Saeed. I helped him with the sheep during the day and stayed with his family that night. The next morning we rose at approximately 6.30am and let the sheep out as normal. We wandered around with the sheep so that they could graze. At approximately 10am we were within the maritime base compound, close to the Shatt Al Arab river. I recall that there were other people around grazing their animals as well as families sitting around. It was a normal busy day.

23. As we were walking I saw a large military tank pass by us. I expressed some surprise as I knew that British forces were not based at the maritime base. Saeed however said that it was quite normal and that the soldiers would often bring their vehicles and would use water from the river to wash them. The tank disappeared out of sight around the corner of the large building. The other people around did not seem to react to the sight of the vehicle either so I thought nothing of it.

24. Approximately 15 minutes later a single British soldier approached me and Saeed. The soldier was tall, well-built and wearing sunglasses. When he got close to us he spoke to us in English. We could not understand him so did not respond. He then came closer and I saw him pointing his rifle at us. He spoke again but we could not understand him. He gestured for us to go around the corner where the military tank had driven. Saeed suddenly seemed to be very scared and agitated. The soldier pointed his rifle so that it was touching Saeed's back and pushed him with the barrel of the rifle in the direction he wanted us to go. I spoke to Saeed and told him to be calm and follow the soldier's instructions.

25. The soldier kept his rifle positioned on Saeed's back and pushed him towards the direction the tank had gone. He gestured for me to walk



next to Saeed. As we were walking along I was scared but just thought that it was a misunderstanding and that there would be an interpreter with the soldiers and we could explain that we were herding sheep.

26. As we walked around the side of the building I saw that the tank I had seen previously was parked on a jetty which jutted out over the waterway. In Saddam's time this jetty would be used so boats could dock at the base. The soldiers were washing the tank with an electric pump that was on the jetty. There were 3 soldiers outside the tank washing it and a further soldier inside the tank. The 3 soldiers outside the tank had taken off their armour.

27. The soldier led us out onto the jetty and said "sit down" and also gestured with his hands that he wanted us to sit. We complied. The soldier then went over to the other soldiers and they spoke for some minutes in English.

28. After a few minutes the 4 soldiers (the one who had led us to this place and the 3 soldiers who were outside the tank) approached us. The soldier who had led us to this place gestured for us to stand. They were laughing amongst themselves and seemed to be playing around.

29. The soldier with the gun then started pushing us towards the edge of the jetty. He still had his gun in his hand. When we were close to the edge he said something in English and gestured for us to jump into the water. Saeed and I were very afraid and started begging the soldier to stop. I shouted 'for God's sake' in Arabic and gestured to the sky with my hands. The soldier with the gun was pushing us towards the water and the 3 other soldiers were standing around us, so that we could not move to our left or right.

30. The soldier continued to push us towards the edge. He seemed to get agitated that we would not jump in and, at one point, I thought he was

getting so angry he would shoot us. The soldiers were laughing. We kept saying in Arabic that we could not swim but they could not understand us and did not seem to care. At this stage I heard other Arabic voices; the people watching were shouting at the soldiers to let us go. The soldiers ignored them.

31. The jetty was approximately 4 metres wide and extended approximately 5 metres on top of the surface of the water. By this time we were at the edge of the jetty and the soldiers started speaking very aggressively. The soldier with the gun suddenly pushed us into the water.

32. The drop from the jetty to the water's surface was about 4 metres high. The water was very deep; it had to be for ships to pass this way. I went deep into the water and started flapping my arms wildly. I could not see the surface and was panicking. Eventually, as I thought I was about to drown, I came up to the surface. I gasped for breath and swallowed some of the water. I was still flapping my arms but as much as I tried I kept going under the water. Each time I thought I was going to drown but I managed to keep coming back to the surface, getting breath whenever I could. I cannot describe in words how scary this was. I was fully clothed and recall that my clothes and trainers felt heavy and kept dragging me down; I knew I could not last much long.

33. Suddenly I felt something next to me. Someone had thrown a rope. I grabbed the rope and clung on to it with all the strength I had remaining. I felt myself being pulled through the water and recall that my head kept going under. I knew that I could not let go. As I was being dragged out of the water and onto the bank close to the jetty I heard the soldiers jump into the water.

34. At the edge of the bank there was a fence. As the people holding the rope pulled me out of the water I banged my left knee on the fence. I



did not even feel any pain = I was in total shock. I recall being pulled out and laid on the ground. I seemed to be surrounded by people and I recall many of them were banging on my chest or legs to try and get a reaction. Everything went blurred.

35. I must have passed out as the next thing I remember was waking up at home. My parents told me that it was early the next day and I had been unconscious for some time. They said that some people had bought me home in their car and it scared me that I could not remember this. I asked my parents about Saeed but they said that they had not heard anything. I wanted to get up and go to the place of the incident to find out what had happened to my friend but I was too scared and tired to do so. It was absolute agony not knowing whether Saeed had made it out of the water. The families did not have telephones so there was no way of finding out about my friend. My family tried to calm me down and said that there was no way of knowing about Saeed so I should just pray that he made it out of the water.

36. I remember feeling slightly sick after I had woken up but this was nothing compared to not knowing whether my friend was alive.

37. A few hours later Saeed's father, Radhi, arrived at our house and told me that his son was dead. I was devastated. Saeed's father told me that the British soldiers had jumped into the river when they realised that Saeed had not come to the surface. They searched for him in the river but could not find him. As the soldiers tried to get out of the water local people had blocked them and shouted at them for what they had done. Apparently the soldier inside the vehicle had radioed someone and further soldiers had arrived. By this time a local person had gone to fetch Radhi and told him what had happened.

38. The British soldiers told Radhi that they did not have a diver so Radhi had hired one privately. It took the diver about 30 minutes to find

Saeed's body. The soldiers who arrived from the headquarters had a translator with them and Radhi had spoken to the soldiers.

39. Following this Radhi told me that he had taken Saeed's body by car to the Asshar Police command, where there were both Iraqi policemen and British forces. The British people there said that they would investigate what had happened and they took Saeed's body to the British base at the former Presidential Palace in Baradhia, Basra.

40. Radhi told me that I had to go with him to the Presidential Palace immediately as I was a witness to what happened. When Radhi told me this I was very afraid. I did not want to see any British soldiers and I was scared that they would arrest me and hurt me. My parents told Radhi that I was tired but he insisted that I go with him. I did not feel I could refuse.

41. Radhi and I set out for the former presidential palace almost immediately. We went alone by taxi. When we arrived at the palace there was a translator on the gate. Radhi said that he was the father of Saeed, who had been murdered by the British soldiers. The translator said he was going to speak to a soldier and that we should wait until he returned.

42. Before long the interpreter returned and led us inside the palace to an office. Here we were greeted by a soldier I understood to be a senior official. The soldier spoke to Radhi through the translator. He said that they had to take Saeed's body to the local Educational Hospital so that an autopsy could be carried out to establish the cause of death. He asked Radhi to go with the body. Following this Radhi went off with another soldier.

43. After Radhi left with the soldier I remained at the president palace. The interpreter said that a soldier from the military police wanted me to go



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with them to the site of the incident, to explain what had happened. He told me that the soldiers from the military police were kind and that they were there to help me. I felt a bit calmer hearing this. I was led to a car and travelled to the maritime base with a number of soldiers and the translator. The journey took approximately 30 minutes. The soldiers were kind and told me through the translator that I should just explain to them what had happened and they would investigate. I was apprehensive about going back to the river but thought it would be best for Saeed's family if I cooperated.

44. When we arrived at the maritime base we got out of the car and the soldiers asked me to show them what happened from the start. I took them to the place me and Saeed had been standing when the soldier first approached us and then followed the path the soldier had led us. I recall that the military policemen took photographs of absolutely everything and they were also writing down what I was telling them. I told them truthfully everything that had happened.

45. I remained at the maritime base for between 30 minutes to 1 hour. I showed them the place where we were pushed into the river and the rope that had been used to pull me out. The place seemed normal and I recall there were locals wandering around and sitting around as usual.

46. When the military policemen had finished we went back to the vehicle and we drove back to the presidential palace. I was dropped off at the gate and the translator explained that a civilian car was waiting to drop me off at the local station. The military policeman took my address and told me that they would be in touch. I was not asked to sign anything. The civilian car then took me to the station and from there I got a taxi home.

47. When I got back home my parents told me that they had heard from Radhi and he had persuaded the soldiers to release Saeed's body.

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They told me that the funeral would be the next day. My parents suggested that I stay at home because they were worried that it would upset Saeed's parents if I was there.

48. The following morning my parents went to pay their respects to Saeed's family and to join in the funeral. I was upset that I could not go and pay my respects. I was worried that people would blame me for letting this happen to Saeed. Although I was afraid of this, in retrospect, I see that no one did blame me for what happened. I felt responsible because he was younger than me. I tried to reason with myself that I could not have prevented what had happened however I still felt very guilty and those first few months following Saeed's death were very hard for me.

49. In days following Saeed's funeral I remained at home. I did not want to go out and face anyone. My family tried to comfort me during this period but I still felt uneasy and tired.

50. Approximately 3 days after Saeed's funeral I received a letter from the military police. The letter asked me to go Basra airbase, to attend the Shaibah military airport, at a certain time on a certain date. I cannot now recall the date. The letter did not say what they wanted me for, but I was pleased that at least they were investigating the incident.

51. On the appointed day I travelled to Basra airbase alone by taxi. On arriving at the main gate I showed the letter I had received to a translator. The translator gestured to a white car and asked me to go with him and some military policeman. The military policeman told me that they wanted to go to Saeed's home at the maritime base and asked me to go with them and direct them. I directed them to Saeed's home. When we arrived there I saw Radhi for the first time since Saeed's funeral. He looked absolutely devastated. Radhi was very



polite to me and I think he knew why I had not attended Saeed's funeral.

52. The military policemen, the interpreter, Radhi and I walked to the place of the incident. When we reached there a military policeman and the interpreter started asking people whether they had witnessed the incident. When someone said they had, the policeman would interview them with a cassette recorder. I was standing with the military policemen but they had asked me not to interrupt. I recall hearing the people explain how the soldiers had pushed us into the water. The military policeman then asked them at the end whether they would agree to be a witness in the case and I heard them all agree. I estimate that the military policeman interviewed about 6-7 witnesses.

53. In total we remained at the place of the incident for about 1 hour after which the military policemen asked me whether I wanted to go back to the airbase with them or whether I wanted to stay at the maritime base with Radhi. I said that I would stay with Radhi.

54. Radhi and I went back to his rooms and I saw Saeed's mother for the first time since the incident. I cannot express how sad she looked. I remained with Saeed's family for the next 2 days. During this time I took the opportunity to explain what had happened during the incident and constantly repeated there was nothing I could have done to save my friend. After 2 days I returned home.

55. I heard nothing from the military police for months. Eventually approximately 1 year after the incident (I cannot be 100% sure when this was) I received a call from one of the witnesses to the incident, a man named Bassim, who I knew. Bassim was working as an Iraqi policeman based at the British base at Basra airbase by this time. He told me that it had appeared on the local news that the British

authorities were requesting me and the man who had pulled me out of the water and that we should go to the airbase once again.

56. The man who had pulled me out of the water I knew. He was known as Abu Ali but his full name was Abdul Nabi Hamid Abdullah. I contacted Abu Ali and, the following day, we travelled together by taxi to the airbase.

57. On arrival at the airbase we told the person on the front desk our names and said that we had been asked to come. We were taken inside the compound and separated into 2 tents. A military policeman introduced himself and said that he wanted to ask me some questions about the incident. He said that the interview was going to be video and audio recorded. He told me to talk calmly and easily about the incident and that I had nothing to fear.

58. The interview lasted from the early morning until about 4pm, although I was given plenty of rest breaks in between. The policeman asked me many detailed questions about what had happened that day and I was able to recall a lot of detail. I was not nervous or concerned but was glad they were investigating what happened. I did not have anything to fear. I was not asked to sign a statement, just talk about what had happened. At approximately 4pm I was told I could go home. I was taken outside the tent and saw Abu Ali, who told me that he had not been interviewed but had waited for me. He had been told that he would be interviewed later. I understood Abu Ali later went back later and gave a statement about what had happened. As I was leaving the military policeman told me that I would be contacted again soon.

59. Following this I heard nothing from the military police until March 2006. I did speak to Radhi during this time who told me that he thought the investigation process was underway.




60. During the period between 2004 and 2006 the security situation in Basra deteriorated. The Mahdi Army grew as well as other less well known militia groups. Radhi told me that contacting the British had become very dangerous. I personally felt my hopes fade as I heard nothing more.

61. In March 2006 I finally received a letter from the military police. The letter was in English and Arabic and asked me to go to Basra airbase on 15 March 2006 at 8am. I exhibit a copy of this letter in English as Exhibit "MBA A". I was concerned about going to Basra airbase by this time as I did not want to be seen by the militia groups as colluding with the British Forces. As such I told no one about the letter and was very careful when entering the airbase.

62. On arriving at the airbase I showed the person on the gate the letter I had received. I was asked to wait. A short time later a car arrived and I was taken to a hall. I was told that inside the hall was a tribunal. I had an interpreter with me and he explained that the tribunal would ask me questions about the incident.

63. When I entered the room I saw about 20 people wearing red ties around their necks. Most of these people had laptops. I saw an aerial photograph of the maritime base where the incident had happened. One man stood up and said that he was going to ask me some questions. I sat at the front of the room with the translator. I was asked to take an oath following which the man asked me to refer to the aerial photograph and to tell him where everything had happened. The man said that he knew I did not live at the maritime base but asked if I could point out various things. As I responded to the man's questions, I was aware the people in the room were typing on laptops.

64. The man asked me many questions including such things as was there a translator with the British soldiers at the time of the incident. When I

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said there was not they asked me how the soldier got us to move towards the jetty given that there was no translator. They asked me what happened and I answered them truthfully. The man also asked me questions about the soldiers such as what they were wearing and what they looked like. I was also asked whether the soldiers had offered me money immediately following the incident, which they had not.

65. The man asking the questions was very nice and told me that if I needed a break that was fine. I recall that I was not scared about telling him about what had happened but I was a bit intimidated about the number of people who were in the room. In total I think I gave evidence for around 5 hours and, by the end of this time, I was very tired.

66. After I had given evidence I understand Abu Ali also gave evidence. I was not in the room when he gave evidence. These people I knew had been interviewed on tape by the soldiers on the day I and Radhi went back to the site of the incident with the military policemen. I received 75,000 I.D. for providing my evidence to the British Forces. This payment was to cover my expenses and the fact that I had lost a working day. I was also asked to sign a paper at the end of giving evidence. I understand that Abu Ali received the same money for expenses and had to sign a similar piece of paper.

67. After I had finished giving evidence I asked the translator if he worked at the base and, when he said yes, I asked him for his telephone number. I called the translator intermittently following the tribunal to see what was happening. I was always told that the case was still ongoing. Eventually I called one day and the translator told me that he thought the soldiers had won the case. The translator asked me to stop calling him as there was nothing he could do.

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68. Following this I heard nothing more about the investigation or its outcome. I now understand that 3 soldiers were investigated as a result of the incident but that not one of them was prosecuted. I cannot understand this. There had been an investigation of the incident and many people had provided evidence, including me on several occasions. I just cannot believe that no one was held to account for what happened to me and my friend.

#### **MEDICAL CARE**

69. Following the incident I felt very ill and suffered from pains in my stomach. When these had not resolved one month after the incident I went to see a specialist based in Basra. I cannot remember the doctor's name, but I recall that he was a specialist in gastroenterology. The doctor examined me and asked me whether I had ingested anything harmful. I told the doctor that I had been involved in an accident and may have swallowed some water containing engine oil. The doctor told me that he thought I was suffering from high acidity in my stomach and prescribed me some tablets which I had to take twice a day. I visited this doctor only once and the consultation cost 10,000ID. The travel and medication costs came to 2,000ID and 6,000ID respectively.

70. When I did not feel better after 2 months of taking the medication some relatives advised me to go and see another specialist based in Basra. I understood he was also a specialist in gastroenterology. I cannot remember his name. This doctor examined me and asked me much the same questions as the previous doctor. I told the doctor there was a possibility that I had ingested some engine oil after an accident near a river. This doctor prescribed me with a different medication in the form of tablets. I had to take 2 tablets a day. I returned to see this doctor on 2 subsequent occasions approximately 1 to 2 weeks apart. Each

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consultation with this doctor cost approximately 15,000ID. Each time I travelled to see him, this cost me 5,000ID in taxi costs.

71. I took the medication the doctor prescribed for about 1 year. I could get this medication over the counter at the pharmacy. The medication cost around 8,000ID per packet and there were approximately 20 tablets in a packet. After 1 year I decided to change my diet to see if that helped. I started eating much less than I had before and tried to avoid spicy foods. I found my condition did improve so I stopped taking the medication.

#### PSYCHIATRIC INJURY

72. I cannot explain how much it hurt to lose my friend. For about a year after the incident I felt very depressed. I avoided going out where possible and seeing my friends and I did not want to socialise. I also avoided seeing Saeed's family as I felt I could not face them. Although nobody else blamed me for what had happened, I blamed myself. Saeed was younger than me and I should have been able to protect him. Whenever I saw British tanks after the incident I felt uneasy and would turn and go in the opposite direction. The British military were hard to avoid in Basra at the time.

73. I started suffering from nightmares soon after the incident. I would sometimes dream of Saeed and occasionally I would dream about how we begged the soldiers to stop what they were doing to us. The nightmares occurred every few days for about 2 months after which they suddenly stopped. The nightmares were always very scary and I would wake with a jump and feel very agitated. My mother knew that I was suffering from nightmares and, for a time, she would make sure she slept close by. When she heard me she would come and comfort me by praying for me.



74. In approximately August 2003 our financial situation had become pretty bad and, as the security situation was getting better and the local infrastructure was getting back on its feet, I decided I needed to find some work.

75. In approximately August 2003 I returned to working as a casual labourer. As before, I used to go to the local café where I would wait to be hired. The situation was the same as before and I would be hired approximately 20 days per month on average. I would generally receive 10,000ID per day but this has now risen to approximately 20,000ID per day.

76. Thankfully the incident did not affect my relationship with my wife. She was always very supportive of me and I think she understood what I was going through. Since the incident my wife and I have had another son [REDACTED] and 2 daughters, [REDACTED] and [REDACTED]

77. In 2008 my father sadly died. The family felt this loss very hard. We continue to receive a pension of approximately 200,000ID per month from my father's work and I continue to live with my mother, my wife, our 5 children and my 2 brothers. One of my brothers is now married and his wife and 4 daughters also live with us.

78. The security situation is now much better in Basra and personally I feel much better now the British forces have left the city. Life is not easy or hard, it has just become normal for us.

79. The incident has left a big impact on our lives. I feel as though what happened to Saeed was totally pointless. We begged the soldiers to show us mercy but they ignored us, killed my dear friend and nearly killed me. If only they would acknowledge that they had done wrong I would feel much better.

Signature [REDACTED]

80. I feel sad; all I can say is that I miss my friend dearly. I am not angry with the British people as I do not think they know what the soldiers of their country did to us. Maybe if the truth comes out the British people will realise just how vulnerable us normal people were in Iraq. Sometimes I think it is only strong, powerful people who get their rights. Nobody wants to list to normal, humble people.

81. After I heard nothing from the military police my hopes for justice for Saeed faded. It was only recently I heard that British lawyers may be willing to help. Someone in my community put me in touch with a group of lawyers in the UK who spoke to me over the telephone about the incident. I met these lawyers in Beirut in February 2010. I hope they will be able to give me the voice I have not had before.

**STATEMENT OF TRUTH**

I believe the facts stated in this witness statement are true.

Signed  .....

Munaam.A.Bali Al Akaili

Dated ..... 28.2.2010 .....

I certify that I, Gene Matthew, of Leigh Day & Co, Priory House, 25 St John's Lane, London, EC1M 4LB, UK, have read the contents of this document, and the declaration of truth to the person signing the document and explained the nature and effect of it to him with the assistance of an interpreter who translated this document, including the declaration and my explanation of it, into oral Arabic.

The person signing the document appeared to understand (a) the document and approved its content as accurate and (b) the declaration of truth and the

  
Signature



Munaam.A.Bali Al Akalli

consequences of making a false declaration, and made his mark in my presence.

Signed



Gene Matthews

Dated

..... 28.2.2010 .....

Signature



IN THE HIGH COURT OF JUSTICE  
QUEEN'S BENCH DIVISION

Claim No: HQ10X00510

BETWEEN:

MUNAAM.A.BALI AL AKAILI

Claimant

- and -

THE MINISTRY OF DEFENCE

Defendant

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EXHIBIT "MBA A"

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This is the document referred to as Exhibit "MBA A" in my witness statement.

Signed  .....

Munaam.A.Bali Al Akaili

Dated 28.2.2010 .....





**61 Section  
Special Investigation Branch  
Royal Military Police  
Operation TELIC  
British Forces Post Office 641**

Telephone: Synergy Red: 963 4554  
Synergy Blue: 983 4133  
Sat Phone: 00870 762124010  
Mobile: 00964 7801 095812

Facsimile: Synergy Red: 963 4554



**ARMY**

Mr Muden Auda

8<sup>th</sup> March 2006

Dear Sir

The preliminary enquiry regarding the case involving the death of Mr Said Shabram is taking place in Basrah this month. You are a material witness in this case, therefore it is imperative that you attend to assist with the process.

It is requested that you attend Basrah Air Station at 0800 hrs on Wednesday 15<sup>th</sup> March 2006. You will be met by an interpreter and a member of the Royal Military Police at the main gate to the air station.

It is further requested that if you lose any earning on that day because you are attending the enquiry, that you provide proof of your normal earning in order that you may be recompensed. Any travel costs will also be recompensed to you.

If this causes any problems, or you do not think you can make your appointment, you are kindly requested to telephone me on 07801 095812 in order to let me know.

Please bring a copy of this letter with you when you attend the air station together with your identity papers and, if you have one, a passport.



GM LAING  
Captain  
Officer Commanding