

OPUS2

April 13, 2023  
Day 3

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# Iraq Fatality Investigations

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1 Thursday, 13 April 2023

2 (10.00 am)

3 Housekeeping

4 MS JACKSON: Good morning, everyone, and thank you for  
5 coming to Day 3 of the hearings in the Iraq Fatality  
6 Investigations, investigations into the deaths of  
7 Radhi Nama, Mousa Ali and Mr Ali, and part 2 of that  
8 investigation.

9 Just before we start today, we thought we'd run  
10 through again the anonymity and confidentiality  
11 provisions that are in place, before starting, just as  
12 a reminder. So everyone should be aware that anonymity  
13 orders restricting the publication of witnesses' names  
14 have been made in respect of all participants in these  
15 public hearings who are military witnesses, and  
16 a general anonymity order is in place to prevent  
17 the public naming of military witnesses who come up in  
18 the course of these investigations.

19 Ciphers have been applied to all witnesses, and  
20 witnesses and representatives should have a list of  
21 the ciphers that will be used during these hearings. So  
22 witnesses and representatives are asked to have  
23 the cipher list to hand during these hearings and to use  
24 ciphers instead of names throughout these hearings.

25 If there's a name that a witness wants to give but

1 they do not have a cipher for that individual, they're  
2 invited to disclose the name in writing to their  
3 representative outside the hearing, which can be  
4 communicated to the Inquiry team. So please do not give  
5 the name of a British military official if you do not  
6 have the cipher to apply to that name.

7 We do have various safeguards in place to prevent  
8 the accidental public streaming of an anonymised name.  
9 We have a delay on the stream and can cut the link in  
10 the event of a slip-up. And obviously in the unlikely  
11 event that any slip-ups do make it into the open, they  
12 will be redacted from the published hearing transcripts.  
13 But I would like to emphasise that in any event, those  
14 names will be subject to the anonymity orders preventing  
15 onwards publication, so there is to be no publication of  
16 any British military officials' names.

17 If any representatives are concerned that anything  
18 has been stated publicly that should not have been,  
19 please do interrupt to highlight this so we can consider  
20 cutting the stream. And of course the Investigations  
21 team will be paying close attention to ensure that that  
22 happens if it needs to, as those of you who have been  
23 attending the hearing so far will be aware.

24 So thank you for that.

25 The only other matter of housekeeping that we just

1 wanted to address at the start of the hearing concerns  
2 interpretation.

3 Ms Al Qurnawi, I think you've had the opportunity  
4 now to discuss that with both Opus and the Inspector,  
5 Dame Anne. As I understand it, we will be continuing  
6 with simultaneous interpretation, but in the event that  
7 while your clients are giving evidence there are any  
8 difficulties in understanding that interpretation, then  
9 you will raise that to us, and we can switch to  
10 consecutive interpretation so that there can be no  
11 question of everything being understood.

12 Ms Al Qurnawi, is that okay, from  
13 the Millennium Hotel?

14 MS AL QURNAWI: Yes, I agree. I'm going to be speaking in  
15 Arabic, so everyone can hear the interpretation in  
16 English?

17 MS JACKSON: Thank you. I'd just like to check on that,  
18 Jamie, because that -- in that exchange there, I heard  
19 Ms Al Qurnawi speaking in Arabic, and then we heard  
20 the interpreter translate that over our stream. Is that  
21 what we should all be hearing?

22 THE VIRTUAL HEARING MANAGER: No, it's not, no. As  
23 I explained, we've got simultaneous interpretation  
24 running at the moment, so we should not hear any Arabic  
25 at all on the English channel.

1           Interpreters, could we just make sure you're on  
2           the correct channels; you're listening in English and  
3           speaking in Arabic. Can we just check that that's not  
4           a problem. We will be reverting back to consecutive in  
5           a little while.

6           THE INTERPRETER: I am on the English channel. Can you hear  
7           me?

8           THE VIRTUAL HEARING MANAGER: Yes, we can, yes.

9           THE INTERPRETER: Okay. Well, this is exactly what I have  
10          used when I reverted into English.

11          THE VIRTUAL HEARING MANAGER: Okay, thank you.

12          MS JACKSON: Is it worth us trying that one more time,  
13          Jamie?

14          DAME ANNE RAFFERTY: It is. Let's try it once more.

15          THE VIRTUAL HEARING MANAGER: Yes.

16          MS JACKSON: So apologies, Ms Al Qurnawi, would you mind  
17          just saying something so that we can test  
18          the interpretation speaking in Arabic, if that's okay?

19          MS AL QURNAWI: All right, let's test it once again. I am  
20          speaking now in Arabic.

21          MS JACKSON: Again, Jamie, so I think what we heard was  
22          the first section in Arabic.

23          THE VIRTUAL HEARING MANAGER: Let me explain how this works.  
24          With simultaneous interpretation, you always hear  
25          the full volume of the native language until

1 the interpreter starts speaking in English. There is an  
2 option within your interpretation settings to mute  
3 original audio, should you not wish to hear anything of  
4 the native language. But because there is always a lag  
5 of half a sentence behind when the interpreter's  
6 listening, Zoom decides that it's best for you to hear  
7 to convey some of the emotion of the initial words being  
8 said in the native language.

9 MS JACKSON: That's very helpful. Thank you, Jamie. So it  
10 sounds like we are all up and running. And thank you  
11 very much, Ms Al Qurnawi, for indulging that test.

12 Okay, unless there are any other issues of  
13 housekeeping that any representatives need to raise --  
14 I'll just pause for a second -- no one seems to be  
15 speaking -- we will carry on with the evidence of today.

16 Today we're going to be hearing first from Miss  
17 Afaf, who I understand would like to be addressed in  
18 that way, then from Miss Fatima, then from SO89, then  
19 from SO90, and finally from SO99.

20 SO99's evidence we're very unlikely to get to until  
21 after the lunch break, so as we said on Day 1, even  
22 though our preference is that witnesses will remain in  
23 the hearing room just to enable a smooth running of  
24 proceedings, if SO99 wanted to join after 2 pm, and  
25 remained in touch with his representatives throughout

1 the day, I don't see that being any issue when it comes  
2 to scheduling. Entirely a matter for SO99.

3 I'll now pass back to Dame Anne, who I think would  
4 like to say a few introductory remarks before we call  
5 the evidence.

6 Introductory remarks by DAME ANNE RAFFERTY

7 DAME ANNE RAFFERTY: Thank you, Ms Jackson.

8 Can everybody hear as they should be hearing?

9 MR BERLOW: Yes, Dame Anne.

10 MR CHERRY: Yes.

11 DAME ANNE RAFFERTY: Thank you very much.

12 I merely wanted to say two things. One, to repeat  
13 part of what I said to begin with. I think it's  
14 important that people remember the nature of these  
15 proceedings is to clarify and enlarge and listen to what  
16 witnesses have to say. It is not to do a court-like  
17 exercise in comparing one statement, line 3, with  
18 another statement, line 2, and it is emphatically not  
19 designed to trip someone up or lay a trap.

20 Additionally, I might say, in the second of my  
21 comments today, as far as I understand it, today we  
22 shall hear from Miss Afaf and Miss Fatima, and they are  
23 alone among the witnesses who are grieving a family  
24 member. I will do my best always to have that at  
25 the forefront of my mind, and I wish, first of all, to

1 acknowledge that. And second, if listeners will forgive  
2 me, to underline that that is the context in which they  
3 will now try and help us.

4 So Ms Jackson, would you like to begin with Miss  
5 Afaf. Would you like to call her formally for me,  
6 please?

7 MS AFAF RADI NAMA (called)

8 (All questions and answers interpreted)

9 Introduction by MS JACKSON

10 MS JACKSON: Thank you very much, Dame Anne.

11 Miss Afaf, can you hear me?

12 THE VIRTUAL HEARING MANAGER: Sorry, if I can just interject  
13 there. This is probably the moment when we are going to  
14 go to the consecutive interpretation, so I need to make  
15 sure that the interpreters are ready for that. I'm  
16 going to stop the simultaneous now, but just be aware,  
17 when you ask questions, please --

18 MS JACKSON: Sorry to interrupt, Jamie. My understanding  
19 was we were going to start with simultaneous  
20 interpretation, and if there were any issues we would  
21 switch to consecutive.

22 THE VIRTUAL HEARING MANAGER: I'm sorry, then I've got that  
23 round the wrong way, apologies.

24 MS JACKSON: No, that's incredibly helpful. But please do  
25 stay on guard if we need to switch. Thank you.



1 THE VIRTUAL HEARING MANAGER: I certainly will.

2 MS JACKSON: So Miss Afaf, are you able to hear me?

3 A. Yes, I hear you.

4 Q. Are you able to state your full name for the hearing?

5 A. Welcome all.

6 Q. Thank you.

7 Are you able to give us your full name, please, Miss  
8 Afaf?

9 A. My name is Afaf Radhi Nama. I am the eldest daughter of  
10 the deceased Radhi Nama Jaber.

11 Q. Thank you.

12 Opus, could I please ask you to project document  
13 {A/57/1} onto the screen.

14 Miss Afaf, you've prepared a statement for  
15 the purposes of our investigations; is that correct?

16 A. Yes, I have prepared a statement.

17 Q. And you should be able to see a copy of that statement  
18 on the screen at the moment. Is that your statement?

19 A. Yes, I confirm that is my statement.

20 Q. Thank you.

21 And Opus, can I ask you to turn to page 3 of that  
22 statement -- sorry, page 5 of that statement {A/57/5}.

23 There's a signature and a date at the bottom. Can  
24 I ask you to confirm if that's your signature?

25 THE INTERPRETER: Yes, but the lawyer is saying that this is

1 her signature, not Mrs Afaf's.

2 MS JACKSON: Thank you, that's very helpful.

3 Are the contents of this statement true to the best  
4 of your knowledge and belief?

5 A. Yes, the contents of the statements are true to my  
6 recollection.

7 Q. And is there anything that you need to change or amend  
8 in the statement?

9 A. No.

10 Q. Thank you.

11 And before preparing this statement, you were  
12 provided with, through your representatives, a bundle of  
13 information that contained previous accounts that you've  
14 given; is that correct?

15 A. Yes, I have received the Arabic version of the bundle.

16 Q. Thank you. And that contained previous accounts that  
17 you had given in 2003 and 2014; is that correct?

18 I'm afraid I need a spoken answer, if that's okay.

19 Miss Afaf.

20 THE INTERPRETER: I can't hear. I can't hear Miss Afaf.

21 She is not speaking.

22 MS JACKSON: Would it be possible to get a spoken answer to  
23 that question, Miss Afaf?

24 A. Yes, these are my testimonies, these are my statements.

25 Yes, affirmative.

1 Q. Thank you.

2 And can I ask Opus to pull up {A/56/1}, please.

3 I'm just showing you this, Miss Afaf, because this  
4 is a translated copy of your witness statement  
5 translated into English. During the course of these  
6 proceedings, the Inspector, or her team, will ask  
7 questions in relation to this English document, which  
8 will then get translated for you. Is that clear to you?

9 A. Yes, I agree. I accept.

10 MS JACKSON: Thank you very much.

11 I'll now pass you to Dame Anne, who has some  
12 questions for you. Thank you.

13 Questions from DAME ANNE RAFFERTY

14 DAME ANNE RAFFERTY: Thank you, Ms Jackson.

15 Miss Afaf, can you hear me clearly?

16 I'm just going to wait.

17 A. Yes, Dame Anne, I can hear you loud and clear.

18 DAME ANNE RAFFERTY: Good.

19 Let me say, first, that I am sorry that you and  
20 I meet in circumstances of such sadness. I will do  
21 everything I can, whilst you help us with a little more  
22 detail, to make it as easy for you as possible.

23 A. Yes. Thank you.

24 DAME ANNE RAFFERTY: I know, Miss Afaf, that you are  
25 the eldest daughter of Mr Radhi Nama, and I know that

1 you were in your home on the day that British soldiers  
2 took him away. I know that you've said -- good.

3 A. Affirmative. Affirmative. I was at home.

4 DAME ANNE RAFFERTY: And I know you have told us that  
5 British soldiers forcibly entered your home, and that's  
6 what I would like you, first, to help us with. I'd like  
7 you, if you can, to make that a little bit bigger. What  
8 does "forcibly entered" mean to you?

9 A. In the morning of 8 May in 2003, it was about 9 o'clock  
10 in the morning. Everyone, in the morning, are usually  
11 asleep or just got out of bed, or preparing their  
12 breakfast for their family. I was living with my father  
13 and mother at the same family house. I had three  
14 children at that time. I didn't want to leave my  
15 parents' house. Even after my marriage and after having  
16 children, I kept living with them. And this morning  
17 I was preparing the breakfast and my father left  
18 the home to bring something for the breakfast table from  
19 the nearby shops, and suddenly we heard an explosive  
20 voice that attracted our attention.

21 Our house was overlooking the main street. We  
22 looked out of the window and we see armoured vehicles  
23 moving towards our home. We were oblivious to  
24 the reason, or there was no permission, no one knocked  
25 the door, no one asked to be allowed in, and suddenly

1 they stormed the home with no prior permission.

2 This incident terrified us. We didn't know what to  
3 do. And we found them armed. My children were still  
4 very young. They didn't know what was happening. My  
5 sister was frightened. And they stopped us from getting  
6 out -- from getting out from one of the rooms. They  
7 kept us prisoners in the living rooms. And we've seen  
8 the armoured vehicle nearing the home. Everyone was  
9 frightened. And apparently there was a female soldier  
10 who was the leader, and my father came to her and told  
11 her, "I am Radhi Nama. Why have you stormed the home?"  
12 She told them, "We need Mohammed Radhi". My father told  
13 her, "Mohammed Radhi is not at home, he has left  
14 the home".

15 There was some kind of back and forth between my  
16 father and her, but we were kept back forcibly in  
17 the living room. Because she was speaking in English,  
18 we didn't understand what she was saying, but we heard  
19 the name "Mohammed" repeated. She asked him, "Where is  
20 he?" and he would say "He's not there". She was very  
21 nervous and she was not trying to understand.

22 The children started screaming and crying, and we  
23 didn't know what was happening. And when we tried to  
24 know what was happening, there was a soldier and  
25 the interpreter who stopped us from leaving the living

1 room and knowing what was happening, and the children  
2 were screaming. And we tried -- and we were frightened  
3 out of our wits to see the Army inside our home and  
4 didn't know what was happening, and we were swept with  
5 a wave of fear.

6 And we have seen -- the voices raised, the female  
7 recruit kept raising her voice, and she hit my father in  
8 front of us and my father fell to the floor.

9 The soldiers then came. They stopped him from moving.  
10 They stopped him from sitting up or speaking. They put  
11 him in a stress position. And then the sounds stopped  
12 and they started searching our home, which terrified us.

13 Then they handcuffed my father, and this is what  
14 I have seen, and one of the soldiers who had put my  
15 father in the zip cuff, it was a plastic zip cuff. And  
16 I wasn't able to see what was going on, because there  
17 were two who were stopping us from seeing what was  
18 happening.

19 I was torn between my screaming, crying children and  
20 those who were stopping us from getting out of the room  
21 to see what was happening in our home. But what I have  
22 seen, my father zip cuffed on the floor, and I have seen  
23 that with my own eyes, before his disappearance.

24 DAME ANNE RAFFERTY: Thank you.

25 A. With all this chaos, they put a bag on his head, the bag

1 which is used by the soldiers, they put it on the head  
2 of my father. He was paralysed. He was unable to see.  
3 And he couldn't move because his hands were tied behind  
4 his back.

5 And the number of soldiers was very intimidating for  
6 us. They were armed and we didn't know what was  
7 happening. Nobody -- since my father couldn't move,  
8 they carried him and threw him in the armoured vehicle,  
9 which was near to the home with an open door. Then they  
10 didn't help him to sit, they just threw him into  
11 the armoured vehicle. They just -- they carried him and  
12 just thrown him into the armoured vehicle as if he's  
13 a bag.

14 This is something we have seen with our eyes from  
15 the window overlooking the street, because we could see  
16 the armoured vehicle. The windows were overlooking  
17 the main street and we could see everything, something  
18 which was horrible, a man with a bag on his head, his  
19 hands tied behind his back being thrown into  
20 the armoured vehicle.

21 We didn't know what to do. The neighbourhood people  
22 were there. But we asked the interpreter and he said  
23 that, "This is nothing, it is a matter of two hours of  
24 questioning and he's going to be back". And  
25 the armoured vehicle moved.

1 We knew nothing about my father on this day, whether  
2 he was questioned for two hours. No one came. Where he  
3 is, we didn't know his whereabouts. We didn't know what  
4 they wanted from my brother Mohammed. We knew nothing.

5 Second day, I was obliged to go. I got someone who  
6 could translate, who was an English teacher who could  
7 speak English, who worked as a translator. I asked him  
8 to come with me because I can speak no English, and my  
9 mother was already at the hospital with one of my  
10 brothers with her.

11 So we went to the camp -- the headquarters. At that  
12 time, the headquarters was near the Red Bridge. We  
13 waited, and I have seen the recruit -- soldier who had  
14 taken my father, I've seen him in the window in  
15 the headquarters. We tried to go to the reception area  
16 to get anything about my father. We didn't know where  
17 he is, where his whereabouts, why they detained him. We  
18 got no information whatsoever.

19 This continued until the 10th. We kept trying to  
20 look for my father and they would tell us he's here or  
21 there. And it was hot, I was pregnant at that time.  
22 And I was responsible for the home, I was responsible  
23 for the children and my siblings.

24 Then we found a letter came by a driver who came in  
25 a Land Rover. It was delivered to my husband.



1 The message told us that my father had a heart attack  
2 and he is at the hospital. This is what we understood  
3 from the message.

4 We went to the hospital and we found no one, we  
5 found nothing of what they told us. No one with my  
6 father's name was entered. The hospital had no  
7 knowledge whatsoever of my father, and it was  
8 the military hospital said and affirmed that they  
9 received no one with that name.

10 And then the taxi driver saw me exhausted and crying  
11 and he asked us what was wrong. We told him that we  
12 received this message, we went to the military hospital  
13 and we found nothing. He said, "One of my relatives is  
14 -- has a good position and I'm going to ask him, and  
15 tomorrow I am going to give you an answer".

16 Apparently he had some contacts, and mobiles were  
17 not very widespread at that time. They looked into  
18 the logs of the hospital, and next day, I've gone there  
19 with my husband and my brother. It was impossible for  
20 me to go alone, and my sister would be too frightened.  
21 We went there and they told us that they received no one  
22 with this name. No one was entered with this name. And  
23 we asked and said, "What do we do"? They said, "Go to  
24 the morgue". And they said that, "No one died with this  
25 name at the hospital, otherwise we'd have their name in

1 the logs".

2 And then they took me husband to the morgue. Before  
3 that, they told us, "There is an anonymous person,  
4 a John Doe, someone with no name, who is dead". But  
5 I told him "He's not dead". So they suggested us to go  
6 to the morgue. My husband went to the morgue with his  
7 brother, and they came out and said, "No, that man is  
8 not your father".

9 I was exhausted, I was ill-fed, I was pregnant. And  
10 after the experience of the detention of my father,  
11 I was in a very bad state of mind.

12 We went home. They told me it was him. When  
13 I heard this, I started screaming and crying, and  
14 apparently it was the anonymous man. That man at  
15 the morgue was my father.

16 This is the whole story from the moment of  
17 the detention to the moment we have gone to  
18 the hospital.

19 Then my husband and his brother went to take  
20 the corpse out of the hospital. Although I was  
21 exhausted and I had no courage to see the corpse, I told  
22 them, "I want to see my dead father". But I was shocked  
23 and surprised. I saw him exhausted. He had mud on his  
24 face, his clothes were torn, he was barefoot, and after  
25 I have seen wounds on his feet.

1 I don't know whether he was tortured. The torture  
2 was very clear on his body, on his clothes. The dust on  
3 his face, the mud on his clothes, the wounds, the torn  
4 clothes. I collapsed and my situation got worse.

5 We continued all the necessary procedures in order  
6 to obtain a death certificate. We received the corpse  
7 in order to bury him and we completed the burial. We  
8 had hidden everything from my mother who was at  
9 the hospital, already ill. So myself and my brother and  
10 my younger brother had gone to the burial. We hid  
11 Mohammed because we were afraid that my brother would  
12 see the same fate.

13 I want to know what crime did he commit? My father  
14 at home had no weapons ...

15 DAME ANNE RAFFERTY: Can I interrupt? May I interrupt?

16 I hope you will forgive me, it is not meant to be  
17 discourteous. But I wonder whether this is a convenient  
18 time for me to ask you just a very few questions that  
19 have occurred to me as I have been listening to your  
20 account. May I do that?

21 A. Please go ahead.

22 DAME ANNE RAFFERTY: Thank you.

23 I'm going to ask Opus to put up for us the letter  
24 which I think we will find was delivered to you. It's  
25 {A/29/1} and it will come up on the screen, I hope. It

1 should be {A/29/1}. Don't worry about that for  
2 a moment, Miss Afaf. I'm going to ask you just to  
3 confirm it in a second.

4 May I ask, when you were looking from the window in  
5 your house and seeing what was happening, which storey,  
6 which floor of the house was your window? Ground floor?  
7 First floor?

8 A. The house is made up of one floor, and this floor was  
9 very near to the armoured vehicle. So we have the gate  
10 with the armoured vehicle and beside it the window.  
11 The window was overlooking the road, and I was able to  
12 have a peek into the armoured vehicle, because  
13 the armoured vehicle's back was opened.

14 DAME ANNE RAFFERTY: Thank you. I am grateful.

15 May I ask, too, if you can help me understand  
16 something about your mother. I can see that you have  
17 said at one stage that your mother, when these  
18 distressing things happened, was at home with you and  
19 Miss Fatima, but I know, too, that you also said your  
20 mother was not there, because she was at the hospital,  
21 and I know you just told us that, certainly the next  
22 day, your mother was at the hospital, and I wonder if  
23 you could make clear for us the position about your  
24 mother. When the soldiers came, was your mother in your  
25 house with you there or at hospital?

1 A. No, she was not in the house. It was only me, Fatima  
2 and the children.

3 DAME ANNE RAFFERTY: Thank you. Thank you very much.

4 And I know that you have spoken about the female  
5 soldier who hit your father in his face. Would you be  
6 able -- and you might not be able -- to describe  
7 the female soldier any more than: she was female?

8 A. She was tall. She was a blonde, tall woman.

9 DAME ANNE RAFFERTY: Thank you.

10 And you said that she put your father in the stress  
11 position; did I understand that correctly?

12 A. Yes.

13 DAME ANNE RAFFERTY: Thank you.

14 And his hands were tied with a plastic zip tie.  
15 I know you have, on one occasion, said his hands were  
16 tied with a rope. My impression is, but you must tell  
17 me, that actually your settled evidence is plastic  
18 zip ties. May I just pause so that you can deal with  
19 that?

20 A. Yes.

21 DAME ANNE RAFFERTY: Thank you.

22 A. It was a plastic restraining cord.

23 DAME ANNE RAFFERTY: And his hands, Miss Afaf, were they to  
24 the front of his body or behind his back; do you  
25 remember?

1 A. To his back. It was tied to his back.

2 DAME ANNE RAFFERTY: Thank you.

3 And you told us that his head -- his face was

4 covered with a bag. Did you see who did that?

5 A. The soldiers who were inside the house, those who had

6 brought the restraining cord, they had put on the hood

7 over his head.

8 DAME ANNE RAFFERTY: I wondered if you had a memory of

9 a particular soldier, but it sound as though your memory

10 is of "the soldiers" in the house putting a bag on your

11 father's head. You tell me.

12 A. No, I don't recall, because I can't recall the events.

13 But most of the time I am pushed inside the living room,

14 so I was just taking just glimpse. So at that moment in

15 time, I was -- I saw my father having the hood put over

16 his head. I couldn't catch the face of the soldier who

17 was putting this hood over his head. But what has drawn

18 my attention is the female soldier, because she was

19 facing towards me. From where I was standing, she was

20 facing me.

21 DAME ANNE RAFFERTY: Thank you. I am very grateful.

22 I am now just going to ask you one or two questions

23 about the letter, which you should see in Arabic on

24 the screen, which was brought to your home on 9 May

25 {A/29/1} -- I'm sorry, 10 May. My mistake.

1           If you can't remember anything about what I'm going  
2           to ask you, will you just tell me, "I can't remember".

3           Right. I know that you just said a Land Rover came  
4           and the letter was delivered. Can you remember any  
5           more, like whether there were two soldiers, one soldier,  
6           was there an interpreter with them?

7           Can we pause there and see if you can help with any  
8           of that. I don't think you need to look at the letter,  
9           but there it is, if you want to. What I'm asking you  
10          about at the moment is the circumstances in which it  
11          came. One soldier? More than one soldier? Any  
12          interpreter?

13        A. The letter was delivered to my husband, but my husband  
14          had related the events. He gave me the brand of  
15          the vehicle. My husband was the one who received  
16          the letter.

17        DAME ANNE RAFFERTY: Got it.

18          Were you there to see this, or is your understanding  
19          exclusively based on what your husband has told you?

20        A. Yes, exclusively from my husband.

21        DAME ANNE RAFFERTY: Thank you very much.

22          Miss Afaf, will you just let me pause for a moment  
23          here. I want to ask Ms Jackson and the team whether  
24          they suggest any more particular questions to you and  
25          then I will come back to you.

1           May I ask the team whether there are any other  
2           matters you would suggest?

3   MS JACKSON: Nothing further from me, Dame Anne.

4   DAME ANNE RAFFERTY: I think not. I think not. Thank you.

5           Miss Afaf, I think that the moving and fluent  
6           account that you gave us, uninterrupted, of your sadness  
7           is probably all that is necessary to describe the impact  
8           of those events on you and your family on those days in  
9           May. I merely want to make sure, before I thank you and  
10          we move on, that there is nothing particular that you  
11          want to add.

12   A. These are the events that took place, and the message --  
13          the only evidence that I have is this letter.

14          I couldn't assured(?) the event over the arrest of my  
15          father. All the evidence that I have is what I have  
16          seen, the account that I'm providing. My father, who  
17          was tortured and who was arrested, illegally arrested,  
18          led to this situation.

19   DAME ANNE RAFFERTY: I understand. I understand.

20   A. And I found him entered into a morgue in a military  
21          hospital anonymous. Anonymous, why? An unknown dead  
22          body. You have sent me a message. Why did you admit  
23          him as an unknown person -- dead person into the morgue  
24          of a hospital? So why did you deliver me this message?

25          After 20 years, I didn't know where I'm standing.



1 I didn't get any apologies, I didn't get any kind of  
2 condolences, I didn't get any kind of psychological  
3 support. I have been sentenced. I feel that I am  
4 the sentenced, not the one who is the defender, so I am  
5 suffering a lot. A lot of ambiguity. I'm going after  
6 my lost brother, I was hunting after this problem. And  
7 I left the house, the house was confiscated.

8 So after the death of my father, I didn't get any  
9 respect. They didn't even allow us to mourn my father.  
10 Even the congregation of the body of my father, we were  
11 not allowed to convocate it inside my house; we were  
12 banned from this. So what was the crime that my father  
13 had committed to deserve such kind of behaviour?

14 DAME ANNE RAFFERTY: Thank you. It seems a very strange  
15 thing to say, "thank you", when we have just listened to  
16 something so striking, but thank you for telling us.  
17 I can see the effort that that has been for you.  
18 I hope, if nothing else, you feel that in this hearing  
19 you have been treated with politeness and respect.  
20 Thank you.

21 We're going to move on now to your sister, Miss  
22 Fatima. Thank you again.

23 (The witness withdrew)

24 MS FATIMA RADHI NAMA (called)

25 (All questions and answers interpreted)

- 1 MS AL QURNAWI: Sorry, shall I get Fatima?
- 2 DAME ANNE RAFFERTY: Please.
- 3 MS AL QURNAWI: Just one second.
- 4 (Pause)
- 5 Here's Fatima.
- 6 DAME ANNE RAFFERTY: Thank you.
- 7 Introduction by MS JACKSON
- 8 MS JACKSON: Good morning Miss Fatima.
- 9 A. Yes.
- 10 Q. Could I just start by asking you a few questions, if
- 11 that's okay?
- 12 A. Yes, of course.
- 13 Q. Thank you. Can I just ask you to start by stating your
- 14 full name, please.
- 15 A. Fatima Radhi.
- 16 Q. Thank you.
- 17 Opus, can I ask you to bring up {A/59/1}, please.
- 18 Thank you.
- 19 Miss Fatima, I understand that you've prepared
- 20 a witness statement for these investigations; is that
- 21 correct?
- 22 A. Yes.
- 23 Q. Thank you. And there's a statement on the screen now.
- 24 Is that your statement?
- 25 A. Yes.

1 Q. Thank you. If we go to the fourth page of that  
2 statement {A/59/4}, there's a print there and a date.

3 Is that your print?

4 A. Yes.

5 Q. Thank you. And the contents of this witness statement,  
6 are they true to the best of your knowledge and belief?

7 A. Yes.

8 Q. Thank you. And is there anything that you need to  
9 clarify or change in that statement?

10 (Overspeaking) --

11 A. (Inaudible).

12 Q. Apologies, I spoke over the translation. Would you mind  
13 just repeating that? I think it was a "yes"?

14 A. No, I wouldn't change anything or amend anything. This  
15 is the correct evidence.

16 Q. Thank you.

17 And before you prepared that evidence, your  
18 representative was sent some documents in a bundle  
19 containing your previous accounts; is that correct?

20 I'm afraid I didn't hear the interpretation.

21 THE INTERPRETER: I couldn't hear the lady witness, so  
22 I asked her to repeat in order to know what she was  
23 saying.

24 MS JACKSON: Thank you.

25 THE INTERPRETER: I'm sorry.

1 MS JACKSON: That's quite all right. Thank you, Madam  
2 Interpreter. Do I need to ask the question again for  
3 the interpretation?

4 You were provided a bundle of your previous accounts  
5 through your representative before you prepared this  
6 statement; is that correct?

7 A. Yes.

8 Q. Thank you. And you've previously given accounts, in  
9 2003 and in 2014; is that correct?

10 A. Yes.

11 Q. And you had the benefit of seeing these accounts before  
12 preparing this statement to our investigation; correct?

13 A. Yes.

14 Q. And I'm just going to ask, Opus, if you could please  
15 pull up {A/58/1}.

16 Miss Fatima, this is a copy of your witness  
17 statement that's been translated into English. In any  
18 questions that are asked relating to your statement,  
19 Dame Anne or our team will use the English version of  
20 the statement, which will then get translated into  
21 Arabic so you can understand our question. I just  
22 wanted to make that clear. Is that okay for you?

23 A. Yes.

24 MS JACKSON: Thank you very much. I will pass over to  
25 Dame Anne, who will have some questions now, if that's

1       okay. Thank you very much.

2               Questions from DAME ANNE RAFFERTY

3       DAME ANNE RAFFERTY: Thank you very much.

4               Good morning.

5       A. Good morning.

6       DAME ANNE RAFFERTY: I noticed that whereas we English would

7       tend to say your name "Fatima", I think

8       I heard "Fat-ma". I want you to tell me which one is

9       correct, and then I will address you properly. Is it

10       Ms "Fat-ma"?

11       Ms Al Qurnawi, do please help her out.

12       A. "Fat-ma".

13       DAME ANNE RAFFERTY: Good, thank you.

14       Miss Fatima, one of the things I want to do is

15       protect you from distress, if it is possible. We have

16       just listened to your sister, Miss Afaf, and she has

17       told us everything she can remember about the day in May

18       when your father was taken away, and about the trip to

19       the hospital, and about the letter from the British

20       military.

21       A. Everything -- all this account I get from my own sister,

22       because I never go -- I've never gone out of my home.

23       But what I witnessed is that they have stormed into our

24       house and I have seen the ongoings inside our house.

25       DAME ANNE RAFFERTY: Understood.

1 A. Otherwise, the account I got from my sister.

2 DAME ANNE RAFFERTY: Understood. That helps me a lot, Miss

3 Fatima. Thank you. In that case, I only have a few

4 questions for you.

5 I know that you have said that you, your sister

6 Afaf, and Afaf's children, were locked in a reception

7 room in your house, and I know that you speak of

8 yourself trying to get into the hall. If you can

9 remember, you were you locked in the reception room

10 because the door was closed? Or because a key was

11 turned into the lock? Or because someone stood in

12 the doorway?

13 A. Yes, we were prevented from leaving the living room,

14 myself, my sister and my kids. Especially me. Because

15 I was horrified when I've seen this and I wanted to push

16 forwards. Because I was traumatised, because I had seen

17 my father, my father had been hit, tumbled to

18 the ground, hooded, and then thrown into the vehicle.

19 I've seen this with my own eyes.

20 DAME ANNE RAFFERTY: With your own, right.

21 May I ask you just a little bit about what you saw

22 of that. I know that a female soldier was there. Did

23 you see the female soldier do anything to your father?

24 A. She hit him.

25 DAME ANNE RAFFERTY: She hit him.

1 A. Yes, she hit him.

2 DAME ANNE RAFFERTY: Thank you.

3 And she was not in the room with you, because you  
4 were in the reception room and you couldn't get out of  
5 it, so she was in another part of the house; is that  
6 right?

7 A. She was with the soldiers. But when she comes a little  
8 bit closer, I was able to see, to have a peep into what  
9 was going on.

10 DAME ANNE RAFFERTY: Thank you.

11 Can you give me any more description of her?

12 A. She was tall, blonde.

13 DAME ANNE RAFFERTY: Thank you.

14 And then you also speak of your father squatting on  
15 the floor. Do you know whether that was because  
16 the soldiers had told him to do so?

17 A. I didn't understand the question. Would you kindly,  
18 Dame, repeat it?

19 DAME ANNE RAFFERTY: I'll try again. I'll try again.

20 I know you speak of your father squatting on  
21 the floor. Did he squat because the soldiers told him  
22 to do it, or just decide that he would squat down on  
23 the floor?

24 A. They were ordering him, they were shouting at him. And  
25 because they were shouting a lot, so I wanted to go out

1 and see what was happening, but apparently they were  
2 shouting at him to sit in this position.

3 DAME ANNE RAFFERTY: Thank you, Miss Fatima.

4 And I know that you speak of, at some stage,  
5 a soldier putting a foot on your father's back so that  
6 he could not move, and that is the same soldier who tied  
7 his hands. Can you help with any more that you can  
8 remember about the look of that soldier? Can you  
9 describe him or her any more?

10 A. I don't recall how he looks, but all I remember is that  
11 he was restraining his two hands. He was a soldier.

12 DAME ANNE RAFFERTY: Thank you.

13 A. Because we were always pushed back into the living room  
14 once we attempt to emerge out of it.

15 DAME ANNE RAFFERTY: Thank you.

16 I know you have spoken of your father's face or head  
17 being covered with a bag. Did you see which soldier did  
18 this?

19 A. He was a soldier. I couldn't identify him. I couldn't  
20 see who did what.

21 DAME ANNE RAFFERTY: Thank you. Thank you.

22 Miss Fatima, just let me pause there for a moment.  
23 I want to ask the team if they think other questions  
24 should come, and then, once we know the answer to that,  
25 I will come back to you. So just wait with me, if you



1 will, for a moment whilst I check.

2 MS JACKSON: I don't think there are any questions from  
3 the team, Dame Anne. Thank you.

4 DAME ANNE RAFFERTY: Thank you very much.

5 In that case, Miss Fatima, can I thank you again for  
6 coming and for telling us such distressing things and  
7 for being prepared to answer my few questions. Thank  
8 you very much. Thank you.

9 THE INTERPRETER: There is no answer from  
10 the Grand Millennium.

11 MS AL QURNAWI: Sorry, are you expecting anything further?

12 DAME ANNE RAFFERTY: No, I think Miss Fatima has helped us  
13 all she can. I don't want her distressed a moment more  
14 than is necessary. Perhaps you'd just be kind enough to  
15 say that to her. I know we can rely on you.

16 MS AL QURNAWI: Thank you very much. I'm just going to  
17 reiterate that, although it was translated into Arabic,  
18 but I'm going to be telling her that.

19 DAME ANNE RAFFERTY: Thank you. I'm very grateful to both  
20 you.

21 (The witness withdrew)

22 MS JACKSON: Thank you. Dame Anne, the next witness we're  
23 going to be hearing from is SO89 but, given the time,  
24 I wonder if it's worth taking the 15-minute interpreter  
25 and transcriber break.

1 DAME ANNE RAFFERTY: Yes, the interpreters and  
2 the transcribers might appreciate a break. So if we  
3 said 11.25? Right, we'll see everybody then. Thank you  
4 all.

5 (11.07 am)

6 (A short break)

7 (11.25 am)

8 DAME ANNE RAFFERTY: Right, Ms Jackson.

9 MS JACKSON: Thank you very much. So I'd like to call  
10 witness SO89, if that's okay.

11 DAME ANNE RAFFERTY: Yes.

12 SO89 (called)

13 Introduction by MS JACKSON

14 MS JACKSON: SO89, can you hear me?

15 A. Yes, I can hear you.

16 Q. Thank you. And you're invited to turn your camera on,  
17 if you're willing to do so.

18 Do you have a copy of the cipher list with you?

19 A. Yes, I do, yes.

20 Q. Thank you.

21 Can I just get you to check by reference to that  
22 list that you are the witness referred to as SO89?

23 A. Yes, that's correct.

24 Q. Thanks very much.

25 Opus, can I ask you to bring {A/75/1} onto

1 the screen.

2 So SO89, I understand that you've prepared a witness  
3 statement for the purposes of these investigations; is  
4 that correct?

5 A. Yes.

6 Q. And can you see that document on the screen there?

7 A. Yes.

8 Q. Can I just get you to confirm that that's your  
9 statement?

10 A. Yes, that's correct.

11 Q. Thank you.

12 We'll just get Opus to turn to the final page, page  
13 {A/75/21}, if that's okay. Obviously the signature is  
14 redacted, but we can see there it's SO89,  
15 23 February 2023. Is that document signed by you?

16 A. Yes.

17 Q. Thank you. And I just wanted to check that the contents  
18 of that document are true to the best of your knowledge  
19 and belief?

20 A. Yes.

21 Q. And is there anything you need to clarify or change in  
22 that statement?

23 A. No, that's fine.

24 Q. Thank you.

25 We've also received quite recently a supplementary

1 witness statement from you. Unfortunately I can't get  
2 that projected onto the screen because, due to the time  
3 it arrived, we haven't been able to get it redacted and  
4 put on the platform. But can I just check whether you  
5 have a copy of that statement with you as well?

6 A. Yes, I do, yes.

7 Q. Brilliant, thank you. The same questions: is that true  
8 to the best of your knowledge and belief?

9 A. Yes.

10 Q. And is there anything in that that you need to amend or  
11 change?

12 A. No.

13 Q. Fantastic.

14 Before producing either statement you were provided  
15 through your representatives with a disclosure bundle  
16 that contained copies of your previous accounts in  
17 relation to these events; is that correct?

18 A. Yes.

19 Q. Brilliant. And you have given previous accounts, in  
20 2003, 2013 and 2016; is that correct?

21 A. Yes.

22 Q. And you had access to all of those accounts before  
23 preparing either statement for these investigations?

24 A. Yes.

25 Q. Final question: do you have a copy of that disclosure

1 bundle to hand as well, in case we ask you questions  
2 from it?

3 A. Yes, I have got it to hand, yes, beside me.

4 MS JACKSON: Thank you very much for that, SO89. I'm now  
5 going to pass you to Dame Anne, who has some questions  
6 for you, and I will have some for you later as well.

7 Thank you.

8 A. Okay, thank you.

9 Questions from DAME ANNE RAFFERTY

10 DAME ANNE RAFFERTY: Thank you, Ms Jackson.

11 Good morning, SO89.

12 A. Good morning, Dame Anne.

13 DAME ANNE RAFFERTY: Thank you for coming.

14 A. Thank you.

15 DAME ANNE RAFFERTY: I've got some questions which I think  
16 we might begin with about your military career. I'm  
17 only after a general description, I don't need every  
18 I dotted and every T crossed, but can you walk me  
19 briefly from the point you joined to when you left?

20 A. Well, during my Army career, to be fair, I was still  
21 a young boy. I joined in 2000, started my training in  
22 Edinburgh, followed on to Catterick, done my phase 2.

23 And I joined my battalion in Germany, served in Germany,  
24 went to Canada, and later, after Canada, I went to Iraq.

25 DAME ANNE RAFFERTY: You went through Sennelager, didn't

1 you, at one stage?

2 A. Sennelager was like a firing camp. There was like  
3 a training exercise with armoured vehicles. I was  
4 a gunner in my platoon. So Sennelager was just a -- it  
5 wasn't like an operation or anything, it was just  
6 a training camp for live firing exercise purposes.

7 DAME ANNE RAFFERTY: Got it. Thank you very much.

8 A. In Germany we were armoured. Then obviously after  
9 Germany I done Iraq. And then I think my memory says  
10 I went to Warminster back in the UK. In 2005, I left  
11 the Army whilst we were still in Warminster.

12 DAME ANNE RAFFERTY: Right, thank you.

13 And you left at private, I think?

14 A. Yes, I was a private throughout my Army career.

15 DAME ANNE RAFFERTY: Right.

16 So next outline for me, if you will, your role in  
17 2003 out there in Basra?

18 A. Yes. My role was just (inaudible), I was a private in  
19 Anti-tank Platoon in Charlie Company, alongside  
20 Mortar Platoon and Reconnaissance Platoon. So it was  
21 like -- more like three separate platoons in Iraq. We  
22 were together -- separate but together in the same camp,  
23 but in different blocks. I was just a private, so I was  
24 at the bottom of the food chain, if you like.

25 DAME ANNE RAFFERTY: Yes.

1 A. So I was --

2 DAME ANNE RAFFERTY: Armies need their privates, SO89.

3 A. Yes, definitely.

4 DAME ANNE RAFFERTY: Armies need their privates.

5 A. Yes.

6 DAME ANNE RAFFERTY: So let's have a little word now about

7 training and instruction and how you ran your life out

8 there in 2003. So you helped me with your role in

9 C Company.

10 A. Yes.

11 DAME ANNE RAFFERTY: Did you feel well prepared for it, know

12 what you were doing?

13 A. Well, under the circumstances, it was, if I can

14 remember, it was -- it was short notice. It was

15 basically whatever -- what has happened regarding going

16 to Iraq, it was pretty much war set, if I can say that.

17 So I was -- you can never be prepared for what actually

18 you're going into.

19 DAME ANNE RAFFERTY: You have to be prepared for

20 the unprepared.

21 A. Yes, definitely.

22 So when we went over, bearing in mind I was

23 a younger person back then.

24 DAME ANNE RAFFERTY: Yes.

25 A. I mean, I've done a lot of things in my Army career that

1 you can never dream of back home at that age. But to be  
2 prepared -- like what you say, you could be unprepared  
3 to be prepared, type thing.

4 DAME ANNE RAFFERTY: Yes. The best preparation that you can  
5 have is to know you might not be prepared.

6 A. Yes, so we did get the training, but did we get ample  
7 training? Something that -- also, we went to  
8 Sennelager. You're always in training in your Army  
9 career for anything that came up. Whether it was going  
10 to Canada, you were training. Going to Iraq, you were  
11 training. It was only really in Iraq that I done  
12 operational.

13 DAME ANNE RAFFERTY: Yes.

14 A. I also finished prior to more operations that the Army  
15 had, ie in Afghanistan, etc.

16 DAME ANNE RAFFERTY: Understood. And you out there in  
17 Camp Stephen, you did some guarding of detainees, I  
18 think, didn't you, SO89?

19 A. The guarding -- this is obviously why I'm here today --  
20 was for that short period of --

21 DAME ANNE RAFFERTY: Right. So my question is: for that  
22 role, guarding detainees --

23 A. Yes.

24 DAME ANNE RAFFERTY: -- did you feel well prepared for that  
25 role?



1 A. No, not well prepared. I mean, going by guarding  
2 detainees to doing daily guard duty in your Army career  
3 was -- it was night and day. It was totally different.  
4 I mean, you're guarding your camp back home or back home  
5 on UK soil as people entering your barracks. In Iraq,  
6 it was totally different. It was --

7 DAME ANNE RAFFERTY: Unpick that a little for me. Unpick  
8 the total difference for me a little bit.

9 A. What do you mean, sorry?

10 DAME ANNE RAFFERTY: It was very different from how guarding  
11 in the UK or a barracks would work. Expand  
12 the difference for me. Paint me a picture of how it was  
13 different.

14 A. Well, in the barracks back home you're dealing with your  
15 own soldiers leaving the camp, your own colleagues. In  
16 Iraq, it wasn't a day-to-day guard, it just happened to  
17 be this -- this day. We never done it beforehand, we  
18 never done it afterwards. It was just this specific  
19 date in question. So it wasn't -- like every company  
20 you had in your battalion done a guard duty on a daily  
21 basis, whether that was people leaving to go home,  
22 people that were coming in the morning. It was  
23 basically just an ID check to make sure that they are  
24 military personnel.

25 In Iraq, it was just this one -- this one-off day.

1 We never done it beforehand and we never done it  
2 afterwards.

3 DAME ANNE RAFFERTY: Thank you.

4 I want to ask you about a physical training course.

5 You'll know what I mean, because --

6 A. Yes.

7 DAME ANNE RAFFERTY: -- you did one in Germany, I think, in  
8 2002?

9 A. Yes.

10 DAME ANNE RAFFERTY: And I think when you got to  
11 Camp Stephen, you decided to set up a gym for the lads,  
12 am I right?

13 A. Yes, that's correct, yes.

14 DAME ANNE RAFFERTY: Right.

15 So I wonder, because you'd taken that initiative,  
16 you'd set it up, you had the expertise, obviously, did  
17 that set you apart from your peers? Did it give you  
18 a sort of status because you'd set it up and run it?

19 A. Not so much gave me the upper hand to say that I had any  
20 authority, it was more -- I'm not sure how to explain  
21 it. It was more like a hobby. So when you were just  
22 chilling out in the camp per se, you had the option to  
23 go to the gym. You were quite limited to your  
24 activities. It's not like you could kick a ball or sit  
25 and watch -- you've got television to an extent, but the

1 gym that I set up was basically just to get away from  
2 what was happening back home, your family members not  
3 getting in touch with you. It was just to stimulate  
4 your brain on the exercise. Bearing in mind you were  
5 working in extreme heat, so your exercise was limited.

6 So it was just our get-away. It was up on the room  
7 of the building that we were in, and it was pretty much  
8 just if you wanted to go there you can go there. We  
9 never had any form of instruction to go. It was just  
10 a hobby.

11 DAME ANNE RAFFERTY: Understood, thank you.

12 So I know that you've spoken of detainees in  
13 the squat position.

14 A. Yes.

15 DAME ANNE RAFFERTY: I'll show it to you, if you like. It's  
16 in your 2013 witness statement, page 7. But I wonder  
17 whether you were trained in the use of the squat  
18 position, because, let me just help you, in that  
19 statement you'd said you were. What's the position now?

20 A. Well, "trained" is maybe a bit too out there to say that  
21 you've been trained in the stress position. It's more,  
22 like, everyone --

23 DAME ANNE RAFFERTY: Squat position. Squat position, not  
24 stress.

25 A. Sorry, squat position is similar. So a squat position

1 is more if they're not paying attention or ... Even as  
2 a physical training instructor in the Army, if you've  
3 got a class and they're not paying attention to you or  
4 are taking the Mick, that was an authority stance.

5 So not so much trained, it was more ... I've been in  
6 that position as well, and it's more uncomfortable than  
7 anything else. It's not an active position, as such.

8 DAME ANNE RAFFERTY: So am I listening to you telling me  
9 about the squat position being used to control or to  
10 stop -- to stop something you don't want, or perhaps to  
11 exert a bit of authority?

12 A. Yes, more like snapping your fingers, type thing: listen  
13 in, squat position, right? Once you do that, pay  
14 attention, and we'll carry on with the exercise. That's  
15 all it is. It's not deemed as ... You never were  
16 trained in it, is what I'm trying to say.

17 DAME ANNE RAFFERTY: Thank you.

18 A linked question, but I'm moving on very slightly.

19 A. Yes.

20 DAME ANNE RAFFERTY: You've spoken of captured individuals  
21 and detained people.

22 A. Yes.

23 DAME ANNE RAFFERTY: I wonder if you ever had to think about  
24 any legal difference between a detained individual and  
25 a captured person. Does that mean anything to you?

1 A. No.

2 DAME ANNE RAFFERTY: No, all right.

3 A linked question. Any training or any instruction  
4 on what you could legally do to a civilian who had been  
5 captured or detained out there in Camp Stephen? So any  
6 training or help on the limits of what you could do with  
7 a captured or detained person?

8 A. There wasn't -- well, I never got -- like, in my time  
9 over in Iraq, no one said to me, "As a physical training  
10 instructor, you can and can't do this". No one said,  
11 "You can't do this" or "You can do that". There was no  
12 instructions as per detainee that came into the camp, or  
13 was ever in future coming into the camp, that said,  
14 "Right, I'll go and get SO89 to do A, B, C, D". There  
15 was nothing like that. So I never had any instruction  
16 to do --

17 DAME ANNE RAFFERTY: Am I listening to what I might call  
18 a working private who just did his job in there in  
19 Camp Stephen, and part of that job, on some days, would  
20 be dealing with a captured or detained individual, but  
21 not -- but that was not seen as something, as you  
22 understand it, that required training, it was -- it came  
23 with the territory; is that what I'm hearing?

24 A. Yes. Yes, that ... yes.

25 DAME ANNE RAFFERTY: Thank you.

1 Did you have an Alpha card; can you remember?

2 A. An Alpha card?

3 DAME ANNE RAFFERTY: It doesn't mean anything to you?

4 A. No.

5 DAME ANNE RAFFERTY: Just so there's no mystery, before

6 I move on, an Alpha card sets out Rules of Engagement in

7 a post-war phase, but it doesn't mean anything to you?

8 A. Yes, yes. Yes, like -- I think so. But going back,

9 trying to recall my memory now, is ... If you can

10 understand, going back 20 years, it's quite hard to jog

11 my memory.

12 DAME ANNE RAFFERTY: It's a long time.

13 A. So, yes, we probably did have these, but I just can't

14 remember what they physically are.

15 DAME ANNE RAFFERTY: Okay. Might have had, can't be sure.

16 A. Yes.

17 DAME ANNE RAFFERTY: Wouldn't surprise you one way or

18 the other?

19 A. With the Army, I would assume that they would have gave

20 us a card.

21 DAME ANNE RAFFERTY: Okay, thank you.

22 Right, I'm going to ask you a little bit now about

23 the culture at Camp Stephen. In other words, how it

24 functioned, what was it like. If you had to describe it

25 to someone who knew nothing about it, what would you

1 have said about it.

2 So just tell me a bit about how you found  
3 Camp Stephen, and how was order and discipline  
4 maintained? Who ran what? What was the hierarchy?

5 Before you start, have you got what I'm after in  
6 the question?

7 A. Yes. So how was my time in Camp Stephen? What was  
8 Camp Stephen like from where I was?

9 DAME ANNE RAFFERTY: Correct.

10 A. To be fair, Camp Stephen was -- it was your home for  
11 seven/eight month. So in all fairness, all your Army  
12 peers in that camp were your friends, per se. So being  
13 there, there was no ... It was -- I wouldn't say  
14 enjoyable under the circumstances of where you were, in  
15 all due respect, but you had -- you had stuff to do, you  
16 had, as I say, the gym, you had your TV, you had  
17 the weather. You know what I mean? I'm not saying it  
18 was a holiday camp, but it was better than what  
19 I expected for my tour of Iraq. I mean, I went on ...  
20 and broadly I wasn't sure what to expect, but it was  
21 enjoyable to an extent.

22 DAME ANNE RAFFERTY: Yes.

23 A. I mean, you had --

24 DAME ANNE RAFFERTY: Am I hearing that it was as enjoyable  
25 as it could be in the circumstances?

1 A. Yes.

2 DAME ANNE RAFFERTY: Is that fair?

3 A. Under the circumstances, yes, it was better than what  
4 was expected.

5 DAME ANNE RAFFERTY: All right.

6 And discipline and order, how was that put in place?

7 Who maintained it?

8 A. Well, obviously, as a private everyone is your ...

9 hierarchy, if you like. So you've got your NCOs, from  
10 your sergeant majors, sergeants, but I wouldn't say you  
11 had chores, like, as such. It was just -- I wouldn't  
12 say it was laid-back, but at the same time, you still  
13 had your daily duties. I mean, we had, like, certain  
14 things to do in the camp between the three platoons. So  
15 you would go out on a daily basis. There'd be like  
16 patrols in the area. You'd have like a couple of days  
17 off, rest and recovery in the camp.

18 So it was -- it was chilled out, but you still had  
19 your "be prepared to move" situation.

20 DAME ANNE RAFFERTY: And if someone needed to crack a whip  
21 or say "Enough", or "Do it my way" in Camp Stephen -- be  
22 careful of the ciphers -- who was that?

23 A. There was a -- there was a few people -- not so much  
24 cracking the whip. There was people there with  
25 authority and you respected that authority.



- 1 DAME ANNE RAFFERTY: That's a much better phrase of yours.
- 2 Much better, thank you. Who was there with
- 3 the authority, using ciphers?
- 4 A. Ciphers. I'll just look at my list.
- 5 DAME ANNE RAFFERTY: Take your time.
- 6 A. Right, there was -- I've not got a cipher list as such,
- 7 I've got numbers to the side of my list.
- 8 DAME ANNE RAFFERTY: Try me with a number and I'll see if it
- 9 makes sense.
- 10 A. Number 8.
- 11 DAME ANNE RAFFERTY: Mm. Try another one.
- 12 A. I've only got ... The two cipher numbers I have are
- 13 the -- I don't want to say too much.
- 14 DAME ANNE RAFFERTY: No, let's leave it. Let's leave it.
- 15 If we need to find out, we can work our way backwards to
- 16 it.
- 17 MISS WARNER: Dame Anne, I think number 8 is SO88.
- 18 DAME ANNE RAFFERTY: Right. So SO88, do you remember his
- 19 rank and status?
- 20 A. Can I say his rank, yes?
- 21 DAME ANNE RAFFERTY: Well, you can say his status -- yes,
- 22 you can say his rank, yes, of course you can.
- 23 A. Right, he was a captain. But the cipher that I'm
- 24 questioning, speaking to you about, I've not got his
- 25 name on this list either.

1 DAME ANNE RAFFERTY: Right.

2 A. So the person that I'm referring to, I can't -- I've not  
3 got a name or a number --

4 DAME ANNE RAFFERTY: I think this is too challenging an area  
5 for you at the minute.

6 A. Yes.

7 DAME ANNE RAFFERTY: Let's just leave it there for a moment.  
8 We can recover later, if we have to, but I don't want to  
9 sow seeds of confusion or muddy the waters at this  
10 stage.

11 A. You're asking which officer took the authority or who  
12 gave the commands, but I've not got a cipher to go by  
13 and I've not got a ... on my sheet here.

14 DAME ANNE RAFFERTY: We can work that out later. Don't  
15 worry about it for now.

16 A. Thank you.

17 DAME ANNE RAFFERTY: You have said at one stage -- and in  
18 fact, we'll pull it up for you if you want it on  
19 the other screen -- in your 2013 statement, that  
20 the Company, that will be C Company --

21 A. Yes.

22 DAME ANNE RAFFERTY: -- had a reputation, and once you went  
23 into it, you had to make a name and prove yourself.

24 What did you mean?

25 MS JACKSON: I will just interject briefly to say

1       unfortunately, Dame Anne, this is in the unredacted  
2       bundle. So if SO89 wants to look at that, it will be at  
3       page 6 of the bundle that he has.

4       DAME ANNE RAFFERTY: 6, yes. Can we get that for him?

5       MS JACKSON: We can't get that for him, but I think he has  
6       a copy of the bundle to hand, and it's at page 6 of that  
7       bundle.

8       DAME ANNE RAFFERTY: Let's see if we can find it.

9       A. Just bear with me a moment.

10      DAME ANNE RAFFERTY: Of course I will. Of course I will.

11      Ms Jackson, it should be dated 29.07.2013?

12      MS JACKSON: Exactly.

13      DAME ANNE RAFFERTY: And it should begin:

14      "I am the above-named and my details are as  
15      overleaf ..."

16      Good.

17      You take your time, SO89. Tell me when you're  
18      ready.

19      A. I just have a different layout to what you are  
20      actually --

21      DAME ANNE RAFFERTY: Of course you have. Don't worry, take  
22      your time.

23      MS JACKSON: Let me know when you've got the document up,  
24      SO89, and we can check we're on the same page.

25      A. Yes, I'm just trying -- I know the question that's been

1 given to me, I'm just struggling to find the form.

2 Just bear with me. So sorry.

3 DAME ANNE RAFFERTY: Don't worry. You don't need to  
4 apologise.

5 A. What did you say the question was, sorry -- the number?

6 DAME ANNE RAFFERTY: I said, you've already told us -- and  
7 you'll find it there -- that when you went into  
8 C Company, you had to make a name and prove yourself,  
9 and I'm just wondering if you can flesh that out  
10 a little bit. What did you mean?

11 A. Well, just that C Company --

12 DAME ANNE RAFFERTY: On my piece of paper, it's down  
13 the bottom of the first page, and it should be in  
14 the paragraph: when you join the Black Watch.

15 A. Right, two seconds.

16 DAME ANNE RAFFERTY: Do you want me to read out  
17 the paragraph to you? It's not long.

18 A. Yes, please. I can't find that. I'm struggling to find  
19 it on my --

20 DAME ANNE RAFFERTY: That's all right. That's all right.

21 So what you'd said in July 2013 is: when you join  
22 the Black Watch, you're not allowed to join C Company,  
23 you have to go to one of the other Companies and wait  
24 until you can apply to join C Company and get chosen to  
25 join:

1 "1 Black Watch are renowned and the Company is  
2 respected."

3 Here's the bit I'm interested in:

4 "The Company had a reputation, and once you went  
5 into C Company, you had to make a name and prove  
6 yourself."

7 What did that last bit mean?

8 A. It sound a lot worse than what it actually does mean in  
9 someone's head. But with C Company, you had to do,  
10 I don't know, like, run naked in the corridor, or  
11 something that was -- they wanted you to -- they liked.  
12 So if it was, I don't know -- it was like an initiation,  
13 you know? It was like referring to something outwith  
14 the Army. It was like joining a new football team and  
15 you have to sing in the dressing room.

16 It didn't refer to doing something bad, it was just  
17 more something that you gained respect. So whether it  
18 was running in the corridor, or drinking a pint in one,  
19 you know? Just something to separate the men from  
20 the boys, type thing.

21 DAME ANNE RAFFERTY: Right, yes.

22 A. It wasn't anything to say, like, go out and punch this  
23 boy, or go out and whatever. It was more to gain  
24 respect by doing something, like I said, drinking a pint  
25 in one, or taking a straight shot of vodka.

1           It was more to gain the respect from all these  
2           experienced soldiers, because you don't join -- you  
3           don't join Charlie Company from training, you have to  
4           earn -- well, not earn, you do have to apply, but you  
5           have to be a reasonably good soldier to join Charlie  
6           Company, and they're a very respected Company in that  
7           manner or in that respect.

8           So to do something like that in Charlie Company, it  
9           was a privilege to be a member of Charlie Company.

10       DAME ANNE RAFFERTY: And the stuff you had to do, which  
11       you've described as being good-natured but tough --

12       A. Yes.

13       DAME ANNE RAFFERTY: -- what effect did those requirements  
14       have on you? Did you just ...

15       A. What, after I was working for Charlie Company, how  
16       did it make me feel?

17       DAME ANNE RAFFERTY: Yes, when you had to do them and did  
18       them.

19       A. Well, I was nervous. But it was good to be a member of  
20       that brethren, if I can use that terminology, that  
21       you're welcome to that Company -- you're welcome, you  
22       feel like you're part of the camaraderie.

23       DAME ANNE RAFFERTY: Okay.

24       A. You know? I'm not saying if I never done anything it  
25       would have been -- that my time in that Company would

1 have been hellish, but it was a good -- in a platoon  
2 like Charlie Company that's made up of three -- three  
3 certain -- three different platoons, I'm only doing this  
4 as part of my platoon.

5 DAME ANNE RAFFERTY: Okay, understood.

6 A. This isn't a whole Company thing. They're not  
7 throughout the whole Company doing this, this is only  
8 between your own wee section.

9 DAME ANNE RAFFERTY: Okay. Final few questions from me.

10 A. Yes.

11 DAME ANNE RAFFERTY: Think about the time when, out there,  
12 things changed after the end of the war and everybody  
13 went into the post-war phase. Was there a change in  
14 atmosphere in the camp, or a change in approach when you  
15 went into post-war phase?

16 A. Because this is obviously -- obviously all coded, I'm  
17 not too sure what I'm allowed to say or ...

18 DAME ANNE RAFFERTY: Stay on the cautious side and, if  
19 necessary, don't.

20 A. When we're talking about turning up in Iraq -- or,  
21 sorry, when we were turning up, we didn't go straight to  
22 Iraq, we were on the border. So wartime happened so  
23 quick. So what I can recall is my whole Iraq time was  
24 peacekeeping. It happened so quick that we went into  
25 peacekeeping. So we were in -- am I allowed to say

1 the other country that we were?

2 DAME ANNE RAFFERTY: Yes.

3 A. So we were in Kuwait, and I think we were there for,  
4 I don't know, six or eight weeks, and then we crossed  
5 the border, and what I can remember in my head just now  
6 is once we had crossed the border we pretty much went  
7 into peacekeeping straight away. It was like there was  
8 a surrender -- they surrendered. So in Iraq we were  
9 classed as wartime. We went to cross the border, and as  
10 soon as we crossed the border we went to peacekeeping.  
11 So my only knowledge on that camp is it was just  
12 a peacekeeping operation.

13 DAME ANNE RAFFERTY: So that's constant for you?

14 A. Yes. I can't define two separate ... Obviously we were  
15 still, obviously, training and doing our own of  
16 activities as such, preparing to move forward. When  
17 I say we moved forward, we went into peacekeeping --

18 DAME ANNE RAFFERTY: Got it, thank you.

19 A. -- two different feelings, sorry.

20 DAME ANNE RAFFERTY: That's all right. You don't need to  
21 apologise.

22 So back there in Camp Stephen and out and about, did  
23 the soldiers often have contact with/interact with  
24 the civilians? And if they --

25 A. To be fair, like, when we went out, obviously we done



1 patrols. So yet again I'm referring back to these three  
2 platoons that we had.

3 DAME ANNE RAFFERTY: Yes.

4 A. So you had your mortars, your reconnaissance and your  
5 anti-tank.

6 DAME ANNE RAFFERTY: You were anti-tank, weren't you?

7 A. I was missile anti-tank, yes.

8 So we went out and -- don't get me wrong, we went  
9 out and it was obviously sunshine, you're obviously  
10 covered with your body armour and such, so it was a lot  
11 hotter than just going on holiday and taking your  
12 clothes off. So you're in these circumstances and  
13 you're working in 45-degree heats, something that your  
14 body took time to adjust to. But when you were doing  
15 your patrols and stuff, there was kids and they were  
16 welcoming the British -- the British soldiers. We had  
17 things called ration packs, and you were giving them  
18 your chocolate bars, you were giving the kids your  
19 biscuits. And we even played football, like just kids  
20 and adults. I don't know whereabout, but we played  
21 football with them.

22 So I never seen any other -- like, I never had any  
23 threat. When I went out, I never felt threatened.

24 DAME ANNE RAFFERTY: Okay.

25 A. We just went out. We have seen the kids, they were

1 happy to see us. They've seen the armoured vehicles.

2 That was it. I never -- I never, ever, in my time felt

3 threatened to fire my rifle.

4 DAME ANNE RAFFERTY: Thank you.

5 Final question from me at this stage. The members

6 of C Company --

7 A. Yes?

8 DAME ANNE RAFFERTY: -- like you, were they encouraged to

9 use initiative to keep law and order?

10 A. What, to stop trouble happening?

11 DAME ANNE RAFFERTY: Yes, keep law and order, yes. It's

12 the initiative I'm interested in.

13 A. Yes, well, I never seen any of this, I never came across

14 having to use any aggression, so I'm --

15 DAME ANNE RAFFERTY: It doesn't bite for you?

16 A. No. I never came across this. I don't want to

17 speculate when I can't remember anything happening.

18 That's what I'm trying to say. I went out and, like,

19 the public that we seen were happy to see British

20 soldiers, so I can't say that I've -- I don't want to

21 speculate for something that I never seen happen.

22 DAME ANNE RAFFERTY: Understood.

23 I'm going to invite Ms Jackson now to ask you some

24 questions.

25 A. Okay.

1 DAME ANNE RAFFERTY: I might come back to you at the end.

2 Thank you.

3 A. Right, thank you, Dame Anne.

4 DAME ANNE RAFFERTY: Ms Jackson.

5 Questions from MS JACKSON

6 MS JACKSON: Thank you, Dame Anne.

7 Hello again, SO89.

8 A. Hello.

9 Q. I'd like to ask you some questions, if I may, about  
10 the events surrounding the collapse of Mr Ali. Just  
11 before I do ask these questions, just Basra in  
12 particular, we will now be talking about the events that  
13 were directly surrounding Mousa Ali's collapse and  
14 subsequent death. So some of the evidence might be  
15 a bit upsetting, I just wanted to say that before we  
16 started asking those questions.

17 So, firstly, Opus, could I ask you to pull up A/5/8,  
18 please. Apologies, that would not be the correct  
19 reference. It's {A/75/8}, paragraph 37. Thank you.

20 SO89, this is in your statement that you've given to  
21 the Investigations.

22 A. Yes.

23 Q. At your paragraph 37 there, you explain that you were  
24 called up with a colleague to guard a detainee on  
25 13 May 2003. Have I got that right?

1 A. Number 37, yes.

2 Q. Wonderful, thank you.

3 And in the supplementary statement that you've  
4 provided to us, which I think -- I checked earlier --  
5 you should have to hand, but unfortunately I can't bring  
6 up on the screen, you were asked to clarify in that  
7 statement how many detainees you were asked to guard  
8 both on this occasion and throughout the tour in Basra.

9 I just wanted to clarify this with you in person, if  
10 that's okay.

11 So is it your evidence that this detainee on this  
12 occasion was the only detainee that you guarded at  
13 Camp Stephen throughout your tour?

14 A. Yes, that's the only one I can remember --

15 Q. And do you remember -- (overspeaking). Apologies,  
16 I didn't mean to cut you off. Please carry on.

17 A. No, sorry.

18 Q. Sorry, you finish.

19 A. Just regarding that, that's only -- from back then to  
20 now, that's the only detainee that I can ever recall  
21 being there.

22 Q. Thank you, that's helpful. That actually answers  
23 the question I was going to go on to ask. So you do not  
24 recall any other detainees being at Camp Stephen at all?

25 A. No.

1 Q. And just sticking with this supplementary statement, you  
2 say then in your next sentence:

3 "I do, however, have a vague memory of being asked  
4 at some stage about another male detainee involved in  
5 water boarding."

6 I just hoped that you could explain to me what that  
7 sentence meant, because it's a bit hard to follow.

8 A. Well, I don't want to sound silly, but see, I didn't  
9 even know what water boarding was. Like here, if you  
10 said to me "Go and water board someone", I wouldn't know  
11 what it was. Obviously I've watched movies and stuff  
12 and now I know what water boarding is.

13 So prior to my representatives talking to me,  
14 I didn't know what water boarding was, and under no  
15 circumstances did I get involved in any water boarding  
16 if anything happened.

17 Q. Understood.

18 And then this sentence then in your supplementary  
19 statement:

20 "I do have a vague memory of being asked at some  
21 stage about another male detainee."

22 Can you just help us with the context of when you  
23 were asked about that other male detainee?

24 A. See, I'm not too sure. I'm not too sure when or where  
25 we were asked about this other person.

1 Q. That's quite all right. Thank you. No, I just wanted  
2 to clarify that.

3 So if we go back to the statement that we've got on  
4 the screen, looking at 39 in particular.

5 A. Okay.

6 Q. You say there:

7 "We were only there to prevent the detainee from  
8 running off."

9 A. Yes. See, going by number 39, that's what I was saying  
10 to Dame Anne, there was -- the only time -- that was  
11 the only time that I was in that detainee cage or camp,  
12 the EPW. We were never -- I never knew anything  
13 about it beforehand until that time that the detainee  
14 came in, and then once the circumstances that happened,  
15 happened, we never went back.

16 So going by number 39, we had no briefing to say,  
17 "Right, private", sorry, "SO89, you're going up to this,  
18 go and relieve blah blah blah". There was nothing like  
19 that. I don't even know how my name got mentioned to go  
20 up to the EPW cage, so I have no recollection. I can't  
21 -- in my mind just now, I can't remember someone coming  
22 up to me and saying, "Go up and go to the EPW cage".

23 Q. That's helpful, thank you. And to be clear, I'm only  
24 asking you about your recollection.

25 A. Yes.

1 Q. If there's something you can't remember, that's  
2 absolutely fine.

3 Just to be clear then, what did you understand your  
4 role to be on this occasion when you were guarding,  
5 taking what you're saying about not having clear  
6 instructions?

7 A. Just -- we were only there just -- in all honesty, if  
8 I'm being honest, I don't actually know. We never had  
9 a role, so we never got told "Do this", "Don't do that".  
10 We probably -- I'm trying to go back to 2003 here, but  
11 then I'm speaking from 2023. If you -- with respect,  
12 I --

13 Q. Understood. Understood. Thank you -- (overspeaking) --  
14 Sorry, there's a slight delay on the line. I think  
15 I'm speaking over you. Apologies. Please carry on,  
16 SO89.

17 A. I'm just saying, with the number 39, going up to  
18 the camp, there was nothing that was said, "Right, just  
19 go and stand there", or ... It was nothing like that.  
20 It was just, "Go up there and guard, and then you'll get  
21 relieved". There was nothing like that. I couldn't  
22 even tell you how long I was there for.

23 Q. Thank you.

24 Can I ask Opus to just bring up {A/4/13}, please.

25 SO89, we have some photographs that were taken of

1 Camp Stephen. Just for your context, this is our third  
2 day of hearing evidence, and we've been through a number  
3 of these photos now with various witnesses. So rather  
4 than showing you all of the photographs, I'm just taking  
5 you directly to one that other witnesses have identified  
6 as being helpful.

7 Firstly, just in general, I know it's not a great  
8 quality photograph, but does this picture look familiar  
9 to you?

10 A. No, not at all.

11 Q. And you don't -- does this meet your recollection of  
12 what Camp Stephen looked like at all?

13 A. Is this -- is this outside?

14 Q. Well, I mean, you tell me.

15 A. I don't know.

16 Q. I understand this to be a photograph of Camp Stephen.

17 Does it look familiar?

18 A. No, honestly, if you showed me that picture and never  
19 told me, I wouldn't have a ken of what that was.

20 Q. That's helpful. I'll leave that there then, thank you.

21 Let's go back to -- let's bring your statement back  
22 on the screen then, if that's okay, Opus. {A/75/8}.

23 I think you've just answered this question but I'm  
24 going to ask it again, just to make sure that we're  
25 clear on what your evidence is. Did you know anything



1 about Mousa Ali, this particular detainee, before you  
2 were asked to guard him?

3 A. None at all.

4 Q. Did you have any information about why he had been  
5 detained at all?

6 A. No, none whatsoever. I don't -- I don't even know where  
7 he came from.

8 Q. Thank you.

9 Now I'm going to ask some questions about what  
10 happened while you were guarding Mousa Ali, and first of  
11 all I'm going to ask us to go to paragraph 25 of your  
12 statement to our investigations, which should be at  
13 {A/75/7}. And I'll read this out, if that's okay. So  
14 you say here:

15 "I have been asked whether I ever witnessed the use  
16 of stress positions on detainees at Camp Stephen and if  
17 so, to give details."

18 And your response then:

19 "Yes, I did that. I had instructed via a Simon Says  
20 routine, ie demonstrating with the assistance of  
21 Private ..."

22 And on my cipher list, that's SO103. I think  
23 you know who that is, based on this being your  
24 statement.

25 "... the squatting down with the hands on heads or

1 hands out in front position. I also made the detainee  
2 exercise with Gerry cans filled with water and gave him  
3 water to drink from that."

4 A. Yes.

5 Q. If I could then ask Opus to turn to page {A/75/11}, and  
6 we're looking at paragraph 49.3. It says there:

7 "I did 'exercise' Mousa Ali.

8 "I only used the express position and had him lift  
9 Gerry cans of water. I had him hold the water out to  
10 the front and to the side of his body with both arms  
11 outstretched. I rotated this exercise.

12 "Mousa Ali's response to being exercised was  
13 breathing harder, just what you would expect any person  
14 to do when exercising."

15 A. Mm-hm.

16 Q. I'm going to pause there, and I'm going to go, if I may,  
17 back to some of your previous accounts, just to check  
18 whether they match your recollection today as well. So  
19 that's me going back to that disclosure bundle that we  
20 were trying to look at a minute ago.

21 A. Yes.

22 Q. I'm going to ask you, if you can, to turn to page 9 of  
23 that bundle, and we can see if we're on the same page.  
24 And if we've got difficulties, I can just read out  
25 the sections if that's going to be enough for you.

1 A. If you just read it out, because I'm obviously looking  
2 at it through my mobile phone, so I'm trying to think  
3 what file it's actually in.

4 Q. Of course. I'm very happy to read it out, and if you  
5 need more time to understand the context, then please do  
6 so, and we can make time for that.

7 So I am looking at your 2013 account which was given  
8 to IHAT investigators, and in this account you said:

9 "Most of the time he ..."

10 "He" being the detainee.

11 "... was in the stress position, but I also got him  
12 to do additional things, such as standing up, holding,  
13 a Gerry can in each hand and lifting them up and down.  
14 Several different exercises using the Gerry cans.  
15 The Gerry cans contained water. We got him to do like  
16 gym exercises with the Gerry cans. We would give him  
17 a drink from the Gerry can, and we also poured water  
18 over him to cool him down."

19 Now, I'll pause there for a second, because in your  
20 statement to our investigations you confirm -- and  
21 I think this is at paragraph 2 at page {A/75/2} -- you  
22 do confirm that the contents of that 2013 statement are  
23 true, but that you did not pour water over him.

24 So can I just pause there. Is that your evidence to  
25 these investigations?

1 A. Well, what you've said, what happened. The water -- we  
2 obviously cooled him down and we gave him water. It  
3 wasn't like -- I don't know if this is referred to as  
4 this water boarding, but we did actually give him water.  
5 Whether it was me personally, I don't know. But I gave  
6 him the exercises. It was just normal day-to-day  
7 exercises. It wasn't he got special treatment, if you  
8 like --

9 Q. -- (overspeaking) -- I'll just pause you for a second,  
10 because at the moment I'm just trying to confirm that  
11 the 2013 account is your evidence.

12 A. Yes.

13 Q. And then we'll discuss it in a bit more detail just when  
14 I've been through which of those accounts we're working  
15 off, if that's okay.

16 So if I can now ask you to have a look at  
17 paragraph 3 of your supplementary statement, which is  
18 the most recent one that you've given us. Again, I'll  
19 just read this out, because this was in response to  
20 a request from the investigation to clarify  
21 paragraph 48.1 that I've just read out from your initial  
22 statement to us.

23 Paragraph 3 says:

24 "I described making the detainee perform exercises  
25 on a kind of rota basis. At paragraph 49.3.1 I state

1 what the exercises I rotated were. Each set of  
2 exercises lasted no more than 30 seconds. The detainee  
3 was, however, unable to hold the Gerry cans out for that  
4 length of time. I have been asked whether I gave  
5 the detainee any breaks. At the end of each circuit  
6 the detainee was given water to drink. It was extremely  
7 hot. After the detainee had finished the circuit  
8 exercise he was returned to the stress position which  
9 was his default position."

10 So that's the account that we've got from you so far  
11 about the events of detention. I've just got a couple  
12 of clarificatory questions, if I may, about what took  
13 place.

14 So, firstly, you explained that you performed  
15 gym-like exercises, and you've given some examples of  
16 what those exercises were. I was just hoping you could  
17 explain in your oral evidence exactly what exercises it  
18 was that you made Mousa Ali perform.

19 A. Pretty much just what you have said there. It was --  
20 the stress position was like his default position. So  
21 he was always put in the -- he was always starting and  
22 finishing in the squatting position. Then he was given  
23 Gerry cans. It was arms up, level, arms out to  
24 the side. The more that we done this, that's when he  
25 was getting more out of breath. And then that's when

1 the officer with water came in, we were cooling him  
2 down, and then all of a sudden he's -- he's -- obviously  
3 what happened to him happened.

4 Q. Thank you.

5 A. I remember that.

6 So these exercises weren't what a British soldier  
7 wouldn't get in a circuit, you know, if you're walking  
8 around with a jerry can. He never got any harder  
9 treatment than what I would have gave anyone else.

10 Q. Thank you. And when did you start getting Mousa Ali to  
11 perform these exercises? How long after you started  
12 guarding him did you ...

13 A. I don't know. I can't answer that question. I don't  
14 know how long I was there for. I don't know how long  
15 I was in there for before I gave him the exercises.  
16 I don't even know how long I was in there in total, so  
17 I can't answer that question. I don't know.

18 Q. That's all right. Thank you.

19 And I think you just described to me that the way  
20 that you were making Mousa Ali hold the jerry cans was  
21 out at his side -- with his arms out at his side, and  
22 with his arms out in front of him as well?

23 A. Yes.

24 Q. At what height were his arms when he was holding them  
25 out? Shoulder height? Lower?

1 A. That's what I was trying to achieve, shoulder height.

2 Q. Thank you.

3 And then at paragraph 4.2 of your supplementary  
4 statement. I think Opus are trying to bring it up, it's  
5 not going to be on the screen, but thank you anyway,  
6 Opus.

7 So you say there -- and this is in response to  
8 questions from this Inquiry about the jerry cans. You  
9 explain -- sorry, it's at 4.3:

10 "I have been asked to describe the dimensions and  
11 weight of the Gerry cans. The Gerry cans were the green  
12 military type used for fuel and water. They were metal  
13 with a flip locking lid. The cans probably contained  
14 somewhere in the region of 20 to 25 litres of fluid, in  
15 this case water. I suppose they were about the size of  
16 a bag of cement and would have weighed about 20 kilos."

17 I was hoping you could just contextualise this for  
18 me a bit. So how much weight would you expect an  
19 average man in his late 40s/early 50s to be able to  
20 carry for that type of exercise?

21 A. It's all down to your own personal physique.

22 25 kilograms is -- I wouldn't say anyone can carry  
23 25 kilograms, but that was part of your basic training,  
24 was to carry your jerry cans at 25-kilo. So to be fair,  
25 we hadn't been -- or that man in question being a

1 40/50-year old shouldn't have been an issue. Carrying  
2 that weight was like a bag of shopping.

3 Q. And that's carrying that weight with your arms out at  
4 your sides?

5 A. It wasn't -- it wasn't holding them out still, it was  
6 bringing them up and down. So it was mobile, majority.  
7 It wasn't keeping them up and keeping them there for so  
8 long, it was up and down, like continuous movement.

9 Q. Thank you.

10 And you say in your statements that each exercise  
11 lasted for no more than 30 seconds. How would you  
12 decide how long each exercise would last?

13 A. 30 seconds is just, obviously being a PTI, your circuit.  
14 If I can revert back to a training session, you would  
15 also do a circuit for 30 seconds where it was press-ups,  
16 sit-ups, burpees. It was always 30 seconds. 30 seconds  
17 was just the magic number in a circuit. So it was  
18 just -- in that EPW it was just 30 seconds. You didn't  
19 do the 30 seconds, it was just that was the number. He  
20 wouldn't have understood to do this for 30 seconds, that  
21 just seemed to be the number that any given circuit was  
22 a 30-second circuit.

23 Q. That's helpful. And just because I think you were  
24 talking about the weight of 20 to 25 kilograms being a  
25 sort of standard weight, far be it for me to give



1 evidence, but I know that I would very much struggle to  
2 lift 20 to 25 kilograms. Maybe that's more reflective  
3 of me than of the general context, but I just wonder if  
4 I could push that a little bit further.

5 What would you -- what would you expect to have, as  
6 a typical weight for a man in his late 40s/early 50s, of  
7 Mousa Ali's physique, with very little --  
8 hypothetically, I don't know if this was the case --  
9 very little by way of physical training background?

10 A. For him? It's quite hard to answer that question,  
11 purely on people's different ability. I mean, 25kg, it  
12 sounds -- maybe it sounds heavy, but it's mobile. It's  
13 not like you're -- the key word is it's mobile, it's for  
14 agility. I'm not telling any one person to keep it up  
15 for 30 seconds, two 25kg jerry cans in their arm. But  
16 for me to say put it at shoulder height, he's also not  
17 getting to shoulder height. It was more just to keep  
18 him moving. But I can't answer what's an ideal weight  
19 for someone at their weight and height and age to carry  
20 something.

21 Q. That's helpful. Thank you. I only ask because  
22 I understand that you do have a bit of physical training  
23 background, so I thought you might be able to comment on  
24 that, but I take your response. And I also note your  
25 evidence at paragraph 3.1 of your supplementary

1 statement that each set of exercises lasted for no more  
2 than 30 seconds, but the detainee was unable to hold  
3 the jerry cans out for that length of time. So we do  
4 have that clearly from you. Thank you, SO89.

5 You referred to the stress position being used as  
6 the break that Mousa Ali was returned to in that section  
7 that I read out a moment ago. I'll just read it out  
8 again for clarity. 3.2:

9 "I have been asked whether I gave the detainee any  
10 breaks. At the end of each circuit the detainee was  
11 given water to drink. It was extremely hot. After  
12 the detainee had finished a circuit exercise, he was  
13 returned to the stress position which was his default  
14 position."

15 I know Dame Anne asked you some questions about  
16 the squat position earlier. I was hoping you could just  
17 describe to me what the stress position you're  
18 referring to here was.

19 A. Well, the stress position is just another terminology  
20 for squat position. I've just called it a stress  
21 position. To clarify, the stress position is the squat  
22 position. So apologies if I've just referred to it as  
23 a squatting position.

24 Q. No need to apologise.

25 A. Well, what do you want me -- do you want me to explain?

1 Q. Yes, please, could you explain exactly what the squat  
2 position would entail, or the stress position.

3 A. The squat position is basically your legs bent, so your  
4 feet's flat on the floor, shoulder width, flat, so your  
5 bent down so your buttocks and your legs are parallel to  
6 the ground and your back's straight, so you can imagine  
7 -- unaided, so you've not going anything, like a wall or  
8 anything. Usually if you're tired and you'd fall back  
9 onto a wall, I mean, you would just get put back into  
10 that position.

11 So all it is is imagine -- and I don't want to sound  
12 humorous here, but if you imagine sitting on a toilet  
13 seat in that position and moving the toilet seat out of  
14 the way but you keeping in that position, that's  
15 the best definition I can say of a squatting position.

16 Now, I don't want to sound humorous, and that's just  
17 the best that I could explain, without showing you, what  
18 a squat position is --

19 Q. That's very clear. Thank you, SO89. Sorry, I don't  
20 mean to cut you off --

21 A. I don't want to sound -- and I know what this entails,  
22 but I don't, under no circumstances, want to sound  
23 humorous or make a joke; that's just my way of trying to  
24 explain to someone. If you were sitting down on a seat  
25 and you moved it out of the way, that's the stance that

1       you hold. That's your -- what is known as a squat  
2       position, without coming back up and down, you're also  
3       just holding that position until you feel tired.

4       Q. Thank you, that's very clear. Thank you, SO89.

5             And so just to be clear, this was the position that  
6       Mousa Ali was made to adopt when he was taking breaks  
7       from the exercise?

8       A. Yes, he was -- he was adopting back into the squatting  
9       position. Sorry.

10      Q. And was he given any breaks from exercising and doing  
11      the stress position?

12      A. Yes, he was --

13      Q. Was he either exercising and in the squat position at  
14      all times?

15      A. No, he wasn't given -- like, when he was getting  
16      a break, he wasn't -- like, we weren't giving him water  
17      in the squatting position. So he was getting breaks, he  
18      was standing up, he was, like -- it wasn't like, say,  
19      I had him in the EPW for two hours and we gave him  
20      exercises for two hours. It was a -- like, the jerry  
21      cans, maybe we done that for, I don't know, a couple of  
22      minutes, you know? And I can't state, to this day, how  
23      long we gave him an exercise for, or how long prior  
24      to us being in the cage that he got exercised. I can't  
25      answer that question.

1 Q. That's helpful. Thank you, SO89. And I hear that you  
2 don't feel able to comment at all on the time, even to  
3 any magnitude, and that's your evidence. That's still  
4 very helpful, that you've indicated that it might have  
5 been a matter of minutes rather than a matter of hours.

6 A. Yes.

7 Q. So we're grateful for that. Thank you.

8 I'd just like to ask some questions now about how  
9 Mousa Ali appeared to respond to these exercises.

10 So, firstly, Opus, can we go to 49.6 of SO89's  
11 statement, which I think should be at page 10 {A/75/10}.  
12 Apologies, it's on {A/75/11}. Thank you.

13 And this is your evidence here:

14 "I have been asked whether Mousa Ali communicated or  
15 attempted to communicate with me.

16 "The only communication that he gave was to  
17 say "please" or "mister" on 2 or 3 occasions. The only  
18 other sounds were that of heavy breathing."

19 Now, we asked some clarificatory questions in  
20 relation to that, and if I can get you to look at  
21 paragraph 5.1 of your supplementary statement, you say  
22 there:

23 "At paragraph 43.1 of my statement I explain that  
24 the detainee was saying repeatedly 'please', please',  
25 'mister, mister' in response to a question about

1 the detainee's condition on arrival.

2 "At paragraphs 49.5 to 49.7 I say that I did not  
3 respond to 'please' or 'mister' on 2 or 3 occasions,  
4 because shortly after he had said 'please' and 'mister'  
5 he collapsed onto the floor. The detainee was  
6 continually saying 'please, please', 'mister, mister'  
7 more or less from the minute that SO103 and I arrived to  
8 guard him. To me, it was like he was pleading his  
9 innocence in an effort to get away. I think that that  
10 is all he could say. I cannot pinpoint exactly when he  
11 said it but he was saying it sporadically throughout  
12 the period I was guarding him." [as read]

13 And then I'll just jump to 5.3. You were asked  
14 there specifically about whether he said "sleep". Now,  
15 that's in relation to your 2013 statement to IHAT. You  
16 had said to IHAT in 2013 that he had said  
17 the word "sleep", and you say here:

18 "I cannot confirm whether the detainee said 'sleep'  
19 to me at any point. I do not recall referring to  
20 the detainee saying 'sleep' to me in previous accounts,  
21 but it is fair to say that I have no memory of him  
22 saying that now." [as read]

23 Now, just pausing there for a minute, because you  
24 say that "I do not recall referring to the detainee  
25 saying 'sleep' to me in my previous accounts", is it

1 helpful for me to read out from your 2013 account where  
2 you did say that he said "sleep", or are we happy to  
3 proceed on the basis that you did, in 2013, say "sleep"  
4 and you no longer recall whether that was the case?

5 A. No, that's fine just as it is. I can't recall now --

6 Q. That's helpful --

7 A. -- (inaudible - overspeaking).

8 Q. -- thank you.

9 A. (inaudible)

10 Q. So we do have your evidence on how it seemed that  
11 Mousa Ali was speaking to you during the course of these  
12 exercises. I was hoping you could just add a bit more  
13 colour to what you perceived Mousa Ali's response to be,  
14 his demeanour to be, whether it changed over the course  
15 of him performing these exercises.

16 A. Well, over the course of the exercises, he was going to  
17 get more out of breath. That's just human nature:  
18 the more exercises you do, your heart rate goes up. But  
19 when he was saying "mister, mister" and all that, that  
20 was -- even outside of camp, 99% of being in Iraq, they  
21 were all saying "mister, mister", whether you were  
22 a child, people in the street. So hearing "mister,  
23 mister" in the camp from Mousa Ali wasn't any different.  
24 It was just a broken English, "mister, mister", like, he  
25 couldn't speak English, as we couldn't speak Arabic.

1 But he wasn't saying "mister, mister, stop", or "mister,  
2 mister", you know, he was just -- it was just like  
3 saying, like, "Let me out of here", but obviously we  
4 never had that authority. So when he was getting all  
5 these exercises done and stuff like that, that was just  
6 obviously his way of saying "stop", but he never under  
7 any circumstances looked like what happened was going to  
8 happen.

9 Q. So, again, that's very helpful, but maybe you can just  
10 explain to me a bit more.

11 So as the exercises continued --

12 A. Yes.

13 Q. -- did Mousa Ali attempt to attract your attention in  
14 any way? Did he try to communicate with you in any way?

15 A. Just communicating was, "mister, mister", but he was  
16 probably saying that had from the minute that we went  
17 into the camp. So from saying -- from me going in there  
18 wasn't -- there was no change, other than him obviously  
19 being more out of breath from the exercises. But it  
20 wasn't -- in my eyes, it wasn't like, "Well, what's  
21 happened to him now", it was just excelled(?) exercise.  
22 That was it. "Mister, mister" was just his way of  
23 speaking to us in English, without giving us a full  
24 sentence.

25 MS JACKSON: Thank you, SO89. I'm just going to pause for



1 one second, because I'm told that the interpretation  
2 might need a break or a switch. Do you mind if I just  
3 pause for one second?

4 Ms Al Qurnawi, are you able to hear me?

5 (Pause)

6 Ms Al Qurnawi?

7 (Pause)

8 I think you might be on mute. Oh, thank you.

9 Ms Al Qurnawi, can you hear me now?

10 MS AL QURNAWI: Yes, hi, I can hear you.

11 MS JACKSON: Sorry to call upon you, but I have been relayed  
12 a message that there perhaps needs to be a change of  
13 interpreter. Is there a problem with the interpretation  
14 at Basra's end at the moment?

15 MS AL QURNAWI: Sorry, I didn't get it.

16 MS JACKSON: I've been relayed a message that there might be  
17 an issue with the interpretation.

18 MS AL QURNAWI: Yes.

19 MS JACKSON: Is there a problem with the interpretation at  
20 the moment?

21 MS AL QURNAWI: Yes, because the sound -- because there are  
22 two different interpreters.

23 MS JACKSON: Understood.

24 MS AL QURNAWI: Yes. Maybe the other one, the sound comes  
25 a bit clearer here.

1 MS JACKSON: So as I understand it, I think -- and Jamie and  
2 whoever the interpreters are on the line at the moment,  
3 I understand that this is a request to switch  
4 the present interpreter for a different interpreter?

5 MS AL QURNAWI: For one. We had a different one as well  
6 this morning, or just a short while ago.

7 MS JACKSON: Thank you. Ms Al Qurnawi, if we look into  
8 being able to do something about that, are we going to  
9 be able to continue at the moment with the present  
10 interpreter?

11 MS AL QURNAWI: Please do.

12 MS JACKSON: Thank you. That request has been noted, and if  
13 there are any difficulties in understanding, please do  
14 raise that to me, and feel free to interrupt in order to  
15 do so, and we'll work behind the scenes to make that  
16 okay. Thank you.

17 Sorry, SO89, to interrupt you there.

18 A. No problem.

19 Q. So I was hoping to go back to asking questions about  
20 Mousa Ali's response during the course of the exercises.  
21 And again, I'm going to go to your 2013 statement, but  
22 I'll read out the relevant section, but we are on page 9  
23 of your disclosure bundle, if you wanted to have a look,  
24 or your representatives did.

25 So in your 2013 statement, which you have confirmed

1 for these investigations, you stated that:

2 "Mr Mousa Ali fell to the floor on more than [sic]  
3 one occasion. We got him up each time by forcibly  
4 grabbing him by his clothes." [as read]

5 I'm then going to go to paragraph 41.1 of your  
6 statement to these investigations, which is at page 9,  
7 for Opus' purposes. And what it says is:

8 "No one else was present in the EPW area while I was  
9 on guard duty. There was no handover ... nothing ...  
10 discussed."

11 Fast-forward a bit. 4.1.1:

12 "I have been asked whether any of the detainees  
13 moved, or were moved, within the EPW area.

14 "There was only one detainee who was placed within  
15 the area itself. I was aware, however, that there had  
16 been two detainees at some point ..."

17 This is a point we discussed earlier. I'll jump to  
18 the last sentence there:

19 "The only time my detainee was moved was when we  
20 lifted him back to his feet and ultimately, when he was  
21 moved by medics after his collapse."

22 So I'll pause there again and go back to your  
23 supplementary statement, paragraph 5.2, and you say  
24 here, in response to paragraph 41.1, which is the one  
25 that we've just read out:

1 "I say in response to paragraph 41.1 that I lifted  
2 him back to his feet and have referred in my previous  
3 statements to lifting the detainee up on more than one  
4 occasion after he fell to the floor. I lifted  
5 the detainee back to his feet on a couple of occasions  
6 both before and after he spoke to me. He said, 'please,  
7 please, mister, mister' many times throughout my time  
8 with him and during the exercises." [as read]

9 And obviously we've just discussed that.

10 I'm also going to ask you to have a look at  
11 paragraph 2 of your supplementary statement, and what  
12 that says is:

13 "At paragraph 41.1 of my witness statement I say  
14 that I moved the detainee when we lifted him back to his  
15 feet. I have been asked to explain how we lifted him  
16 back to his feet.

17 "The manner in which the detainee was lifted back to  
18 his feet was, with the assistance of myself and SO103,  
19 we faced the detainee 1 meter wide. I then placed my  
20 right arm under the detainee's right armpit, SO103  
21 placed his left arm under the detainee's left armpit and  
22 we assisted the detainee back onto his feet. I remember  
23 he was a big guy, about 25 stone in weight." [as read]

24 So, firstly, in relation to your accounts of  
25 Mousa Ali falling down and then being picked up again,

1 is there anything that you're able to add to that  
2 evidence that you've given us already?

3 A. No. Just when he fell to picking him back up?

4 Q. Yes, exactly.

5 A. No, I stayed there with SO103, or the person that you  
6 mentioned earlier. So that was true, to our knowledge,  
7 that when he was falling down to his knees, it wasn't --  
8 we obviously just picked him up, but he kept falling  
9 down, so that's true, to my knowledge, these statements.

10 Q. Thank you.

11 And I know I've asked you some questions about  
12 the timing of events earlier and I hear that your  
13 recollection isn't clear. Are you able to give an  
14 indication as to how long after performing exercises did  
15 Mousa Ali first fall over before he was lifted up for  
16 the first time?

17 A. No, I'm not sure. I don't know. I don't even know how  
18 many times he fell over --

19 Q. Let's go to my next question. Just by order of  
20 magnitude, I mean, are we talking here seconds? Are we  
21 talking minutes? Are we talking hours? I think you're  
22 able to help us to that degree?

23 A. (inaudible) I'm saying seconds. You know, if he kept  
24 falling down and we were picking him up, falling down  
25 and picking him up, you're only a couple of seconds to

1 away. So I can't put a timescale on that, other than  
2 getting up -- heavy boy -- and then falling back down,  
3 just with just being exhausted. Not over ever  
4 the exercises, just the sheer -- I don't want to sound  
5 cheeky, but the size the man that he was and the heat.  
6 It was --

7 Q. Thank you.

8 A. It was only seconds that he was up and down. How many  
9 times he fell, I'm not sure.

10 Q. Thank you.

11 And are you able to describe the falling for me in  
12 more detail? Was he conscious? How did he appear? Was  
13 he --

14 A. He was conscious. He was --

15 Q. (inaudible - overspeaking).

16 A. Yes, he was conscious. Every time that he got picked  
17 up, he was awake. He never came across to me as --  
18 other than, obviously, being out of breath, or  
19 struggling with the heat or whatever, but he never once  
20 looked -- obviously when he was falling down he was just  
21 fatigued, he was just -- but there was no harm. There  
22 was nothing, to look at him, other than being sweaty,  
23 that warranted me to think, you know, there's something  
24 seriously wrong here.

25 Q. Thank you. And just in your view, did any of this

1 appear abnormal to you, the fact that he was falling  
2 down, or was that what you would expect someone to be --  
3 A. No, you'd would expect that. You would expect that from  
4 a man of his stature, anyway. You know, and bearing in  
5 mind you're working in the heat as well -- I mean,  
6 the heat's the biggest -- the big factor. I struggled  
7 in that heat. I don't want to add arms and legs, I'm  
8 just trying to give you a better picture to how I'm  
9 picturing all this 20 years later.

10 I mean, you're asking me about timings, and I  
11 know -- I appreciate that it's had to be answered, but  
12 I honestly don't know how many times he had fell over  
13 before he's obviously collapsed. I don't know how many  
14 seconds, minutes. I honestly don't know.

15 Q. I appreciate that, SO89, and I'm grateful to you for  
16 assisting us as best as you're able to with your  
17 recollections.

18 Opus, could I ask you to turn {A/75/10}, please, and  
19 we're looking at paragraph 48.

20 SO89, I'm just coming back to a point that we've  
21 touched upon earlier and I said I'd come back to, and  
22 this relates to you changing your account from 2013 in  
23 relation to whether water was poured over the detainee.  
24 So, you say at paragraph 48 that -- let me just find it  
25 in this paragraph. Maybe it's the wrong reference.

1 Apologies. I'll find that reference for you in just one  
2 second.

3 The point that we're discussing is the one we were  
4 talking about earlier, that in your 2013 account you  
5 mentioned pouring water over the detainee and in your  
6 account to us you clarify that your evidence to us is  
7 that that section of your 2013 account is incorrect and  
8 that, "We never poured water over him". I just wanted  
9 to give you the opportunity to explain why it was that  
10 that was in your 2013 account, if you're able to recall,  
11 and why it is that that's no longer part of your  
12 evidence. And to reiterate, this is not meant to be an  
13 adversarial question, it's just to give you  
14 the opportunity to explain that.

15 A. I'm not -- I'm not sure. I don't know why my two  
16 statements are different, but what I can say now is he  
17 definitely did get water. So if that was stated in my  
18 2013 statement, I'm going to stick to that.

19 Q. Thank you. And actually, I was in the right place  
20 (inaudible). 48.1, the first sentence there:

21 "I maintain this account; however, we never poured  
22 water over him."

23 So I'm asking less about the giving the detainee  
24 water to drink and more about "we never poured water  
25 over him". And I think -- well, I won't put words into



1 your mouth, but I think you started discussing that a  
2 bit earlier. I just wanted to give you the chance to  
3 explain why your position was changing.

4 A. I think, with, obviously, looking at that statement,  
5 "pouring water", this is where I'm getting accused with  
6 this waterboarding. So, the water pouring over him was  
7 to cool him down. So I don't know if I'm getting mixed  
8 up with the waterboarding, with the -- obviously  
9 the cloth and all the rest. So the water pouring was to  
10 cool him down. We definitely gave him water. If I'm  
11 getting mixed up with this "water poured over him", or  
12 is it to cool him down. There's like two different  
13 questions being answered, if you know what I mean?

14 Q. That's --

15 A. That's two questions worded differently.

16 Q. That's very helpful, SO89. Well, certainly there was no  
17 intent to trip you up there, we just were trying to  
18 clarify.

19 A. Yes. No, I understand that. The reason why I'm not  
20 saying, like, water poured over him, as in he's lying on  
21 the ground and I'm pouring water over him --

22 Q. Understood -- (overspeaking) --

23 A. -- (inaudible) water to give him. And under no  
24 circumstances it was water bottles. It wasn't picking  
25 up a Jerry can and pouring water, it was --

1 Q. Understood -- (overspeaking) --

2 A. -- (inaudible), okay?

3 Q. So, so I'm clear, is it your evidence to us that there  
4 was some water perhaps poured over Mousa Ali in order to  
5 cool him down, but it was --

6 A. Yes --

7 Q. -- no greater --(overspeaking) --

8 A. -- (inaudible) --

9 Q. -- (inaudible - overspeaking) than that.

10 A. Yes, it wasn't classed as waterboarding, is what's been  
11 said in my previous questions or statements.

12 Q. That's helpful. Thank you. And to be clear, I don't  
13 think this Inquiry has specifically asked about you  
14 waterboarding, but it's still helpful to clarify your  
15 evidence. I'm grateful.

16 Still sticking with paragraph 48.1, you say there:

17 "We did muck him about, but this was a bit of banter  
18 and there was no interrogation at all."

19 I just was hoping you could explain to me what both  
20 what "muck him about" and "a bit of banter" meant in  
21 this context.

22 A. I shouldn't laugh, but all it was was, like, say -- it  
23 was pretty much just to pass the time, if I could say it  
24 like that. It was just, you know, looking after  
25 a detainee, let's have a bit of fun. And that's what

1 the exercises were. It wasn't -- it wasn't to be  
2 ill-natured(?) . All it was was, you can be here for  
3 two, three, four hours, let's pass the time. And that's  
4 why I was putting him in the squatting position,  
5 standing him up. It was like a Simon Says with SO --  
6 is it SO103?

7 Q. It is, yes.

8 A. So I was also saying to Mousa Ali -- because there was,  
9 obviously, the language barrier, what he was getting  
10 down, SO103 was showing him. So it was just -- like,  
11 the banter's more like, just squat -- the squatting  
12 position, keep him there for as long as you can, like,  
13 the water cans up in the air, moving them back and  
14 forth. There was nothing -- like, he was in one  
15 position, but just moving his limbs, if you like, and  
16 that was it. It was just to pass the time and that was  
17 all it was. Mucking him about with just silly wee  
18 exercises.

19 Q. Thank you, that's helpful.

20 You did just refer to what SO103 was doing at  
21 the time, and I'll just get Opus to bring up  
22 paragraph 50, which should be at page 11 {A/75/11},  
23 while I ask this question, because you say in  
24 paragraph 50, as I think you've just said now, that  
25 SO103:

1 "... was following my instructions ..."

2 "My" here being you:

3 "... following [your] instructions in order to  
4 convey to the detainee what I wanted him to do -  
5 the simple Simon role. He also provided him with  
6 water."

7 I was just hoping you could explain in a bit more  
8 detail what it was that SO103 was doing at the time and  
9 how it was that he was performing this Simon Says role.

10 A. What SO103's role was in this?

11 Q. Yes, exactly.

12 A. Basically, it was just -- me and SO103 were just  
13 standing there. I would -- as -- not that I took lead,  
14 that's the wrong (inaudible), but because I had  
15 the physical training aspect, so I've obviously done  
16 the course, so I've obviously said to SO103, "Right ..."  
17 -- I was speaking to Mousa Ali first, but getting SO103  
18 to get into a squatting position and then trying to,  
19 through sign language, if you like, get Mousa Ali in  
20 that position as well. So I would use SO103 as, like,  
21 a guinea pig, if you like. Then Mr Ali would see what  
22 SO103 was doing and then get into that position. Once  
23 Mousa Ali was in that position, then SO103 would just be  
24 beside me, and that was all -- that's all it was. It  
25 was just Simple Simon: "Do this, do that". It's --

1 Q. Thank you -- sorry, please carry on.

2 A. No, no, it's just there's a delay, so when you're

3 talking, I'm not ... So, sorry if I'm cutting you off,

4 it's just a wee second --

5 Q. Likewise, and apologies. Did I cut you off, SO89, or

6 was there anything else you did want to say?

7 A. No, that was fine. That was just what I meant by "Simon

8 Says". It's -- in layman's terms, it was: "Do what he's

9 doing", "Do this, do that". That's what I meant

10 by "Simple Simon". So SO103 would do the exercise for

11 a matter of seconds, just to ... And then, again,

12 Mr Ali's obviously doing it for a wee bit longer, but

13 with rest periods in between.

14 Q. Understood.

15 Could you just explain to me a bit more the dynamic

16 between you and SO103 at the time? You said the words

17 you were leading and then took it away, but maybe you

18 could give us some words to describe what the dynamic

19 was.

20 A. What do you mean, sorry?

21 Q. Apologies. I'm asking you about your relationship and

22 your dynamic with SO103 during the course of these

23 events. You just suggested that you were leading

24 because of your physical training course. You then took

25 back the word "leading", but I was hoping maybe you

1 could give me some words instead.

2 A. Within the camp -- within that EPW, myself and SO103  
3 were equal and we never had -- not one person had  
4 authority. Like, we wasn't -- we were both the same  
5 rank, you know? So I was -- no one took authority  
6 there. I'm only saying that because I was a physical  
7 training instructor I knew what exercises to give him.  
8 SO103 was just there to, I don't know, show him  
9 the exercises. There wasn't any alpha dominance between  
10 the two of us, it was just two people in that situation  
11 with a detainee and that was it. There was no, like,  
12 senior role, as such, it was just two same rank soldiers  
13 going into an EPW camp with a detainee and that was all.  
14 Hopefully that's answered what you were asking for,  
15 but --

16 Q. No, that's very helpful. Thank you, SO89.

17 Did is SO103 say anything to you, or attempt to  
18 respond to the exercises? Was he happy to go along with  
19 this? How was SO103 responding to the events?

20 A. I can't recall what he said word by word, but there was  
21 nothing to say, "Oh no, don't do that", or, "No, don't  
22 do that, do this". Nothing like that. It wasn't like  
23 this was planned. This wasn't like, "Let's go up there  
24 and we'll do this and that, this and that". It was  
25 just, you know, "We'll be here for X amount of time, you

1 know, let's pass some time". It sounds selfish and  
2 silly, but that's all it was. It wasn't, like,  
3 a planned -- that's what I was saying from the start  
4 from -- in respect to Dame Anne.

5 It was this camp. I could have walked past  
6 Camp Stephen a thousand times and not even noticed this  
7 EPW cage, or tent. We done it the once, and that was  
8 it. Never went back. So it wasn't like this was set  
9 down to say, "Right, this is your role for X amount of  
10 time in Camp Stephen". It was just this once and that  
11 was it. Never went back to it. It wasn't planned, it  
12 wasn't set upon us to be guard duty there. I didn't  
13 even think we done guard -- I know that I'm talking on  
14 and on, but I'm trying to think of what I can remember  
15 20 years later.

16 Q. It's very helpful. Thank you, SO89. And again, your  
17 evidence and assistance is very much appreciated.

18 I'm just going to ask Opus to bring up {A/75/9},  
19 paragraph 43, more for reference here than to get you to  
20 read it all, to read it out. But in this paragraph you  
21 describe, SO89, Mousa Ali as being "approximately 25  
22 stone in weight", and you also describe the temperature  
23 as being "above 40 degrees". Now, again, we've touched  
24 upon both of these points, but I just wanted to clarify,  
25 did those two factors give you any cause for concern

1 about the impact that such exercise might have on  
2 the detainee?

3 A. No, not -- it's all hindsight, but not at that time.

4 Whatever -- what happened, it was unfortunate what  
5 happened, but, look, it was something that I wasn't  
6 thinking about, I was only just wanting to give him  
7 exercises. I -- what happened, I didn't, obviously,  
8 want that to occur and it's just hindsight that that's  
9 obviously just happened. But the heat -- don't get me  
10 wrong, the heat was hard for the British soldiers, we  
11 weren't used to that heat, but it's something that  
12 obviously you've had to deal with, but --

13 Q. Understood.

14 A. And then obviously, you know, he was a big boy. And  
15 25 stone, that's -- and I'm only a young teenager, so 25  
16 was -- I don't know if you've seen it. He was a big --  
17 he was, in this day and age, I would say, morbidly  
18 obese, and I don't mean to cause any harm to anyone, but  
19 he was a big boy. So maybe the exercises didn't help,  
20 but I didn't, obviously, want what happened to happen.

21 Q. Thank you, that's helpful, SO89.

22 Just coming -- going through the events. So I've  
23 now got a couple of questions about the time that  
24 Mousa Ali collapsed but didn't get up again, and I'll  
25 ask Opus to bring up {A/75/12}, please, paragraph 55.1.,



1 and again, I'll read it out, just for context:

2 "Mousa Ali collapsed while I was on on guard duty.

3 "55.1. When Mousa Ali collapsed, he appeared to be  
4 exhausted due to the heat. He had been sweating  
5 profusely throughout the time that I was there and  
6 obviously prior to my arrival. He had a good colour, he  
7 was not pale in any way. He made no complaints as such.  
8 He appeared to be pleading his innocence as it were. He  
9 did not grab at his chest or do anything to indicate to  
10 me any sudden illness or heart attack. Laterally,  
11 whilst he was in the stress position (i.e. not  
12 standing), he, without warning, keeled over to his left  
13 side onto the ground."

14 And I think you've clarified to us that "laterally"  
15 there was meant to be "lastly". So:

16 "Lastly, without while he was in the stress position  
17 (i.e. not standing), he, without warning, keeled over to  
18 his let side onto the ground. At this time I saw fluid  
19 coming from his mouth."

20 And then if we have a look at your supplementary  
21 statement at para 7, I think you do repeat to us there  
22 that:

23 "The last thing the detainee did whilst in  
24 the stress position was keel over to his left side, at  
25 which point I observed perhaps foam or vomit coming from

1 his mouth and it was at this point that SO103 called  
2 a medic." [as read]

3 Again, is there anything that you would like to add  
4 to in order to add a bit more of an explanation, in your  
5 own words, to what happened to Mousa Ali when he  
6 collapsed?

7 A. That's pretty much written in black and white there. He  
8 fell over and there was like a -- like  
9 a foam/fluid/liquid stuff. And then from him collapsing  
10 to getting the medic -- and I'm -- it's a total blur,  
11 I can't remember, from leaving the EPW camp -- or tent,  
12 sorry -- that was it. From him collapsing to getting  
13 the medic, my mind's a blur, and that was it. Obviously  
14 I've seen him collapse over there, SO103's went to get  
15 the medic. I've stated -- I've never done any CPR or  
16 anything like that. I never touched him. And then  
17 after that, the medic came back and then I've went to do  
18 what I was doing. I think I went to do guard sentry  
19 and, like, a sandbag sangar and that was it. After  
20 that, everything was a blur. I never seen him leaving,  
21 I never --

22 Q. That -- (overspeaking) --

23 A. -- (inaudible)

24 Q. That's okay, SO89. I'm focused particularly on  
25 the actual collapse at the time.

1 Can I just ask Opus to bring up {A/106/2}, please,  
2 because this is a historic account given by SO103. And  
3 I'll just pull it up myself as well. Opus, are you able  
4 to zoom in a little bit, please. Thank you.

5 In this statement SO103, in that second paragraph  
6 here -- so it says:

7 "About 2100 hrs ..."

8 It starts there. I'll read it out:

9 "About 2100 hrs the man tried to lie down again, we  
10 again picked him up and he started to speak to us in  
11 Arabic. I didn't know what he was trying to say. He  
12 did not appear to be distressed. We then gave the man a  
13 drink of water. As we left him he fell to the floor  
14 with blood coming from his mouth. I initially believed  
15 that this blood was coming from his cut. I then noticed  
16 that he was having problems breathing. At this stage he  
17 was lying on his back."

18 That is you, ciphered:

19 "... and myself, then went over to check him. I  
20 opened his mouth and noticed that he had swallowed his  
21 tongue. I swept his tongue forward and noticed he had  
22 stopped breathing. [Yourself] and I then checked his  
23 pulse and couldn't find one. This all took a couple of  
24 minutes and about 2105 hrs, I left [yourself] with the  
25 man whilst I ran and got Cpl ... "

1 And that is SO84:

2 "... the [C Company] medic."

3 So I'll pause there. Just a couple of questions  
4 about that. Firstly, I'll ask some precise questions,  
5 then I'll ask you to comment generally. What SO103  
6 describes here is blood coming from the detainee's  
7 mouth. Is that something that you're able to recall at  
8 all?

9 A. It was definitely a fluid. I can't recall it being  
10 blood, but it was definitely fluid of some kind, yes.

11 Q. Thank you.

12 And on the other side -- apologies, I was just  
13 getting some feedback there. Can you still hear me  
14 properly, SO89?

15 A. Yes, it just went faint there. I can hear you. I can  
16 hear you now.

17 Q. Thank you, I'm grateful.

18 SO103 obviously doesn't mention any foam or vomit,  
19 but I think you've confirmed to us that that is your  
20 clear recollection of what you saw; is that correct?

21 A. Yes.

22 Q. Thank you.

23 And SO103 here says, "He did not appear to be  
24 distressed". Does that meet with your recollection?

25 A. Yes, he didn't come across as anything different to us

1 let alone what had happened. So I just --

2 Q. (Overspeaking) --

3 A. -- (inaudible).

4 Q. Thank you.

5 And SO103 describes here "blood ... coming from his  
6 cut", and if we just look up a little bit to  
7 the previous paragraph, it says there:

8 "These men were not restrained in any way or form.  
9 Every 10 or 15 minutes the man with the cut lip kept on  
10 trying to lie down, so we had to tell him to adopt  
11 the kneeling position again."

12 Do you recall Mousa Ali having a cut lip?

13 A. I don't -- I don't remember him having a cut -- cut lip,  
14 so -- any blood on him, to be fair.

15 Q. Thank you.

16 And I said that I would ask some specific questions  
17 and then allow you to comment generally. I've asked you  
18 about most of those parts of the account specifically,  
19 but it did continue, as I just said, to say he was lying  
20 on his back, and you both went over to check him. SO103  
21 opened his mouth, noticed he had a swollen tongue, swept  
22 the tongue forward and stopped breathing and you both  
23 checked the pulse. Does any of that ring a bell with  
24 you?

25 A. No. In my mind, all it was was, it happened in an

1 instance. It was collapse, then SO103's away. I can't  
2 recall doing any CPR, sweeping, anything like that. So  
3 all this is new knowledge to me. I can't remember any  
4 of this happening.

5 Q. That's very helpful. Thank you, SO89.

6 Just a final question about this particular -- in  
7 this particular line of questioning and then I do have  
8 just a couple of further questions about the wider  
9 picture and events post-death, if that's okay.

10 But you've explained to us quite a lot now about  
11 the collapse and we know that that led to the death of  
12 Mousa Ali, and I think your evidence to our  
13 investigation is that you heard that it had nothing to  
14 do with you and the exercises that you had made him  
15 perform. And again, this isn't meant to be an  
16 adversarial question, but we're now 20 years after  
17 the event and you have, in the course of this evidence,  
18 acknowledged the hot conditions and the weight of  
19 Mousa Ali, the detainee in question. I just wondered if  
20 you had any further thoughts on what impact those  
21 exercises during that period might have had on what  
22 ultimately happened?

23 A. Again, it's -- it's all hindsight. It's, if I didn't do  
24 the exercises, would this have happened, or was it  
25 the weather? I can't -- it's something I can't answer,

1 you know, if it was exercises. I mean, we were doing  
2 exercises in Iraq, you know, and it's -- it's just one  
3 of those unfortunate circumstances that's happened. So  
4 I'm not saying that my exercises were anything to go by  
5 that -- what actually happened.

6 Q. Thank you.

7 And as I said, I've got some questions about  
8 the kind of wider context in which those exercises were  
9 given to Mousa Ali. So, again, it's on page 9 of your  
10 disclosure bundle, if you did want to have a look  
11 for it, but I'll read out the relevant sections. This  
12 is your 2013 statement to IHAT, and in that statement  
13 you say that "stress positions were the normal  
14 practice". And we did ask you about this in relation to  
15 the statement that you gave to us, but I don't think,  
16 maybe, the response that we got at page 25 of your  
17 statement directly answered this question, so I'm going  
18 to ask it to you now again, if that's okay.

19 What did you mean when you said the stress positions  
20 were the normal practice? Is this in reference to  
21 Camp Stephen at the time?

22 A. The stress position, or the squatting position, it was  
23 more a -- it was a wake-up exercise, and like I said at  
24 the start of our conversation with even Dame Anne, it  
25 was an authority -- not authority, that's maybe

1 the wrong word to use, but if you're going into a class  
2 -- imagine a physical training class -- and not getting  
3 listened to, you know, to get people to take note, you  
4 put them in the squatting position to make sure that  
5 they are listening so when they do do your exercises,  
6 you don't put them in the stress position again. It  
7 wasn't -- you know, it was just more a, like: give me  
8 respect or you're getting put in the squat. That was  
9 all it was. It wasn't designed for going to Iraq. It  
10 was -- I'm not saying they're still doing it now, but it  
11 was more a, like, clicking your fingers type thing.

12 Q. Understood, SO89. And I'm just going to read out  
13 a section from your 2003 statement, and this does relate  
14 back to some of the evidence you were giving to  
15 Dame Anne earlier, but I'm looking at page 7, if  
16 anyone's checking the documents, but the section is, you  
17 say:

18 "Prior to deploying on Operation TELIC from  
19 Fallingbostal in Germany, we had been exercised to  
20 Canada. I remember we had riot training and public  
21 order. I also attended a fitness course, which took  
22 place in Sennelager, Germany, in 2002 because I had been  
23 asked if I wanted to do a physical training course. On  
24 that course we were taught about using the squatting  
25 position, squatting with your back straight."



1 Then you say:

2 "This was used to make detainees feel uncomfortable,  
3 although used not just for detainees."

4 So I was hoping you could help me with that.

5 I appreciate that this was your statement back in 2003,  
6 but I think, again, you have confirmed in your  
7 supplementary statement that this broadly -- that that  
8 statement broadly stands as your evidence and this  
9 particular section is part of your evidence to us.

10 I was just hoping you could explain that in a bit  
11 more detail, because that seems to suggest that  
12 the squatting position was used for detainees as well as  
13 in other contexts; is that correct?

14 A. To be fair, I don't think it was -- like, going by that,  
15 I can't remember the syllabus in the PTI. I can  
16 remember doing it, obviously; I can't recall actually  
17 doing a syllabus for a squatting position. Obviously  
18 I can remember being shown it and how to do it. But  
19 a squatting position's not nice for anyone, whether it's  
20 for detainees or the public. You know, it's not nice  
21 for anybody. I don't think -- on my knowledge, I don't  
22 think it was -- because I done the PTI course before  
23 I even knew I was going to go to Iraq, I think, and  
24 I was just asked if I wanted to do a physical training  
25 course. I didn't know the syllabus, other than

1 obviously doing risk assessments, lesson plans. There  
2 wasn't one to say, "Right, this week we're going to do  
3 squatting positions", so --

4 Q. (Overspeaking) --

5 A. -- (inaudible) that we got shown how to do it and it  
6 just stuck in my mind.

7 Q. That helpful, SO89. Just I need to correct myself.

8 I said that was from your 2003 statement, it was  
9 actually from your 2016(?) statement. Apologies for  
10 that, but the questions -- it doesn't affect  
11 the substance of the question. Thank you.

12 So what I'm trying to just get an understanding of  
13 is whether you were aware of the stress position being  
14 used by those at Camp Stephen on other detainees at that  
15 time in May 2003?

16 A. Did other -- did other detainees get --

17 Q. Did --(overspeaking) --

18 A. -- (inaudible) --

19 Q. Were -- no, you don't know.

20 A. I couldn't tell you. I don't know.

21 Q. That's helpful, thank you.

22 And more generally, the exercising techniques that  
23 you've described to us being used on Mr Ali, were you  
24 aware of that type of exercising being used on other  
25 detainees, or by other members of Camp Stephen?

1 A. No. No, definitely not. The only detainee that I knew  
2 about was -- was Ali. I don't know about any other ...  
3 That's what I'm saying. Once that happened, I never  
4 went back there. I don't even know if it got used  
5 again. So I can apologise for not answering your  
6 question fully --

7 Q. That's quite all right.

8 A. -- but I can't speak for any other detainee other than  
9 Mr Ali. That's unfamiliar to me. I don't know.

10 Q. I appreciate that. Thank you, SO89. And just for  
11 the sake of absolute completion, I hear that you didn't  
12 have any interaction with any detainees. Did you hear  
13 about any of that type of exercising being used?

14 A. None at all. None whatsoever.

15 MS JACKSON: Now, I'm just going to pause for a second,  
16 SO89, because I have a very small number of additional  
17 questions for you. There may well be questions from  
18 other members of the team, from Dame Anne and from  
19 the representatives. It's 1 o'clock now. We normally  
20 break for lunch now, but my suggestion might be that if  
21 we carried on for another 10 to 15 minutes we could  
22 finish your evidence and then you're free to go before  
23 lunch rather than having to drag you back in an hour's  
24 time.

25 I'm just going to firstly check with Dame Anne if

1 she's happy with that suggestion before I volunteer her  
2 to give up 15 minutes of her lunch break.

3 DAME ANNE RAFFERTY: Not at all. That would have been  
4 the suggestion I would have made. I'm quite sure SO89  
5 would like to complete his evidence and I think that we  
6 can just shunt the luncheon adjournment slightly,  
7 assuming that the interpreters can cope.

8 MS JACKSON: Thank you.

9 DAME ANNE RAFFERTY: Let me just check. Is that your view,  
10 SO89? Have I read you correctly? You'd rather get it  
11 sorted?

12 A. Yes, 100% --

13 DAME ANNE RAFFERTY: Thought so.

14 A. -- Dame Anne. Thank you.

15 MS JACKSON: Thank you very much.

16 I will allow the interpreters to interrupt me if  
17 they need a break immediately, but if not, if I'm not  
18 interrupted, then we will carry on until your evidence  
19 is completed, if that's okay.

20 So just a small number of questions now then about  
21 what happened after Mousa Ali's collapse and death.  
22 Firstly, did anyone more senior to you in the chain of  
23 command at Camp Stephen ever, formally or informally,  
24 discuss with you what happened?

25 A. Sorry, can you repeat the question? Sorry.

1 Q. Of course. So after Mousa Ali collapsed -- and I think  
2 you've explained to us you went off and were doing guard  
3 duty elsewhere, but you can't now clearly recall -- did  
4 anyone more senior to you ever come and it discuss  
5 the events of what had happened during guard duty?

6 A. No, I can't -- that's what I mean. After the medic  
7 arrived and everything else, apart from going to  
8 the sangars, I can't remember. Someone's obviously came  
9 up to me and obviously told me to do that, but who it  
10 was, I'm not too sure.

11 Q. But specifically regarding the events of what happened  
12 in the lead up to Mousa Ali's collapse, did anyone come  
13 to talk to you about what from Camp Stephen?

14 A. Not that I can remember.

15 Q. Thank you.

16 And just, again, I'm asking you to comment on  
17 something you might not feel able to, but does this  
18 surprise you, with the benefit of hindsight, that no one  
19 came to speak to you given that a detainee collapsed  
20 while you were guarding him?

21 A. Yes.

22 Q. Thank you.

23 Did you have anything you wanted to add to that?

24 A. No, just like I've said in the past, obviously  
25 I honestly can't remember -- from leaving that EPW camp

1 to the rest of my tour, I can't remember anything  
2 whatsoever. I'm finding it hard to try and remember  
3 what actually happened in the EPW cage. Like prior to  
4 getting called to do it, the man now is obviously sadly  
5 deceased to leaving the camp, I honestly -- I can't --  
6 on the best of my knowledge, I'm trying to answer your  
7 questions, but for 20 years later, I'm struggling. I'm  
8 only getting my knowledge via my statements.

9 Q. Again, SO89 --

10 A. (inaudible).

11 Q. -- I do fully really appreciate that, thank you, and  
12 your assistance is very much appreciated.

13 If it's okay with you, and bearing that in mind,  
14 I am just going to finish a couple more questions just  
15 in case they do trigger a recollection where we're not  
16 expecting it. So again, do feel free just to say,  
17 "I can't remember". I understand the context.

18 A. Fair enough.

19 Q. So do you recall whether you and SO103 ever discussed  
20 what happened during the guard duty after the events?

21 A. No, not after the events. I think we both went our  
22 separate ways to go to the hangers. I know that we went  
23 to the sangars. I know we went there. But after that,  
24 it was pretty much that was it and nothing else was  
25 said.

1 Q. Of course. Thank you.

2 And again, I think I can anticipate your answer to  
3 this one, but do you recall ever telling anyone at or  
4 around the time of the collapse about making Mousa Ali  
5 perform exercises before he collapsed?

6 A. No.

7 Q. And we obviously have your 2003 statement to  
8 the Royal Military Police, which was taken on 23 May, so  
9 just about two weeks after the collapse, and we know  
10 that there was no mention in that statement. Are you  
11 able to explain why you didn't tell  
12 the Royal Military Police about the exercises?

13 A. I don't know. They've maybe not asked the question.

14 I don't know.

15 Q. Thank you.

16 A. You know, if they'd obviously asked, I would have. I'm  
17 just saying that I don't think they've maybe asked  
18 the question and I've not mentioned it.

19 Q. Thank you, SO89. That's helpful.

20 Opus, can I just ask you to turn {A/75/8}, please.

21 This is back to your statement to us, SO89, and you say  
22 there:

23 "I was never told that any of the detainees had any  
24 injuries or medical conditions. Afterwards when the  
25 detainee had been taken to hospital, I heard from

1 various buzzes going round the camp that he had some  
2 sort of a heart condition. I can't recall who said it.  
3 It was just chatter about the camp. I'm not sure who  
4 told me, however we were certainly told that it was  
5 nothing to do with us, that he had a heart condition and  
6 that was the reason for his collapse."

7 I was just hoping you might be able to give me a bit  
8 more information about the source of this chatter and  
9 the comment in particular that it had nothing -- that  
10 the collapse, that is, had nothing to do with you. Are  
11 you able to colour that a bit for me?

12 A. I think, obviously looking back now, i -- it was also  
13 word on the street that it was a heart failure, or  
14 cardiac arrest. I don't think it was more, like, that's  
15 what the big talk was, I think it was just obviously, so  
16 many weeks after it had happened, I don't know who's  
17 came across and said -- or if it was to me personally,  
18 I think it was just word on the street that's -- that's  
19 came out there, that the detainee did have a cardiac  
20 arrest. All I got told was -- or what I can remember  
21 was that he got resuscitated in the ambulance and then  
22 whatever hospital he went to -- whether it was the  
23 British Military Hospital, I'm not sure -- that he died  
24 of a heart attack, but I don't know who told me.

25 Q. Thank you, SO89. And I think you just mentioned there



1 him being taken in an ambulance. And again, in your  
2 supplementary statement, at paragraph 1, you say that  
3 you were later informed that the male had been  
4 resuscitated in the ambulance but later died of cardiac  
5 arrest. So am I right in understanding that you can't  
6 recall who it was who passed that on?

7 A. No, I don't know. I don't know who told me -- I can't  
8 remember who told me.

9 Q. You can't remember, is that? Sorry. Yes.

10 That's incredibly helpful. Thank you very much,  
11 SO89. I don't have any further questions to ask you.  
12 Dame Anne, I understand the team don't have any further  
13 questions to ask you. But Dame Anne might well do, so  
14 I'll just pass you back to her, before we see if the  
15 representatives have anything they want to put.

16 DAME ANNE RAFFERTY: I do. I've got two questions, they're  
17 very brief. You've already dealt with the topic.  
18 They're simple. And then we'll see whether  
19 the representatives want to ask us to put any further  
20 questions to you.

21 Stay with me for the minute. Jerry cans full of  
22 water, 25-kilo, right?

23 A. Yes.

24 DAME ANNE RAFFERTY: One in each hand. Is that 25-kilo in  
25 each hand?

1 A. In each hand, ma'am, yes.

2 DAME ANNE RAFFERTY: Right. Second one, you poured water  
3 over him. My impression of your evidence is that was to  
4 help him?

5 A. Yes, pouring water to cool him down. There wasn't --

6 DAME ANNE RAFFERTY: That's what I meant. Yes. So you were  
7 getting anxious about, perhaps, misinterpreting  
8 waterboarding. We can put all that away.

9 A. Yes.

10 DAME ANNE RAFFERTY: What your evidence seemed to me at  
11 least to be, but you put me right if I'm wrong, is: it  
12 was hot, he was fat, we poured water over him to cool  
13 him down, that was to help him.

14 A. Yes, putting it that way, yes, he was a big boy, he was  
15 sweating, so we did help him and ...

16 DAME ANNE RAFFERTY: Thank you very much. That's all  
17 I wanted to ask.

18 Now, Ms Jackson will just go round  
19 the representatives, and if any of them wants to ask if  
20 we will put further questions, this is where we'll pick  
21 it up.

22 A. Okay.

23 MS JACKSON: Thank you, Dame Anne.

24 So can I go first to you, Ms Al Qurnawi, at  
25 the Grand Millennium. Can you hear me?

1 MS AL QURNAWI: No questions from us, thank you.

2 MS JACKSON: Thank you, Ms Al Qurnawi.

3 I'll go to, I think, Mr Foley from GLD, if you're  
4 here.

5 MR FOLEY: No, nothing from me. Thank you.

6 MS JACKSON: Thank you very much.

7 And Mr Cherry?

8 MR CHERRY: Just one, Dame Anne. In his statement he says  
9 his duty was purely to stop the prisoner from running  
10 away. Could you just confirm whether he wasn't told to  
11 do this exercise by any lance corporal, corporal,  
12 sergeant or anybody above, this was just his own  
13 decision.

14 DAME ANNE RAFFERTY: When you say "this", Mr Cherry, you  
15 mean?

16 MR CHERRY: This decision to make him carry out some  
17 physical exercise.

18 DAME ANNE RAFFERTY: Oh, the Simon Says squats. I'll ask  
19 that. That's a perfectly sensible question.

20 SO89 --

21 A. Yes.

22 DAME ANNE RAFFERTY: -- you've got that. But no one told  
23 you, we imagine, to do the Simon Says and the squatting,  
24 that was the way you thought you would run events with  
25 him that day; is that right?

1 A. Yes, no -- there was no -- what's the word? There was  
2 no orders given.

3 DAME ANNE RAFFERTY: Understood.

4 A. I just went in and I just took it upon me to, like  
5 I say, have a bit of banter and pass the time. That's  
6 all it was.

7 DAME ANNE RAFFERTY: That do you, Mr Cherry?

8 MR CHERRY: Thank you, Dame Anne.

9 DAME ANNE RAFFERTY: I'm very grateful.

10 Now, SO89 --

11 MS JACKSON: Sorry, Dame Anne, just to interrupt, just  
12 before we conclude, I think we should go to Mr Berlow.

13 DAME ANNE RAFFERTY: Oh, I'm so sorry. I beg your pardon.  
14 I'm so used to Mr Cherry being the last in the chain.

15 I beg your pardon.

16 MS JACKSON: Sorry.

17 MR BERLOW: Yes, well, I have no questions.

18 DAME ANNE RAFFERTY: Thank goodness for that!

19 MS JACKSON: Thank you very much.

20 Back to you, Dame Anne.

21 DAME ANNE RAFFERTY: Right, SO89, thank you, again, for  
22 coming. Thank you for answering so fully and over so  
23 long. I'm absolutely sure we made the decision that you  
24 would most welcome: get your evidence finished and off  
25 you now go.

1 A. Thank you.

2 DAME ANNE RAFFERTY: But you go with the thanks of  
3 the Inquiry.

4 A. Thank you, Dame Anne. Thank you.

5 (The witness withdrew)

6 DAME ANNE RAFFERTY: Right, Ms Jackson, we've got to work  
7 out when we reconvene. It's 1.11pm. What do you  
8 suggest?

9 MS JACKSON: My suggestion, which may not be approved, is  
10 that we still reconvene at 2 pm, because we still have  
11 two witnesses to get through, and I think possibly they  
12 might thank us if we press on.

13 DAME ANNE RAFFERTY: That is, again, what I would have  
14 suggested.

15 I'll just pause. If anybody has a major  
16 professional problem arising out of that? Good.

17 Two o'clock. Thank you all.

18 (1.11 pm)

19 (The short adjournment)

20 (2.00 pm)

21 THE VIRTUAL HEARING MANAGER: Dame Anne, I confirm we have  
22 everybody back in the call.

23 DAME ANNE RAFFERTY: Thank you, Jamie.

24 So we have SO90. Ms Jackson, if you would like to  
25 call him.

1 SO90 (called)

2 Introduction by MS JACKSON

3 MS JACKSON: Thank you, very much, Dame Anne.

4 SO90, can you hear me?

5 A. Yes, I can.

6 Q. Thank you very much for joining us today. I just want  
7 to check first that you have a copy of the cipher list?

8 A. Yes, I do have that, yes.

9 Q. Can I just get you to confirm that you are the witness  
10 ciphered as SO90?

11 A. Yes, I am, yes.

12 Q. Opus, could I just ask you to bring up {A/76/1} on  
13 the screen, please.

14 THE EPE OPERATOR: Can you repeat that, please?

15 MS JACKSON: {A/76/1}, please.

16 While that's on its way up, I understand that you  
17 prepared a witness statement for the purposes of these  
18 proceedings?

19 A. Yes.

20 Q. And there's a document now visible to you on the screen.  
21 Can I get you to confirm if that's your statement to us?

22 A. Yes, it is, yes.

23 Q. Thanks very much.

24 Opus, can I ask you to turn to the final page of  
25 that {A/76/18}, please.

1           There is a redacted signature, the cipher SO90, and  
2           then the date of 22 February 2023. Can I just get you  
3           to confirm that you did sign this statement?

4       A. Yes, I did, yes.

5       Q. Thanks very much.

6           And are the contents of this statement true to  
7           the best of your knowledge and belief?

8       A. Yes.

9       Q. And is there anything in this statement that you need to  
10       change or clarify?

11      A. I don't think so, no.

12      Q. Excellent. Thank you very much.

13           And you've also provided to us a statement --  
14           a supplementary statement in response to questions put  
15           by these investigations. I believe that was signed  
16           yesterday, but as I explained to another witness  
17           earlier, unfortunately, because everything on our online  
18           platform has to be formally redacted, we haven't been  
19           able to put that up on the Opus platform, so we can't  
20           project that.

21           But can I just check whether you have that  
22           supplementary witness statement to hand?

23      A. Yes, I do, yes.

24      Q. Wonderful. Thank you.

25           The same questions. Can I just get you to confirm

1 that the contents of that statement are true to the best  
2 of your knowledge and belief?

3 A. Yes, they are.

4 Q. And is there anything in that statement that you need to  
5 clarify or amend?

6 A. I don't think so, no.

7 Q. Thank you.

8 And before producing either statement to us you  
9 should have been provided with a bundle containing  
10 copies of your previous accounts to other  
11 investigations; is that correct?

12 A. Yes.

13 Q. And can I check whether you have a copy of that bundle  
14 to hand?

15 A. Yes, it's on the email too, yes.

16 Q. Brilliant.

17 Just for context, and for the same reason that your  
18 supplementary statement isn't on the Opus platform,  
19 the material in that bundle hasn't been redacted, so  
20 when we refer, if we do, to documents within that  
21 bundle, we're going to ask you if you can pull them up  
22 in that bundle yourself, if that's okay, and they won't  
23 be projected on the screen.

24 A. Okay.

25 Q. And that bundle, it should contain your accounts from



1 2003, 2012 and 2016; is that correct?

2 A. Yes.

3 Q. And I just wanted to check that you did have access to  
4 and the opportunity to consider those accounts before  
5 giving your evidence to us?

6 A. Okay.

7 Q. Thank you.

8 And just before I hand you back to Dame Anne, just  
9 one quick comment on the use of ciphers. As you,  
10 I hope, are aware, we are operating with an anonymity  
11 order in place, so all witnesses -- all British military  
12 witnesses giving evidence to these investigations have  
13 been ciphered, and we have a general order in place such  
14 that British military officials are not going to be  
15 named during the course of these public proceedings. We  
16 therefore ask, if you can, to use the cipher list to  
17 refer to individuals who are named on the cipher list,  
18 so do not give their actual names, please just give  
19 their cipher. And in the event that you want to refer  
20 to an individual who's a British military person who is  
21 not ciphered, please refrain from saying the name, and  
22 we will get that name from you via your representatives  
23 outside the public hearings, if that's okay.

24 We did run through this this morning, but I'm  
25 conscious that I don't think you were with us on

1 the call, and we have various mechanisms in place in  
2 the event that there's a mess-up, but if we can try and  
3 stick to ciphers, then it stops us from having to  
4 interrupt the live stream. Thank you.

5 So I'll pass you back to Dame Anne now who will have  
6 some questions for you about your evidence. Thank you.

7 A. Thank you.

8 Questions from DAME ANNE RAFFERTY

9 DAME ANNE RAFFERTY: Thank you, Ms Jackson.

10 Good afternoon, SO90.

11 A. Good afternoon, Dame Anne.

12 DAME ANNE RAFFERTY: I want to check that you can both hear  
13 me clearly and, for what it's worth, see me?

14 A. Yes.

15 DAME ANNE RAFFERTY: Good.

16 I expect you know, but allow me one sentence to  
17 underline, these proceedings are not a trial, there's  
18 nothing adversarial about them. They're here so that we  
19 stand the best chance of understanding what you can say,  
20 so we're interested in detail and anything you can help  
21 with. We're always very happy to be told, "I don't  
22 know", "I can't remember", "It's not my area". And  
23 the one thing I would really like to underline for you,  
24 if you'll let me, is no one is setting traps, no one is  
25 making life difficult for you. This is an altogether

1 much more positive style of hearing than in a court and  
2 no one is here to catch you out.

3 A. Thank you.

4 DAME ANNE RAFFERTY: Understood?

5 A. Yes.

6 DAME ANNE RAFFERTY: Good.

7 SO90 you were the intelligence officer in Camp  
8 Stephen; is that right?

9 A. Yes, after the war-fighting phase, I stayed with  
10 the Battle Group 2IC before it was the Mortar Platoon  
11 2IC, adviser for indirect battle -- indirect fire. So  
12 I stayed there for a further two weeks before I was then  
13 asked to come and do -- I was given the option,  
14 actually: one, to become a watch keeper, which is a dull  
15 night shift job, or become the IO with Charlie Company,  
16 so I decided to become the IO with Charlie Company.

17 DAME ANNE RAFFERTY: So you got to Camp Stephen, when,  
18 roughly?

19 A. Roughly two weeks after the Company established it,  
20 actually.

21 DAME ANNE RAFFERTY: Okay, thank you.

22 Can you help us with the chain of command. Who was  
23 the -- who was your boss? Remembering, ciphers only.  
24 Who was your boss?

25 A. Two seconds, Dame Anne.

1 DAME ANNE RAFFERTY: Take your time.

2 A. My boss was cipher 08.

3 DAME ANNE RAFFERTY: Do you mean 08 or do you mean --

4 A. Number 8.

5 DAME ANNE RAFFERTY: Right, we can translate that later.

6 Thank you.

7 And did you -- to whom did you report directly? Is  
8 that the same as your boss, or was there a chain?

9 A. For intelligence matters it would have been direct to  
10 number 8, and anything else was to the normal chain of  
11 command.

12 DAME ANNE RAFFERTY: Which was what?

13 A. Which would be number 22.

14 DAME ANNE RAFFERTY: Right. We'll interpret that as well  
15 later. Thank you.

16 Tell me, if you would, please, what your role as  
17 intelligence officer -- were you called intel officer,  
18 was that the abbreviation?

19 A. INTOF, it would be, ma'am.

20 DAME ANNE RAFFERTY: I should have known it would be  
21 shorter.

22 What did your role as INTOF include? What was it?

23 A. It should have been to establish any incoming  
24 intelligence from patrols in the area. However, it  
25 turned out that there was no intelligence coming off

1 the ground. So myself and two colleagues done -- went  
2 out with patrols, took detailed reports from patrols  
3 when they came in. We done an honesty trace, which  
4 is -- an honesty trace would be a patrol route through  
5 mapping --

6 DAME ANNE RAFFERTY: Hang on, let me stop you. Let me stop  
7 you. Sorry, I didn't catch one of the words you said.

8 You did a something trace. What was the something?

9 A. An honesty trace.

10 DAME ANNE RAFFERTY: Honesty, yes, thank you.

11 A. Yes, and this is a map route, so each patrol would be  
12 a different colour. We'd put the patrol route on  
13 the map, so other patrols, when planning their routes,  
14 would see where other patrols had been, therefore to  
15 avoid duplicating the effort and going over areas all  
16 the time.

17 DAME ANNE RAFFERTY: Got it.

18 And your rank, as you took up INTOF, was what?

19 A. Colour sergeant.

20 DAME ANNE RAFFERTY: Thank you very much. Anyone report to  
21 you out there in Camp Stephen?

22 A. No. I had two assistants, but they didn't directly  
23 report to me. We just worked as a group, really, then.

24 DAME ANNE RAFFERTY: Right. I see, I see, right. So two  
25 assistants. Would you describe those as being in

1 parallel with you rather than reporting up to you?

2 A. Yes.

3 DAME ANNE RAFFERTY: Thank you.

4 And where in the camp hierarchy was the CSM? I have  
5 him ciphered as SO101, but you'll know who the CSM was  
6 without using a name. Where was he in the hierarchy, as  
7 far as you were concerned?

8 A. He ran all the discipline in the camp. So anything that  
9 came down for discipline, clearing up, any other  
10 instructions from the OC, would come through him to  
11 the chains of command through the platoons, and I would  
12 take my discipline from him, same as the rest of them.

13 DAME ANNE RAFFERTY: Yes. Your relationship with him was  
14 what?

15 A. Talking to him --

16 DAME ANNE RAFFERTY: (Inaudible - overspeaking)

17 A. We didn't really, Dame Anne, we didn't see eye to eye  
18 throughout our careers. But, you know, he's the man  
19 with the rank so you've got to respect him.

20 DAME ANNE RAFFERTY: He's a man with a?

21 A. He was the man with the rank, so he got this respect.

22 DAME ANNE RAFFERTY: Oh, he was the man with the rank.

23 A. Yes. So we never saw eye to eye throughout my career.

24 DAME ANNE RAFFERTY: Are you describing a professional  
25 soldier's respect for the rank, which can be different

1 from respect for the man in it?

2 A. Yes, Dame Anne, yes.

3 DAME ANNE RAFFERTY: Thank you.

4 Right, so help me a bit, SO90, with training and  
5 instructions. So you arrive in C Company, we know what  
6 your role is. Did you feel well prepared for it?

7 A. Adequately prepared, Dame Anne, yes.

8 DAME ANNE RAFFERTY: Adequately. Were you anxious about any  
9 deficiencies in your training, or that level of  
10 adequacy -- adequately prepared?

11 A. Not for the role -- not for the role I was taking up,  
12 no.

13 DAME ANNE RAFFERTY: Thank you.

14 I know you have said in the past -- I'll show it to  
15 you if you need, but I very much doubt you do -- that  
16 you weren't trained in tactical questioning.

17 A. That's correct, yes.

18 DAME ANNE RAFFERTY: Yes, good.

19 First of all, can you tell me what you understood  
20 by "tactical questioning". And let me tell you, before  
21 I start, the part B of that question, which is then  
22 going to be: do you know why others in C Company thought  
23 you did have that training?

24 So let's go back. What was tactical questioning if  
25 you were explaining it to someone who had no idea?

1 A. Tactical questioning, I -- well, tactical questioning  
2 would be something where you've just arrested a person,  
3 and then you use means that you had been trained to do  
4 to extract information about what you were looking for.  
5 And the tactical questioning person would be trained on  
6 techniques and words/languages, how to gain that  
7 information.

8 DAME ANNE RAFFERTY: And you weren't trained for that?

9 A. No, no. No, Dame Anne, not at all, no.

10 DAME ANNE RAFFERTY: Okay.

11 Any view on part B of that question: why it was that  
12 some in C Company thought you had had that training?

13 A. I have no idea, Dame Anne.

14 DAME ANNE RAFFERTY: All right, thank you.

15 Still on training, please, SO90.

16 Law of Armed Conflict. Did you have any training on  
17 LOAC?

18 A. Well, we went through a training package before we went  
19 to Kuwait, Dame Anne. The whole Battle Group went  
20 through a training package in Germany before we left,  
21 and I believe there was a Law of Armed Conflict brief  
22 given to all soldiers.

23 DAME ANNE RAFFERTY: And no -- can I use the amateur phrase,  
24 no top-up, no revisiting of that training when you got  
25 to Stephen? You'd had the training, the training was



1 done?

2 A. Yes, I'd had the training, the training was done.

3 DAME ANNE RAFFERTY: Thank you.

4 So thinking, finally, before we leave training and  
5 instruction, about any individual detained in  
6 Camp Stephen, or captured and then detained, did you  
7 have any training on the types of question that could,  
8 or indeed couldn't, be asked of such an individual?

9 A. No, Dame Anne, no.

10 DAME ANNE RAFFERTY: Thank you.

11 So having, you and I, gone through a few headings so  
12 far, can you try and help me with a description in  
13 ordinary language of what we might call the culture at  
14 Camp Stephen. First of all, do you know what I mean by  
15 the "culture"?

16 A. Yes, Dame Anne.

17 DAME ANNE RAFFERTY: Okay, off you go.

18 A. The culture was -- it was quite estranged, actually.

19 Although we were meant to be a Company together,  
20 the Company -- the platoons didn't mix well after  
21 the war-fighting phase, for some reason. The anti-tank  
22 stayed with anti tanks, the mortars stayed with mortars,  
23 and the recce team stayed with recce, and never the two  
24 shall meet, if you see what I mean. In the camp, they  
25 went about their duties, then went back to their bunk

1 spaces, really, and never mixed well. Never mixed at  
2 all.

3 DAME ANNE RAFFERTY: Can you put your finger on why? So if  
4 have I understood you correctly, that's after the cease  
5 of hostility, so we've just tipped into the post-war  
6 period. The platoons then didn't mix well, and indeed  
7 didn't mix at all. For a start, it sounds that  
8 the implication from that is they had mixed well. Do  
9 you want to have a go at that?

10 A. Well, they never mixed well before they got to this  
11 stage, actually, because there was always inter-platoon  
12 rivalry, but it seemed to get worse at Camp Stephen for  
13 some reason. I don't know. It was something I couldn't  
14 put my finger on.

15 DAME ANNE RAFFERTY: Okay. Let me see if I can phrase  
16 a sentence for you, but you must promise me you'll  
17 dismantle the sentence if I've misinterpreted it.

18 A. Yes.

19 DAME ANNE RAFFERTY: Are you describing the platoons in  
20 Camp Stephen as operating professionally together but  
21 not mixing well at any time, but that starting position,  
22 once you hit the post-war phase, became either more  
23 marked or more pronounced?

24 A. More pronounced, I would say, and I think your sentence  
25 grabs it quite well.

1 DAME ANNE RAFFERTY: Thank you.

2 So we're not going from a standing start of three  
3 platoons in delightful harmony together; post-war,  
4 things change. We are going down a sliding scale, which  
5 was never particularly chummy to begin with?

6 A. Yes, yes. There was -- I would describe it as  
7 bitterness between the platoons, but I don't see what --  
8 I don't know why. I never got to the bottom of it.

9 DAME ANNE RAFFERTY: Interesting. Interesting. Had you  
10 seen that sort of thing before in other areas where you  
11 had been?

12 A. No, it was always a thing with -- in my time in Charlie  
13 Company. The inter-platoon rivalry was always quite  
14 a thing in Charlie Company, actually. But not -- more  
15 banter when we were back in Germany and the rest of it,  
16 but it seemed to take a bit of a turn in Basra.

17 DAME ANNE RAFFERTY: All right, thank you.

18 Once the war ended and the soldiers went in to  
19 post-war phase, did you detect any change in  
20 the Camp Stephen atmosphere?

21 A. No, not really, Dame Anne, no. It was business as  
22 usual.

23 DAME ANNE RAFFERTY: And day-to-day, did the soldiers  
24 interact much or often with civilians?

25 A. No, it was much -- it was much the same as the day

1 I arrived to the day I left and finished.

2 DAME ANNE RAFFERTY: Okay.

3 Just taking stock from start to end, what was  
4 the level, the degree of interaction with civilians by  
5 soldiers?

6 A. No, in patrol we interacted with civilians, but we got  
7 very little interaction back from the populous. Whether  
8 that was from -- a directive from their clerics,  
9 I really don't know. We never got to that stage or ever  
10 found out. But very rarely they talked to us at all.

11 DAME ANNE RAFFERTY: A one-way street, as far as you're  
12 concerned, then?

13 A. Oh, yes, definitely.

14 DAME ANNE RAFFERTY: Always, in your experience, for you?

15 A. Yes, pretty much.

16 DAME ANNE RAFFERTY: This may be a question it is impossible  
17 for you to answer, so tell me straight. Was there a lot  
18 of missed opportunity for the civilians to give back to  
19 you, or was the interaction with civilians really so low  
20 in number that there wasn't much missed opportunity,  
21 it's just that they missed every opportunity there was?  
22 Do you understand what I'm asking you?

23 A. Yes. I'd go with your second -- the end of your  
24 statement there, Dame Anne. That would be the best way  
25 of describing it.

1 DAME ANNE RAFFERTY: Okay. So every opportunity they had to  
2 respond to you, they didn't take?

3 A. Yes.

4 DAME ANNE RAFFERTY: Thank you. Thank you. Right.

5 Maintaining law and order, because you and I are  
6 talking about the post-war phase for these purposes.

7 Were the troops encouraged to use their initiative to  
8 maintain law and order?

9 A. To tell you the truth, Dame Anne, I don't think we came  
10 across any trouble outside while on patrol, and if we  
11 did, the section commanders would use their initiative  
12 to -- because they all had interpreters, at the end of  
13 the day, to find out what was going on and try and put  
14 a stop to it. But I can't remember any significant  
15 issues that came to light.

16 DAME ANNE RAFFERTY: Okay, thank you very much.

17 I'm going, in a moment, to invite Ms Jackson to ask  
18 you more questions. But I'd just like you and I, if we  
19 may, to cycle back to something you said earlier.

20 Your role as INTOF. You were there, essentially, I  
21 think, from what you said, to pull in information that  
22 is out there; is that right?

23 A. Yes, because the intelligence coming down from the top  
24 would go through the O groups, daily O groups, and the  
25 OC would be briefed from the command structure on that,

1 and then he would pass that down.

2 DAME ANNE RAFFERTY: So that's top down to you.

3 A. Yes.

4 DAME ANNE RAFFERTY: And part of your role is, when it's not  
5 coming top down to you, pull it in if you can?

6 A. Yes.

7 DAME ANNE RAFFERTY: Right. And I'll tell you why I've  
8 cycled back to it with you, and again, tell me straight  
9 away if you can't answer it, I wonder whether it's  
10 the title that you had, INTOF, that made some in  
11 C Company equate you with tactical questioning?

12 A. Possibly.

13 DAME ANNE RAFFERTY: Okay. Wouldn't rule it in, wouldn't  
14 rule it out?

15 A. I would rule it out, actually, but --

16 DAME ANNE RAFFERTY: You would?

17 A. Yes.

18 DAME ANNE RAFFERTY: Okay. What we want is  
19 a straightforward answer when you can give it. So we  
20 can rule that out.

21 Okay, thank you. That's all I'm going to ask you,  
22 SO90, for the moment. Ms Jackson will ask you some more  
23 questions. You might find that you're burdened with me  
24 again toward the end, but we'll see how we go. Thank  
25 you.

1 A. Thank you, Dame Anne.

2 Questions from MS JACKSON

3 MS JACKSON: Thank you, Dame Anne.

4 Thank you, SO90. If it's okay with you, I'm going  
5 to ask you first some questions about detainees  
6 generally at Camp Stephen, and then I have some more  
7 specific questions about the deaths of Radhi Nama and of  
8 Mousa Ali.

9 A. Okay.

10 Q. So if it's okay with you, I'll start by just asking some  
11 questions about detainees at Camp Stephen which do  
12 follow on from those that Dame Anne was asking.

13 Firstly, I was just hoping to understand a bit more  
14 about your role as intelligence officer in relation to  
15 detainees, and I understand from the statement that you  
16 gave in 2012, which I can get you to turn to but I don't  
17 think we necessarily need to for this, that it was part  
18 of your job as intelligence officer to question  
19 detainees at Camp Stephen. Have I got that right?

20 A. You would have that right in the way of gathering  
21 intelligence, but I didn't question detainees on  
22 anything. Any detainees were the direct responsibility  
23 of the CSM.

24 Q. Okay, that's helpful. Thank you.

25 And so perhaps you can help me with just clarifying

1 who at Camp Stephen might have had a role in relation to  
2 questioning detainees. So I think -- and if you have  
3 your supplementary statement to hand, if I get you to  
4 look at paragraph 6.1 of that statement. Thank you.  
5 I'll read it out as well, but I think it's helpful if  
6 that's a document we have to hand.

7 A. 6.1.

8 DAME ANNE RAFFERTY: Ms Jackson, can you just give me a page  
9 ref. Any ref to find it, quickly.

10 MS JACKSON: You're in page 3 of the supplementary witness  
11 statement that we have from SO90. That's not in  
12 the bundles but you have hard copy, Dame Anne, because  
13 it came in yesterday.

14 A. Okay. Could you read it out?

15 Q. I can. So it says there:

16 "In relation to my evidence concerning  
17 the questioning of detainees at Camp Stephen:  
18 "6.1. The company sergeant major would question  
19 the detainees."

20 So it sounds like it's your evidence in your most  
21 recent statement to us that the CSM was one of those who  
22 would question detainees?

23 A. One of those, yes, because we only had two detainees in  
24 -- officially in the EPW.

25 Q. I'll come back to that in a second just to confirm what



1 you mean. Just for now I'll stick with this point.

2 So we've got you who can ask questions in your role  
3 as intelligence officer, we've got the CSM who can  
4 question detainees in accordance with your evidence at  
5 6.1 of that statement. Was there anyone else at  
6 C Company based at Camp Stephen who might be tasked with  
7 questioning detainees?

8 A. No, there shouldn't have been, no.

9 Q. Thank you. I'll just ask Opus to pull it up {A/74/5}.

10 Just for the sake of completion, we've had evidence from  
11 a witness ciphered as SO88, who was the officer  
12 commanding. I appreciate it sounds like you're working  
13 off a slightly different cipher list to the one that  
14 the Inquiry is, but hopefully that's clear who I'm  
15 talking to.

16 So at paragraph 31, down at the bottom there, which  
17 hopefully Opus can zoom in on -- oh, sorry, I've just  
18 accidentally signed out of my platform -- you say --  
19 sorry, apologies, SO88 says, and I'll read out this  
20 paragraph in full:

21 "My recollection of questioning of detainees was  
22 that it was only to be carried out CSM or the CQMS, and  
23 this was to be conducted at a table in full visibility  
24 of the sentry tower to provide security, and with the  
25 interpreter present, after having been medically

1 examined."

2 He then goes on to say -- and I'll read this out  
3 now, but we can come back to it in a minute:

4 "Under the law of armed conflict questioning of  
5 captured persons can only involve asking for name rank  
6 number and religion, whereas questioning of detainees  
7 could involve asking what they were doing or knowledge  
8 of crime, however I do not believe this was set out  
9 clearly at the time from higher directives and so  
10 I believe we made common sense approaches to what could  
11 be questioned."

12 So I'll just pause for a second there, and just go  
13 back to that very first bit of the paragraph which is  
14 a recollection that questioning of detainees might  
15 sometimes be carried out by the CQMS as well as the CSM  
16 or yourself. I just wondered if that helped with your  
17 recollection or challenged it at all?

18 A. No, it's the first time I've heard it. I believed --

19 I fully believed that it was only myself and the  
20 company sergeant major could ask these questions.

21 Q. That's helpful. Thank you, SO90.

22 And if then there was both yourself and the CSM who  
23 were able to ask questions, how would it be decided who  
24 would ask questions to a detainee?

25 A. I don't really know. I can't -- I can't recall.

1 Q. That's quite all right. And SO90, as I hope was clear  
2 from what Dame Anne said, we know that we are asking  
3 about events that happened 20 years ago. If your answer  
4 is that you cannot recall, then that's absolutely fine  
5 and you don't need to apologise for that.

6 Can I ask Opus to bring up {A/76/4}, please. So  
7 we're going to go back to your statement now, SO90. And  
8 we should be looking at paragraph 20, if that's okay,  
9 please, Opus. It's on page 6 {A/76/6}. Thank you.

10 What it says there -- and hopefully we'll zoom in in  
11 a second -- is:

12 "Detainees would only be questioned at Camp Stephen  
13 with the full authority of the Company Commander."

14 Can I just check consider and, again, I appreciate  
15 we seem to have a bit of a cipher discrepancy between --

16 A. Yes, yes.

17 Q. -- yourself and the Inquiry at the moment. I think I do  
18 know what the person you're referring to is, but I'm  
19 unwilling to press that, because we are obviously trying  
20 to be quite careful with the cipher list. So I think  
21 for present purposes, if we're able to refer to people  
22 by rank, and as necessary we can clarify through your  
23 representatives --

24 A. On the list of ciphers I've got, it's number 8., and he  
25 was a major.

1 Q. That's very helpful. Thank you very much. Thank you.

2 So that is the individual you're referring to.

3 I'm going to take you back to {A/74/2}, if that's  
4 okay, because SO88 is our witness who was the officer  
5 commanding and was a major at the time. I believe that  
6 is the witness that you're referring to. Does that  
7 sound like the witness that meets your description?

8 A. Yes, it does.

9 Q. Thank you.

10 And if we can look at paragraph 11, please, Opus.

11 SO88 here is explaining what his role was in  
12 relation to detainees, and again, I'll read this out:

13 "My role regarding detainees at Camp Stephen was one  
14 of direction and overall command, but I had a limited  
15 direct responsibility for, or contact with, detainees.  
16 I delegated this to the Company Sergeant Major ... or  
17 the Company Quartermaster Sergeant ... Systems were put  
18 in place on how to receive and deal with detainees, over  
19 which I would have understanding or input into their  
20 creation."

21 I don't think I need to read the rest of it out.

22 But the impression that we have from this paragraph,  
23 and from SO88's evidence is as a whole, is that he only  
24 had limited oversight -- or, rather, he had oversight  
25 and limited direct contact with detainees. I was just

1 wondering if you could explain in a bit more detail your  
2 evidence that full authority was required in order to  
3 question.

4 A. I didn't say full authority was required to enable  
5 questioning, I said that he would be aware -- what I  
6 meant was he was fully aware of any questioning that  
7 would be happening at the time.

8 Q. Okay. So, sorry I'm just going to get Opus to go back  
9 to your paragraph 20 {A/76/6}. Again, just making it  
10 very clear, SO90, I'm not cross-examining you, I'm not  
11 trying to trip you up, I'm just trying to confirm what  
12 your evidence is to these investigations, so I'm just  
13 trying to be crystal clear with it.

14 What it says there is:

15 "Detainees would only be questioned at Camp Stephen  
16 with the full authority of the Company Commander."

17 It sounds like you're clarifying that what you mean  
18 by that is with the camp commander -- the company  
19 commander's knowledge?

20 A. Yes, he was aware, yes.

21 Q. He was aware. Okay. That's helpful.

22 Is there anything else that you feel the need to add  
23 to help us understand what you originally meant or now  
24 mean by your paragraph 20?

25 A. What I meant was that if there were detainees in the EPW

1 area, the company commander would be made aware of it,  
2 and any questioning would -- he would be aware of any  
3 questioning thereafter.

4 Q. Okay. But if a detainee had come to Camp Stephen, in  
5 your role as intelligence officer, would you be able to  
6 just go to that detainee and ask them questions as you  
7 considered it appropriate, or would that be something  
8 that you would require authority or instruction to do?

9 A. No, I would have the discussion with the company  
10 commander before I asked the questions.

11 Q. Okay, that's helpful. Thank you.

12 And I've just got some questions about what sort of  
13 questions it would have been your job to ask. Again, we  
14 will talk about this in the specific cases of Radhi Nama  
15 and Mousa Ali, but I'm just talking in general terms at  
16 the moment.

17 Firstly, the kind of questions that you asked -- I'm  
18 just going to pull up {A/74/5}, and that paragraph 31 of  
19 the witness we're calling SO88's statement again,  
20 the officer commanding statement, just so you've got it  
21 for reference.

22 So the question I wanted to ask is whether the kind  
23 of questions that you would ask a detainee would depend  
24 at all on the status of that detainee. So, for example,  
25 whether they were someone who was captured, someone who

1 had been picked up for looting, if they were someone who  
2 had been detained as a result of a targeted search  
3 operation, whether the -- the reason why the detainee  
4 was at Camp Stephen would have an impact on  
5 the questions that you might ask them?

6 A. Yes. Yes, that's right --

7 Q. -- (overspeaking) -- Sorry, carry on.

8 A. If they had been picked up on a search operation, or  
9 a looter, yes, he wouldn't -- then the decision would be  
10 made who would ask them the questions. But remember,  
11 we're asking these questions through interpreters.

12 Q. Of course. And in terms of the type of questions then  
13 that you might ask, you said that there would be  
14 a difference. Are you just able to explain to me what  
15 that difference would be?

16 A. Well, you just said it yourself. If they're picked up  
17 in a targeted operation, they'd be specifically  
18 questioned about why we picked them up for the target.  
19 Looting, we would say: why are you doing it? Where do  
20 you stay? Who's with you? That type of thing.

21 Q. So, sorry, is your evidence that the questions that  
22 might be asked to a detainee would relate to the reason  
23 why they've been picked up?

24 A. Yes.

25 Q. Thank you.

1 I'm just going to go back to that paragraph 31,  
2 which is on the screen, from the officer commanding's  
3 witness statement and go back to that last section, and  
4 he says there:

5 "Under the law of armed conflict questioning of  
6 captured persons can only involve asking for name rank  
7 number and religion, whereas questioning of detainees  
8 could involve asking what they were doing or knowledge  
9 of crime, however I do not believe this was set out  
10 clearly at the time from higher directives and so  
11 I believe we made common sense approaches to what could  
12 be questioned."

13 Having had the chance to see that, does that match  
14 your recollection? Do you have any comment on that?

15 A. No, it matches my recollection.

16 Q. Thank you.

17 Just -- if you have got it to hand, I'm going to ask  
18 you to turn to page 3 of your initial disclosure bundle.  
19 Again, this is just for reference, because what I'm  
20 interested in, in this question, is whether you had  
21 the authority as intelligence officer to extend  
22 detention on the basis of questioning, and the reason  
23 I'm asking this does refer back to this statement, which  
24 I believe is your 2003 statement. In the second  
25 paragraph down you say there:



1 "Throughout the search, myself and ..."

2 A witness who we have ciphered as -- if you'll just  
3 bear with me one second -- SO92.

4 "... questioned Radhi Nama as to the whereabouts of  
5 his son. He initially stated that his son had left with  
6 his girlfriend four days prior. This then changed to  
7 two days, and then 0100 hours on the morning of  
8 the search. At no time did he state the whereabouts of  
9 his son. As I believed Radhi Nama was lying and  
10 withholding information, I made the decision to detain  
11 him and convey him back to our location for further  
12 questioning. [as read]"

13 Then a bit lower down, you say, the paragraph  
14 starting:

15 "I returned to the C Company -- to the Company  
16 location by Land Rover, then went to the EPW cage with  
17 the photographs that had been seized and ascertained  
18 exactly who was in the photographs, these being as  
19 previously mentioned. I also asked the whereabouts of  
20 Mohammed, and again Radhi initially stated he had left  
21 four days ago and then changed it to two days. [as  
22 read]"

23 Then you say:

24 "Because of this, I made the decision to detain him  
25 further and question him more later."

1           So that's quite a lot to read out, unfortunately,  
2           I'm afraid, but it's in order to give you the context to  
3           answer the question.

4           It sounds there as though it was you who was making  
5           the decision to continue the detention of Radhi Nama on  
6           the basis of evidence -- or, sorry, information that he  
7           was giving you that was internally inconsistent.

8           So back to the question I asked, which is: did you  
9           have authority in your role at the time to extend  
10          detention on the basis of questioning?

11        A. There is context, Natasha. What you read out there  
12        I totally disagree with, and I've asked the question of  
13        the previous inspection because that is not my  
14        statement. I never made that statement. There's words  
15        in that statement and documents in that statement  
16        referred to that I have no knowledge of.

17        Q. That's very helpful, SO90. If it suits you, I was going  
18        to come back to those points, because I haven't yet  
19        asked any specific questions about Radhi Nama and I did  
20        want to clarify that with before we delved further into  
21        the evidence about that particular set of events.

22           I can do that right now, but I think perhaps, if  
23           you're happy to answer my high level question, and then  
24           we'll come back to this in a couple of minutes, then  
25           hopefully you can have the opportunity to explain which

1 bits of that statement you stand by, if any of it. Does  
2 that sound okay to you, SO90?

3 A. That sounds okay to me. And I don't stand by any of  
4 that statement. Because if the decision was made to  
5 detain the detainee any further, it would have been made  
6 in conjunction with the OC.

7 Q. Okay. So in answer to my high-level question --

8 A. I would not have had that power, no.

9 Q. You would not have had that power. That's very helpful,  
10 thank you.

11 Finally on this particular set of questions, and  
12 again for reference if we have a look at {A/76/5},  
13 paragraph 11. We're back into your statement now, SO90.  
14 And I'm just putting it there for reference. You talk  
15 in this paragraph about medical checks taking place.  
16 You say there:

17 "I do not know what the timeframe was for completing  
18 the medical check."

19 And you also say:

20 "I have been asked who would have arranged for  
21 the medical check. The Company Medic would be called  
22 initially."

23 Just one question really, because I appreciate that  
24 you have given evidence on these points and you have  
25 limited recollection. Was it your belief that you were

1 able to ask questions to a witness before a medical  
2 check had taken place? At the time?

3 A. I can't recall. But I can't recall ever being  
4 instructed to make sure that anybody had a medical check  
5 when we detained them.

6 Q. That's helpful. Thank you, SO90.

7 So I was now -- as I promised a minute ago, I just  
8 wanted to speak to you about the previous statements  
9 that you've given. Because as I think, if we turn to  
10 page 4 of your witness statement, the document that  
11 we're on at the moment {A/74/4}, apologies, page 3,  
12 paragraph 2 {A/74/3}, you do make clear in your  
13 statement to us here that you refute the statement from  
14 23 May 2003. You then say, in relation to your 2012  
15 account, during this interview you did not state you  
16 agreed with your previous statement, so --

17 A. No. In that statement interview, and my lawyer will  
18 back me up on this, we asked them to get the original  
19 statements, because these statements did not --  
20 you know, I didn't -- I didn't recognise these  
21 statements.

22 Q. That's incredibly helpful, SO90.

23 And you have clarified to us in the supplementary  
24 statement that you have given to us, which I might ask  
25 you to have a look at now as well, at paragraph 1, your

1 position on this, and you do make clear there that --  
2 apologies, let me just read this out. Yes, so you say  
3 there, paragraph 2.1:

4 "In my statement during the 17 October 2012  
5 interview I went through the May 2003 statement with  
6 the investigator, changed wordings and signed the  
7 October 2012 statement. I confirm that I do not  
8 consider the following part of the May 2003 statement to  
9 be an accurate representation of what I said, the fact  
10 that I arrested the detainee. To clarify, I did not  
11 arrest the detainee. I in fact stated to the OC that it  
12 was not necessary to arrest him. [as read]"

13 A. Yes.

14 Q. So that's very helpful. Firstly, just for our purposes,  
15 and again this is very much not adversarial questioning,  
16 this is my trying to establish what evidence of yours  
17 that we, as an investigation, should be considering. Is  
18 my understanding of that supplementary statement that  
19 your 2003 account is correct, save that you did not  
20 arrest the detainee, and in fact what your evidence was  
21 that you stated to the OC that it was not necessary to  
22 arrest him? Firstly on that, is it correct that, other  
23 than that, your 2003 statement is correct?

24 A. The 2 -- if -- no. I would need -- Natasha, clearly I  
25 would need to read it first. Because the statement

1 I was presented with -- this is not the statement  
2 I agreed to. There's words that I would not have used  
3 and there's references to documents in it that I have  
4 never seen. And I was then reinterviewed by IHAT in  
5 2012 when an investigator was actually in my house for  
6 four hours, and she took another statement from me,  
7 signed, and I still don't see that one.

8 Q. Thank you. That's very helpful context, SO90. And  
9 I think, if it's okay with you -- we very much hear that  
10 that's the case. During the course of our questioning  
11 today, if I want to refer to any parts of your previous  
12 statements, that will be borne in mind and you'll have  
13 the opportunity to comment on whether it still matches  
14 your recollection. I still, however, think it would be  
15 helpful if I could just clarify what you mean in your  
16 supplementary witness statement when you say:

17 "I did not arrest the detainee. I in fact stated to  
18 the OC that it was not necessary to arrest him."

19 I suggest that we come back to that when I'm asking  
20 questions about that specific aspect of the search  
21 operation so that we follow the chronology, if that's  
22 okay?

23 A. That's okay.

24 Q. And I am correct I think, looking back to your statement  
25 to us at {A/76/3}, paragraph 2.3, which is still on

1 the screen, that your 2016 statement is one that you're  
2 still happy with?

3 A. Yes, I believe so.

4 Q. That's very helpful. Thanks very much, SO90, and thank  
5 you for bearing with me on that.

6 So questions now are relating specifically to  
7 the death of Radhi Nama. And if it's okay with you,  
8 I'll start by asking some questions about the search  
9 operation, because I understand you were present on that  
10 search operation and during the course of which  
11 Radhi Nama was detained. Have I got that right, to  
12 begin with?

13 A. Yes.

14 Q. Thank you.

15 And so can I just get you to start by explaining  
16 what your role was in the search operation?

17 A. Well, the information came to the OC that there was a --  
18 a guy had been reported for rape, so we wanted to  
19 obviously nip this in the bud. So the -- we got  
20 the address, went down to the house with I think it was  
21 two sections initially. Then we entered the house, and  
22 we just missed the son, actually, unfortunately. Then  
23 continued the search. I did not question the guy in  
24 the house, and in fact remonstrated with the company  
25 commander that there was no need to arrest the father in

1 the hope that the son would turn up at Camp Stephen.

2 Q. Can I just pause you there. When you say the company  
3 commander, who are you referring to there? Is that the  
4 witness you described as witness 8 earlier?

5 A. Yes.

6 Q. Thank you. I'm so sorry, please continue.

7 A. In fact, he was directed to be arrested by the OC, so  
8 I then made sure that I escorted him back to  
9 Camp Stephen.

10 Q. Okay.

11 A. I didn't -- I didn't travel back in the Land Rover,  
12 I travelled back in the back of I believe it was one of  
13 the Warrior vehicles, who reversed into Camp Stephen and  
14 we took the prisoner to the EPW area.

15 Q. Thank you very much, SO90.

16 So I'll go back over some of those points that  
17 you've just raised in a bit more detail, if that's okay.

18 So just firstly, you mentioned the commanding officer  
19 was present on -- on that search operation. Could you  
20 just clarify what the chain of command was for that  
21 particular operation?

22 A. He was -- well, he was in charge of the operation and,  
23 by him being present, he knew what was happening all  
24 the time. He was there at the start, entered the house,  
25 and spoke to the father when they went inside.



1 Q. Thank you. And just -- I think I said "commanding  
2 officer" there, I did mean "officer commanding".  
3 I assume that doesn't change your answer at all, but  
4 just for the sake of clarity that's who I was  
5 referring to.

6 A. Yes.

7 Q. Thank you.

8 Going back to your role in detaining Radhi Nama. So  
9 firstly -- and I said a minute ago that we'd come back  
10 to this. Looking back to your supplementary witness  
11 statement, and your clarification at paragraph 1 there,  
12 where you say you're correct in what happened in  
13 May 2030, and you say you:

14 "... do not consider the following part of your  
15 May 2003 statement to be an accurate representation of  
16 what I said. The fact that I arrested the detainee. To  
17 clarify, I did not arrest the detainee. [as read]"

18 So just firstly, are you able to clarify what you  
19 mean by the word "arrest" in this context?

20 A. Yes, somebody -- well, who -- arresting the detainee,  
21 taking physical possession of the detainee, making  
22 the decision to arrest him.

23 Q. Thank you, that's very helpful.

24 Again, could you just clarify for me a bit then, if  
25 it wasn't you who made that decision, who was it again,

1 referring to ciphers --

2 A. The same cipher as --

3 Q. Or rank and role, if that's easier, it might be --

4 A. OC would be the correct answer then. He instructed them  
5 to be detained.

6 Q. Thank you. And just to complete the picture, we have  
7 a witness who we're referring to as SO92. I have  
8 a feeling you might be referring to him as witness 12.

9 Was that witness present on the search operation at  
10 the same time?

11 A. Yes.

12 Q. And that witness -- did that witness have any role in  
13 the detention or arrest of Radhi Nama?

14 A. I'm unsure.

15 Q. Thank you.

16 And going back to your supplementary witness  
17 statement. After you clarified that you did not arrest  
18 the detainee, you state:

19 "I in fact stated to the OC that it was not  
20 necessary to arrest him."

21 And you've obviously just explained that that was  
22 the case in your -- in your explanation to me. I wonder  
23 if you could give me a bit more detail about that. Why  
24 was it that you felt that that was the case?

25 A. Because he decided to arrest him on the hopes that his

1 son would turn up at Camp Stephen. I remonstrated with  
2 him, only for a short while, because, I mean, he was OC  
3 at the end of the day. I didn't see the need to arrest  
4 the father in the hope that the son would turn up,  
5 because it wasn't going to happen. There wasn't that  
6 respect there with -- you know.

7 Q. I'm sorry, I'm not sure I'm entirely clear what you  
8 meant by that last bit. Can you explain what you meant  
9 by you're not sure that respect was there?

10 A. Well, the son would not have turned up in place of  
11 the father and given himself up. That's what I meant  
12 there. I had no hope of that happening whatever.

13 Q. Thank you.

14 Can you explain to me a bit more what happened in  
15 the exchange with the officer commanding?

16 A. It was a very short exchange. I says to him, "Look,  
17 this is -- we're doing the wrong thing here", and he was  
18 like that, you know. Basically told me to shut up.

19 Q. Understood.

20 And just in terms of the basis upon which Radhi Nama  
21 was arrested or detained at this point in time,  
22 I appreciate that you're saying it wasn't your decision,  
23 are you aware of what the basis for arresting or  
24 detaining Radhi Nama was?

25 A. No, I don't, actually.

1 Q. Thank you.

2 And then some questions about how Radhi Nama was  
3 detained. Was any force used at all, and again I'm not  
4 asking here about excessive force or anything, just any  
5 force. Could you describe how he was detained with  
6 reference to whether any force was used?

7 A. I believe his hands were Plasticuffed and he was it  
8 escorted to the vehicle. So there was no force used, as  
9 far as I was aware.

10 Q. That's helpful, thank you. And I'm just going to ask  
11 Opus to pull up {A/56/2}, please. We had the benefit of  
12 hearing evidence from Miss Afaf and Miss Fatima, who  
13 were daughters of Mr Radhi Nama, this morning. And I've  
14 just pulled up the statement of Miss Afaf, which I think  
15 in material terms is the same as that from Miss Fatima,  
16 and I'll just ask you to have a look there at  
17 paragraph 6 of that statement. So it might actually  
18 start on the previous page, apologies, Opus {A/561}. If  
19 you could pull that up, thank you.

20 And I will allow you a second to read this in full,  
21 because it will probably be the first time that you're  
22 seeing this, but then I will ask some specific  
23 questions. If it's preferable for me to read it out  
24 loud, please say, and I'm very happy to do that.

25 (Pause)

1 A. Yes, I've finished that. I can't see -- I need to get  
2 Opus to move it up so I can see the rest of paragraph 6.

3 Q. Opus, can that magic happen, please {A/56/2}. Thank  
4 you.

5 (Pause)

6 A. I have finished reading that paragraph.

7 Q. Thank you very much.

8 So now that you've had the benefit of seeing that,  
9 I think you just explained a moment ago that  
10 the detainee, Mr Radhi Nama, was Plasticuffed, and you  
11 see there in paragraph 6 of Ms Afaf's statement that she  
12 describes zip ties being used. I was just wondering  
13 whether you can comment on whether that meets your  
14 recollection of events?

15 A. I didn't see all -- all this happening. Because,  
16 I mean, as far as I can recollect, he was sitting on  
17 the couch and the decision made to detain him. He was  
18 then -- as far as I could recollect, he was moved to  
19 the vehicle in Plasticuffs, and a hood, actually, yes.

20 Q. That's helpful. So -- so with the Plasticuffs, with  
21 the -- what Afaf refers to as zip ties, how would  
22 Radhi Nama have had those Plasticuffs applied?

23 A. I can't -- I can't remember seeing that happening, but  
24 I do remember, outside the house, him escorted by two  
25 soldiers to the vehicle. He wasn't carried or forced or

1 anything like that, he was escorted.

2 Q. Thank you.

3 And I'm just going to -- actually, I'll stick with  
4 this statement while we've got it up and then I'll go to  
5 that question. In paragraph 6, Miss Afaf does refer to  
6 a female soldier being on the operation. And this  
7 morning in their evidence, both Miss Afaf and Miss  
8 Fatima did refer to a female soldier being a tall,  
9 blonde woman. Do you recall such a female soldier being  
10 on the operation at the time?

11 A. Yes, there was one on the time -- at the time. On my  
12 cipher, she's 32.

13 Q. Thank you.

14 And does that witness meet the description of  
15 a tall, blonde woman?

16 A. No, I can't recall --

17 Q. That's not a problem at all. And as you will have seen  
18 in paragraph 6 of Ms Afaf's statement, Miss Afaf  
19 suggests that she, the female soldier, that is, and I'm  
20 looking at the top page 7, about three lines down:

21 "The female soldier punched my father in the face so  
22 he fell to the ground."

23 Did you witness that take place at all?

24 A. No, I didn't witness that, no. I can't recall that  
25 happening. I couldn't say if it did or didn't happen.

1 I'm really sorry.

2 Q. No, that's quite all right, thank you.

3 If I can just get Opus to turn up, please, {A/58}.

4 And we're looking at paragraph 7, please, on the second  
5 page {A/58/2}. And it says at paragraph 7(a) there --  
6 and I'll give you the opportunity to read it as well,  
7 actually, if that's okay.

8 (Pause)

9 A. I can't remember seeing anything like that, because ...

10 I'm not really sure whether this happened when I was  
11 remonstrating with the OC, because after he told me what  
12 he told me, I left the building, actually, and then he  
13 came out and I went back to Camp Stephen.

14 Q. Thank you.

15 So to be clear, the point at 7(a), where Miss Fatima  
16 describes being treated with violence as "a female  
17 soldier hit him in front of us", is not something that  
18 you're able to recall?

19 A. I can't -- no, I can't recall that, no.

20 Q. Thank you.

21 And at 7(c) she states:

22 "I also saw my father sitting on the floor in  
23 a squat position with his back facing the wall and his  
24 hands on his head."

25 Is that something that you are able to recall?

1 A. Really, no. It's not, no.

2 Q. Thank you, that's very helpful.

3 Can I ask Opus please to pull up {A/78/4},

4 paragraph 17 to 18. Thank you.

5 We're now into the statement again of that witness  
6 SO92, who I think I said earlier was likely to be your  
7 witness 12 who you confirmed for me was in the search  
8 operation. And Opus, can we just zoom in a bit on 17  
9 and 18, please. Thank you.

10 And at the start of 18 -- I'll allow you to read  
11 both paragraphs in full first, actually, before --  
12 before reading out those sections I'm particularly  
13 interested in, if that's okay. (Pause)

14 A. Yes, I'm finished reading that.

15 Q. Thank you.

16 So it says there at paragraph 18:

17 "Whilst we were conducting the search, the elderly  
18 male was harassing the search team and obstructed them.  
19 As a result, he was placed in a squatting position  
20 facing the room, with his hands on his head."

21 This is, as we said, from another member of  
22 C Company. Does that assist with your recollection at  
23 all?

24 A. Natasha, I can't remember. I can barely remember being  
25 in the house, round about standing with the OC, and



1       there was people with the father. I didn't pay much  
2       attention, actually.

3       Q. Again, that's quite all right. If you're not able to  
4       recall, then --

5       A. No.

6       Q. -- that being your evidence. Thank you.

7       And I'm going to just ask some questions now about  
8       Radhi Nama's transportation back to Camp Stephen. Now,  
9       a minute ago you clarified what came in your 2003  
10      statement, which was in relation to the vehicle that you  
11      travelled back to Camp Stephen in, and if I've got my  
12      notes correctly, you corrected the fact that in 2003  
13      that statement reads that you went back to Camp Stephen  
14      in a Land Rover --

15     A. No, I travelled --

16     Q. -- and actually you were in a different vehicle. Could  
17     you just confirm that, please?

18     A. Yes, I travelled back with the male.

19     Q. With the what, sorry?

20     A. With the male detainee.

21     Q. You were in the same vehicle?

22     A. Yes.

23     Q. That's helpful, thank you. And that was a Warrior  
24     vehicle?

25     A. Well, it was a vehicle.

1 Q. And are you able to describe that vehicle at all at this  
2 point in time?

3 A. At this point in time, I couldn't, no. At this point in  
4 time, I couldn't -- whether it was a Warrior or a 42,  
5 I really couldn't. I know it was an armoured vehicle.

6 Q. That's helpful.

7 And are you able to recall Radhi Nama's position in  
8 the vehicle?

9 A. He was sat on his haunches across from me with his hood  
10 still on and his zip ties still on.

11 Q. When you say sitting on his haunches, are you able to  
12 just --

13 A. No, he was sitting on his bum.

14 Q. On the seat?

15 A. On a seat or a -- on a seat or on a case of water,  
16 because that's what we used as seats in some of  
17 the vehicles.

18 Q. Understood, thank you. And I think you just confirmed  
19 he would have still been restrained and hooded?

20 A. Yes.

21 Q. Thank you.

22 And this morning Miss Afaf described seeing her  
23 father being "thrown" into the vehicle. Is that  
24 something you're able to comment on?

25 A. No, he wasn't thrown into the vehicle, he was escorted

1 to the vehicle and assisted into the vehicle.

2 Q. And do you recall who it was who escorted him? I think  
3 you might --

4 A. No. Two soldiers who were with us escorted him and  
5 assisted him into the vehicle. He wasn't thrown at all,  
6 no.

7 Q. Thank you.

8 And I'm just going to pause here for one second  
9 before moving on to the next set of questions, just to  
10 check with my team to see if there are any further  
11 questions on this.

12 DAME ANNE RAFFERTY: I've got a question, and it's quite  
13 convenient to ask it, if I may.

14 SO90, I want to make sure whether I heard you  
15 correctly. The OC, who is our cipher SO88 -- you've got  
16 a number -- I thought you'd said was there at the search  
17 of the Radhi Nama house, and I thought I heard you say  
18 it again just now when you were explaining that you can  
19 barely remember the house.

20 A. I could barely -- Dame Anne, I could barely remember  
21 the interior and what happened in the house, because  
22 when he was getting questioned, I wasn't paying that  
23 much attention to what or who was actually questioning  
24 him, actually.

25 DAME ANNE RAFFERTY: Yes. Understand. Understand.

1 A. And at this -- I can remember being off to -- I think it  
2 was left-hand side and the OC says, "Right, we need to  
3 arrest him", and I said, "This is wrong", and basically  
4 I was told to shut up. So at that point I said "Okay",  
5 and withdrew myself from the search and waited outside.

6 Shortly thereafter, two soldiers came out with him  
7 in his hood and escorted him to the vehicle, and he  
8 wasn't thrown at all.

9 DAME ANNE RAFFERTY: Understood. What I want to make sure  
10 I have a good note of for the future is: is your  
11 recollection that they're at the search? Let's not  
12 worry for the moment about whether he went out of  
13 the house or stood outside. There was present the OC,  
14 our cipher SO88, the man with the rank of major?

15 A. Yes.

16 DAME ANNE RAFFERTY: You said, "We shouldn't be doing this",  
17 and he said, "Shut up", and things were got on with.

18 A. Things were got on with very quickly, because I didn't  
19 consider it worth arresting the guy for his son --

20 DAME ANNE RAFFERTY: I understood that. I understood that.

21 A. For me, the reason it didn't work -- that if you take  
22 the father, the son will come up -- that would never  
23 happen in a month of Sundays, and I didn't see  
24 the point.

25 DAME ANNE RAFFERTY: What I wanted to be sure about was that

1 I had correctly heard you say twice, and now three  
2 times, this time to me, that the OC was there at  
3 the search.

4 A. Yes, Dame Anne, he was.

5 DAME ANNE RAFFERTY: Thank you.

6 Thank you, Ms Jackson.

7 MS JACKSON: Thank you very much, SO90. And I just actually  
8 had one last question to follow up with you, just having  
9 pulled the transcript from yesterday, because we had  
10 the benefit of evidence from a witness we've ciphered as  
11 SO95, who I think might be your 15. And in relation to  
12 transporting individuals back from -- transporting  
13 individuals in Warrior vehicles, I'd just like to read  
14 out the evidence he gave yesterday, just to see if it --  
15 see how you respond to that, if that's okay.

16 A. Okay.

17 Q. So what SO95 said was:

18 "So the amount of both mental stress that he would  
19 have been under, because, you know, as I alluded to, if  
20 you were picked up from Al Hayaniya by the Iraqi  
21 security forces, there's probably a pretty good chance  
22 you weren't coming back. So he's under that sort of  
23 stress. And he's under environmental stress as well, in  
24 terms of coming back in this -- in this vehicle.

25 "And so therefore, when you aggregate those two

1 things together, you know, he's already under an  
2 inordinate amount of stress even before he's come to  
3 Camp Stephen. And that's what I mean, is you're looking  
4 back with the benefit of hindsight. And as I recall, he  
5 was -- he was older. I don't know how much older, but  
6 you know, I would hazard a guess, probably in his 60s.  
7 And bear in mind I didn't actually ever physically see  
8 him, so you have to treat that with a degree of caution.

9 "You know, I should have -- I look back at it and  
10 think, actually -- and this comes back, doesn't it, to  
11 this situation about training. You know, it would have  
12 been probably sort of worth thinking about how we were  
13 transporting that individual, given the temperature and  
14 the other -- the other environmental situation.

15 "And that's what I mean. You know, that's what  
16 I mean about when you sort of sit it back and look at it  
17 forensically and think, gosh, you know, how would we do  
18 that differently? I think we wouldn't put him in a box  
19 on wheels."

20 Dame Anne then said:

21 "A hot vibrating box on wheels."

22 And SO95 said:

23 "Correct, ma'am, yes, exactly."

24 So the tenor of SO95's evidence was about  
25 the conditions in the Warrior vehicle. Now,

1 I appreciate that you have said that you don't recall  
2 very clearly what those conditions were, but I just  
3 wondered if, having heard that account from SO95, that  
4 helped your recollection at all and if you had any  
5 views?

6 A. I would agree with him, but not really a recollection,  
7 no.

8 Q. Thank you.

9 And just for the sake of completion, as we  
10 understand SO88's evidence, it was that -- sorry, and  
11 that's the officer commanding's evidence -- it's that he  
12 was not present on the search operation during which  
13 Radhi Nama was detained. I think you've given your  
14 clear account, and Dame Anne's just asked you further  
15 about that. But just to confirm that that is your --  
16 that your evidence remains unchanged?

17 A. My evidence remains unchanged. He was in the house.

18 Q. Thank you.

19 So some questions now about events after Radhi Nama  
20 returned to Camp Stephen.

21 A. Natasha, can I quickly take a break?

22 Q. Of course, yes.

23 A. Sorry.

24 MS JACKSON: No, that's quite all right. We take a break  
25 around this time for the transcriber and interpreter, so

1 can I suggest we take a 15-minute break now, and then we  
2 can give the interpreter the time that they need as  
3 well.

4 Sorry, Dame Anne, are you there?

5 DAME ANNE RAFFERTY: Yes, I am, and I'm saying yes, good  
6 idea.

7 MS JACKSON: Thank you.

8 So I think if we come back at 25 past.

9 A. Thank you.

10 MS JACKSON: Thank you.

11 (3.07 pm)

12 (A short break)

13 (3.25 pm)

14 THE VIRTUAL HEARING MANAGER: Everybody is back, Dame Anne.

15 DAME ANNE RAFFERTY: Thank you very much, Jamie.

16 All well, SO90?

17 A. Yes, Dame, thank you.

18 DAME ANNE RAFFERTY: Right, thank you, Ms Jackson.

19 MS JACKSON: Thanks very much, Dame Anne, and thank you,  
20 SO90.

21 Just before I move on to the next questions, there's  
22 just one more question I'd like to ask you about what  
23 we've just been discussing, which is the search  
24 operation before moving on to Camp Stephen. I'm  
25 grateful to you for clarifying that your evidence is



1 that the officer commanding was on that search operation  
2 and was in charge.

3 I just wonder if it might prompt your memory at all  
4 if I said that we do have historic evidence, so evidence  
5 that was given back in 2003, from a colour sergeant who  
6 explained that he had been in charge of that particular  
7 search operation. I'm not able to name that colour  
8 sergeant in the course of these proceedings, but we can  
9 pass that name to you via your representative, but just  
10 at the high level of it being a colour sergeant.

11 If you were aware that someone else who was a colour  
12 sergeant said that they were the person who was on that  
13 operation and in charge, would that affect your  
14 recollection at all?

15 A. No, Dame Anne, because, I mean, I travelled there in his  
16 vehicle with him.

17 Q. I'm grateful for that. That's the last question, and we  
18 have your evidence clearly, so thank you, SO90.

19 Some questions now on events at Camp Stephen. So  
20 I understand your evidence now is that you travelled  
21 back to Camp Stephen in the same vehicle as Mr Nama.  
22 What then happened when you arrived back at the camp?

23 A. I took him out of the vehicle, I took him to  
24 the EPW cage, there was a guard established that  
25 I believe was the Anti-Tank Platoon. We took his hood

1 off, left him cuffed because he was a detainee. Got him  
2 sitting down, got him some water, and then I asked him  
3 -- at that time I asked him again if he knew where his  
4 son was, and he said no, obviously through an  
5 interpreter, and that was really it.

6 Q. Thank you. So I'll just pause you there, SO90, and just  
7 go over some of that again to make sure we've got your  
8 evidence as clearly as we go.

9 Just firstly, Opus, can I ask you to pull up  
10 {A/4/14}, for me. And I mean 13, if you go back one,  
11 please, thank you {A/4/13}.

12 So SO90, just for context, we have a collection of  
13 photos that we understand were taken of Camp Stephen by  
14 a previous investigation. We have had the opportunity  
15 with several witnesses who we've heard earlier in these  
16 hearings to go through the collection of those  
17 photographs and point out to us the ones that seem to be  
18 relevant to us, so hopefully I should have able to  
19 short-circuit having to take you through all of  
20 the photographs, but if that would be helpful to you,  
21 then we'll give you the chance.

22 A. I saw this picture earlier on. It's not a picture --  
23 it's not an area I recognise. I think this is outside  
24 Camp Stephen.

25 Q. So again I'll explain to you what other witnesses have

1 told us. That's not to say that it's correct, but it's  
2 just hopefully to maybe assist your recollection. So  
3 what we've been explained by other witnesses, SO88 in  
4 particular, is that if we look to the right along  
5 the kind of horizon line, we can see a sort of orange  
6 cabin. We've had that point out to us as  
7 the entrance/exit point to the camp.

8 A. Yes, I believe that's correct.

9 Q. And if you have a look, there's actually a biro arrow  
10 with "EPW" written?

11 A. That would be wrong. The EPW was inside Camp Stephen,  
12 right adjacent to the Mortar Platoon accommodation.

13 Q. That's helpful. So I wonder if I could get Opus to  
14 bring up {A/2/1}, please.

15 So in this exhibit here we have a collection of  
16 aerial photos of Camp Stephen. What I might do first is  
17 just ask Opus if you could click through these  
18 photographs, pausing on each one for a couple of beats,  
19 just to allow SO90 the opportunity to see the kind of  
20 collection {A/2/2}. {A/2/3}. {A/2/4}. {A/2/5}.

21 A. The writing's -- the writing's slightly upside down, but  
22 ...

23 Q. If I could ask Opus to pause, if that's okay, because  
24 I think all the ones from here are kind of black and  
25 white variations on the theme.

1 Can we zoom in, please, Opus, on the photograph  
2 {A/2/5}.

3 SO90, I'm reliably informed that, by witchcraft, we  
4 can rotate this image if you would find that more  
5 helpful?

6 A. Can you see my screen pointer? No.

7 Q. I can't, I'm afraid.

8 A. It's not appearing, okay.

9 The "X" marks -- I remember it being closer. "B"  
10 being the entrance point, "C" being the accommodation,  
11 but in my recollection, it was closer than what's  
12 displayed here. And the "X" being the EPW area;  
13 the yellow marking.

14 Q. So in your recollection, does where the yellow mark "X"  
15 sits on this picture correspond to where you recall it  
16 being, or are you saying you think it was in a different  
17 position?

18 A. It's -- in my recollection, it's all -- yes, it's  
19 relevant to the position. But in my recollection, it  
20 was a lot closer than what's depicted here.

21 Q. That's very helpful, SO90. I'm not -- we've got these  
22 images from previous investigations and people have  
23 marked them up, so because we're doing this remotely  
24 it's quite helpful to have other people's markings as  
25 a reference point, but it's certainly not saying to you

1 that that's where it is, so your evidence on that is  
2 very helpful.

3 Can I just check, though, to the best of your  
4 recollection, was there only the one EPW area at  
5 Camp Stephen?

6 A. There was only one EPW area. Then we established  
7 a witness questioning area to the opposite -- right to  
8 the next building to your -- as you go "B", there's  
9 a building close to that inside the area, that's  
10 the Recce Platoon accommodation. There was a tented  
11 area put up there or a screened area erected there for  
12 any questioning of, like, walk-ins, or if you had to  
13 question a detainee you'd move them across there. But  
14 that was established at a much later date.

15 Q. That's very helpful. Thank you.

16 If I could ask Opus to bring up {A/74/4}. We're  
17 going back to the officer commanding's witness  
18 statement, looking at paragraphs 24 to 26, just because  
19 he sets out here a quite detailed explanation of his  
20 recollection of what the EPW area was like, and it might  
21 be helpful if you just take a moment to have a read of  
22 those paragraphs. Again, I'm happy to read them out, if  
23 that would be helpful.

24 A. No, I can see it.

25 Q. Thank you.

1 A. It wasn't a tent. The EPW area was an area erected, and  
2 it was covered by camouflage netting to provide shelter  
3 and they were both erected off these materials. So it  
4 wasn't a tent. You could see -- you'd probably see  
5 through the camouflage as you're passing it.

6 Q. Just to be clear, so I think you're saying that it  
7 wasn't a tent, it was camouflage netting?

8 A. Camouflage netting over both areas, yes.

9 Q. And what was the camouflage netting covering? Was it  
10 a fixed structure, was it a pole?

11 A. No, no, just -- the poles were erected to cover the area  
12 any detainees were to be held in.

13 Q. Thank you.

14 A. So to give them shelter from the sunlight.

15 Q. That's helpful.

16 Have you read the whole of paragraphs 24 to 26?

17 (Pause)

18 A. He's described the right area, but to my recollection,  
19 it wasn't a tent, it was just a camouflage netting  
20 erected on poles.

21 Q. That's really helpful. Thank you, SO90.

22 And I'm now just going to ask you, if you've got it  
23 in front of you, to go to your 2003 account, and we've  
24 obviously had a bit of a discussion as to how reliable  
25 this account is, if indeed it was your account. So

1 there's just one section I wanted to ask you about in  
2 particular, and that's at page 3 of the bundle. If  
3 you'll allow me a moment to find the section, we are in  
4 the fourth paragraph down from the top, about halfway  
5 through the page, and it starts there. We have been to  
6 this section before, but we're looking at a different  
7 bit of it:

8 "I returned to the Company location by  
9 Land Rover ..."

10 Which you've obviously corrected.

11 "... then went to the EPW cage with the photographs  
12 that had been seized and ascertained exactly who was in  
13 the photographs, these being as previously mentioned.  
14 I also asked the whereabouts of Mohammed and again  
15 Radhi initially stated he had left four days ago then  
16 changed it to two days. [as read]"

17 So firstly, putting aside the Land Rover bit which  
18 we've already corrected, is this an account that you'd  
19 still maintain, or is this in the category of issues  
20 that you have with the 2003 statement?

21 A. To my recollection, we did have a photograph, and it was  
22 just to establish if that was a picture of his --  
23 the son, and --

24 Q. Thank you. Sorry, please carry on.

25 A. And to my recollection, it didn't -- he didn't say he

1 left four days ago and two days ago, no, that wasn't in  
2 the conversation.

3 Q. So, sorry, you did not have the conversation about him  
4 changing his answer?

5 A. I can't recall that conversation being part of that.  
6 The photograph I could just vaguely remember.

7 Q. Thank you.

8 A. Because we were trying to establish if that was his son  
9 or not.

10 Q. And so -- just so I'm completely clear, you're not  
11 saying it wasn't the case that you had this conversation  
12 about four days and two days, you're just saying at  
13 the moment you can't remember?

14 A. We had the conversation, but I can't remember the four  
15 days and two days come into it.

16 Q. That's very helpful, thank you.

17 And circling back to something we discussed a bit  
18 earlier at a high level about instructions to put  
19 questions, and I think, if I got it correctly, your  
20 explanation was that you would have instructions from  
21 the commanding officer before -- sorry, from the officer  
22 commanding before putting questions. Did you have  
23 express instructions to put these questions to  
24 Radhi Nama?

25 A. No. When we got out of the vehicle, I asked them if



1 the vehicle -- I can't remember, I think somebody says,  
2 "Look, that's a picture of his son". So I was trying to  
3 determine if that was a picture -- a current picture of  
4 his son. The question lasted four minutes maximum with  
5 an interrogator there. That was it.

6 Q. Thank you. And, sorry, my question is specifically  
7 about whether anyone else instructed you to ask those  
8 questions, or was it something you did of your own  
9 volition.

10 A. My own volition.

11 Q. Thank you.

12 And do you recall where you got the photograph from?

13 A. No, I can't recall where it come from.

14 Q. And do you recall where this questioning took place?

15 A. Inside the EPW --

16 Q. Thank you.

17 A. -- area.

18 Q. And that's the area that you were just helping us  
19 identify with those photos?

20 A. Yes.

21 Q. And just to be clear, because I think you drew  
22 a distinction between a sort of table and chairs area  
23 that SO88 referred to and also the camouflage netting  
24 area, was this in the table and chairs area or  
25 the camouflage netting area?

1 A. Because he was only in the camouflage area I decided to  
2 question him there, and it was only, "Is this your son?  
3 Do you know where he is?" That was it, done.

4 Q. Thank you.

5 And a second ago, you said that that was with  
6 the "interrogator". I wonder if you meant --

7 A. Interpreter.

8 Q. Interpreter. No, that's very helpful, thank you. And  
9 was that the interpreter who had been with you on  
10 the search operation or was it someone who you summoned  
11 to Camp Stephen?

12 A. I can't recall if it was a different one or not.

13 Q. That's helpful. And other than the interpreter, do you  
14 recall whether anyone else was present at the point that  
15 you were asking questions to Radhi Nama?

16 A. Not that I can recall, no.

17 Q. That's very helpful. Thank you, SO90.

18 And some questions now about the events after  
19 Radhi Nama's death, if that's okay. So I'm going to go  
20 to your supplementary statement and paragraph 14.3.  
21 Let's just get that up. You say here:

22 "As ... paragraphs in my statement, I say I was  
23 informed of Radhi Nama's death by ..."

24 And then we have a witness who we have ciphered as  
25 SO95.

1 A. Mm-hm.

2 Q. I think you should know who that is, because you're

3 reading the unredacted statement. And I think you

4 clarify who it is you're referring to there then --

5 A. I think it would be number 15 on the list I've got.

6 Q. Thank you. Yes, I'm confident we're talking at

7 the same purposes at the moment because we're both

8 looking at the same document.

9 So you confirmed to us who it was you're

10 referring to, and then you say:

11 "The IFI ..."

12 These investigations.

13 "... understand Radhi Nama collapsed between 1100

14 and 1115 and life was pronounced extinct at

15 approximately 1118."

16 Firstly, you confirm to us who SO95 is. You then

17 say:

18 "I was awoken by SO95 some time in the early hours

19 of the following morning. SO95 informed me that

20 the prisoner had died. He asked me for advice and went

21 on to explain that after his watch keeping duties,

22 a soldier had approached him and told him that

23 the prisoner had died while being questioned by the CSM.

24 [as read]"

25 And then someone who we have ciphered as SO102.

1 A. I've got number 23 on my list.

2 Q. Thank you.

3 "At that point I got ..."

4 Someone who we have ciphered -- perhaps I'm wrong.

5 A. Number 20 on my list.

6 Q. Thank you. SO100.

7 So:

8 "At that point I got SO100 up and made SO95 repeat

9 what he had told me. I told SO95 that he should go to

10 the OC or the RSM. [as read]"

11 Just pause there. Do you have the RSM ciphered on

12 your list --

13 A. No. No, Natasha, I don't.

14 Q. Thank you. We'll confirm who that is through your

15 representative, if that's okay.

16 A. Okay.

17 Q. We can't do that during these hearings.

18 "I believe he went to the OC, however I did not find

19 out if he had as the next time I saw him he was at

20 the front gate awaiting transport. [as read]"

21 Just pausing there, who is "him" in this sentence?

22 A. SO95, did you say?

23 Q. Yes, that's helpful. Thank you.

24 So:

25 "... the next time I saw [SO95] he was at the front

1 gate awaiting transport. He seemed to be in  
2 a distressed state as he was clearly upset and kicking  
3 his webbing around. [as read]"

4 Just pausing there, again, what is webbing?

5 A. The equipment you would carry on your back. I can't  
6 remember if it was his webbing or his backpack or his  
7 equipment, but I do remember him being in a distressed  
8 state, because that was him actually leaving the camp.

9 No, after that -- I do remember that, actually.

10 Q. That's really helpful. So I do have some questions  
11 about this account. Firstly I will say that we did hear  
12 evidence from SO95 yesterday. Because we hadn't had  
13 the signed statement, we weren't able to ask him about  
14 this, so we will potentially go back to him to ask him  
15 for his take on these events, but if possible, I'd just  
16 like to clarify your evidence as well.

17 So, firstly, can you please just explain that in  
18 your own words, just what happened by reference to --  
19 sorry, I'll start that again.

20 Can you explain how you were informed of the death  
21 of the detainee, giving as much explanation as you are  
22 able to.

23 A. Right, I was awoken by the person at some time after  
24 3 o'clock in the morning. He explained to me that  
25 the prisoner had died while being questioned. His words

1 to me were, "The prisoner has died of a heart attack  
2 while being questioned", by, on my list, cipher -- where  
3 is it -- (pause) -- cipher 22 and 23 in the number list  
4 I've got.

5 Q. Thank you.

6 A. After that -- and I'm like, "What's happening here?"

7 And he explained to me that the soldier had approached  
8 him. He didn't -- I can't remember if he named  
9 a soldier, but he didn't bring a soldier with him. So  
10 I'm in a position where I'm getting third-hand  
11 information. And I says, "Look, you have got  
12 the information. You need to be able to say to whoever  
13 it is that this is what actually happened".

14 At that point I got the other person -- other  
15 witness up to make sure that I wasn't the only one  
16 getting told this, and I made him repeat it. Number 20  
17 on my list, actually.

18 Q. SO100.

19 A. Yes, and he's -- I mean, we had both been woken up after  
20 a busy day, and afterwards I said, "Look, you've got to  
21 go to the RSM or the OC with that information". At  
22 that, he left the room and in fact so did SO95. And  
23 this one left already. So in that situation, you know,  
24 I didn't know what to do.

25 Q. Thank you.

1 And I'm just going to pause for a second, because  
2 I understand that the transcribers, who are doing their  
3 best to keep up with everything we are saying, would  
4 appreciate it if we speak a bit slower.

5 Sorry to interject with that, SO90, so perhaps if we  
6 can take it a bit slower from here on.

7 Just bear with me one second.

8 And what you then go on to say is a description of  
9 the witness we call SO95; the second-in-command's  
10 demeanour when you saw him a bit later. I wonder if you  
11 could describe your recollection of his demeanour in  
12 more detail at the point in time that he informed you of  
13 the death?

14 A. His demeanour was ... you know, he came across quite,  
15 you know, sane but possibly a bit panicked because,  
16 I don't know -- I don't know what he was expecting, but,  
17 you know, he was quite clear in what he said.

18 Q. And -- sorry to cut you across.

19 A. No, I don't know what you're looking for, Natasha.

20 Q. No, no, I'm not looking for anything in particular, I'm  
21 looking for --

22 A. Further explanation. I really don't know, yes.

23 Q. No, that's quite all right.

24 And in terms of your involvement after that point --  
25 so what you say in the supplementary statement is at

1 this point you got SO100 up and made SO95 repeat what he  
2 had told you. Did you have to go somewhere to get SO100  
3 up, or was he in the room?

4 A. Yes, although we were in the same building he was in  
5 a different room through the front, and there's no  
6 light, so this -- I mean, this could have taken about  
7 four to five minutes, actually, by the time I found  
8 where he was sleeping, and going through.

9 Q. Thank you -- and going through. Thank you.

10 And after that, what did you do? Did you remain  
11 involved in --

12 A. No, I asked SO95 if ... I asked SO95 if he'd heard  
13 the report going through to the Battle Group, and he  
14 said he had. That report had been done on the radio.

15 Q. Thank you.

16 And are you aware whether your suggestion to SO95  
17 that he should go to the OC or the RSM was one he  
18 followed through? You say I believe he went to the OC.  
19 Are you able to take that recollection further?

20 A. No, I'm not going to be able to take that recollection  
21 further, because after that -- I never seen him for  
22 years after that, actually, and I never discussed it.

23 Q. Thank you.

24 And then just to that last bit again, then, of that  
25 14.3-section of your supplementary statement, you



1 describe the distressed state that you next saw SO95 at,  
2 and you said that that was when he was at the front gate  
3 awaiting transport. Are you able to help us with how  
4 long after the events of 8 May that that next sighting  
5 was?

6 A. Yes, it was the following day. It was while I was  
7 taking my -- while I was getting interviewed by the SIB,  
8 out the corner of my right eye I saw him moving towards  
9 the gate, dumping his kit and waiting there.

10 Q. Thank you.

11 And just to clarify, did you speak to him? Did you  
12 acknowledge each other? Was there any exchange?

13 A. I didn't have that chance, no.

14 Q. Thank you. That's incredibly helpful.

15 Just the last section of questions relating to  
16 the death of Radhi Nama are focused on how his family  
17 were informed the death. And again I'm looking at your  
18 2003 statement and, as before, perhaps you can assist me  
19 with the extent to which we can rely on this evidence,  
20 but you say in that statement -- allow me just to find  
21 the reference. It's at page 3, at the bottom of  
22 the page. It starts, this paragraph:

23 "At no time when I was present was there any  
24 indication that Radhi was suffering from any medical  
25 conditions, nor did he inform us of any."

1 But then you say:

2 "We did, however, have cause to go back to Radhi's  
3 home on 9 May 2003, and it was at this point his  
4 daughter informed me via the interpreter that her father  
5 had a bad heart."

6 Is this something that you still recall or would  
7 stand by as your evidence?

8 A. No, I wouldn't. That's not -- I never said that. What  
9 I said was that we had cause to go back when the OC went  
10 to the house en route back to the Battle Group HQ  
11 location for the daily O group.

12 Q. Thank you. And we have heard SO88, the OC's, evidence  
13 on this, and his evidence was that it was not -- it  
14 wouldn't have been him, I think I'm correct in saying.  
15 It would have been other members of C Company who would  
16 have returned to the house. Are you able to comment on  
17 whether that affects your recollection?

18 A. No. I was in the vehicle going back to the Battle Group  
19 location with him. We stopped at the house. He went  
20 into the house with the letter, came back to  
21 the vehicle, and that's why I learned that he had  
22 a heart condition.

23 Q. Thank you. And in your recollection, did anyone else go  
24 into the house with the OC?

25 A. Not to my recollection, no.

1 Q. Thank you. And did you see the letter in question?

2 A. No. I didn't, no.

3 Q. Thank you. And just to clarify, I understand it's your  
4 evidence that you didn't go into the house. Did you  
5 hear anything in the immediate aftermath of the OC going  
6 into the house about a potential heart condition that  
7 Radhi Nama might have suffered?

8 A. I believe he passed that information to myself and his  
9 driver when he came back to the vehicle.

10 Q. That's helpful, thank you.

11 And are you able to elaborate on that a little bit?

12 So when you say he passed the information, can you  
13 remember what was said?

14 A. No. I can't elaborate on that, no. No.

15 Q. And do you recall whether there was an interpreter  
16 present with the OC?

17 A. Actually, no, I can't recall if there was one there or  
18 not.

19 Q. Thank you.

20 A. No, I can't remember at all.

21 Q. Thank you, that's very helpful.

22 I don't have any further questions about  
23 Radhi Nama's death. If it's okay with you, in that  
24 case, I'd like to ask a couple about Mousa Ali and that  
25 investigation.

1 A. Yes.

2 Q. So if I can just ask Opus please to put up {A/76/9}.

3 And we're looking at paragraph 68.

4 We've looked at this before, I think. It says  
5 there:

6 "The C Coy Medic was told to perform a medical check  
7 by the Company Sergeant Major."

8 Sorry, I'm incorrect, we were looking at a slightly  
9 different part of your evidence earlier. But it says  
10 here that the C Company medic was told to perform a  
11 medical check.

12 Can you recall whether you were present when that  
13 request was made by the CSM?

14 A. I think that was an immediate return. I think that  
15 the sergeant major told the medic to go and check out  
16 somebody who had a cut lip, I think, specifically -- not  
17 a medical check, but specifically to see what the cut  
18 was.

19 Q. Thank you.

20 And had you been present before the C Company medic  
21 arrived to check the detainee?

22 A. No, we were -- referring back to the photograph,  
23 the vehicles were stopped at the gate, because you  
24 didn't get tracked vehicles into Camp Stephen, so that's  
25 where they were unloaded and escorted to the EPW cage.

1 We were some distance down at the HQ building having  
2 a discussion with the team that were there, and the OC,  
3 sergeant major and myself were there.

4 Q. Would it be helpful if I brought up {A/2/7}, again, and  
5 then maybe you can explain that by reference to  
6 the aerial photos?

7 A. Yes. So {A/2/7} --

8 Q. It's the same photo in black and white, but -- yes,  
9 thank you. Is that one clear enough for you?

10 A. It's slightly clearer, yes --

11 Q. Opus, if we could go to 5 {A/2/5}, that's the one we  
12 were looking at earlier, and zoom in on the photograph.  
13 And I think we rotated it 180 degrees last time.

14 A. So where you see the "B", the vehicles were reversed  
15 into there. The prisoners were -- sorry, the detainees  
16 were then escorted to where the yellow "X" was,  
17 the three of them were. At this stage we -- at this  
18 stage we did have the questioning area up and running  
19 with a table and chair there.

20 We were situated at "D", outside, having  
21 a discussion with the team that were there in support  
22 before they departed, and that's where we were.

23 Q. Thank you, that's helpful.

24 And are you able to clarify who the team that you  
25 were discussing with was. And just before you answer,

1 in these hearings, and we do have a mind to sensitivity,  
2 but we are able to use a gist SMU, a Specialist Military  
3 Unit, if that's relevant to your answer?

4 A. That's correct, the SMU team.

5 Q. Are you able to recall how many members of the SMU team  
6 there were present at Camp Stephen during that  
7 discussion?

8 A. Now you're asking. The sergeant major went -- told me  
9 to go and check his lip, because the sergeant major was  
10 afraid it would get apportioned to our troops. At this  
11 stage we were saying, "Look, that wasn't us. Get  
12 the medic to check it so that he's got it on record that  
13 as he came into our detention, he had a fat lip".

14 Q. That's helpful. So just so I'm clear, the reason  
15 the medic was called was because of the cut lip, rather  
16 than as part of my general processing procedure --

17 A. Yes, that is correct, yes.

18 Q. Thank you, that's helpful.

19 A. Specifically for the cut lip.

20 Q. That's helpful, thank you.

21 I'm just going to ask Opus, can we please go to  
22 {A/76/9}, and we're looking at paragraph 69.2 of your  
23 evidence.

24 A. Yes.

25 Q. You say here -- and again, we're coming back to this

1 point about, you know, instructions as to asking  
2 questions that we've now touched on a couple of times  
3 and you say here -- so I'll read out the full paragraph:

4 "It is suggested that I went to the EPW cage and  
5 questioned one of the detainees. I have been asked to  
6 give a full account of how this came about.

7 "I questioned the General in the Interview Area, not  
8 the EPW Area."

9 Which I think you've now clarified for us what you  
10 mean by that.

11 "I started by asking his name and rank. It was then  
12 that I realised I would gain nothing from further  
13 questioning and instructed the guard to return him to  
14 the EPW area. I then went to my room.

15 "I was acting on instructions from the Company  
16 Sergeant Major. I objected as these were not actually  
17 our detainees and were due to be transferred  
18 the following day."

19 A. That's correct, yes.

20 Q. Thank you, SO90.

21 I've got a couple of questions that flow from that  
22 for the purposes of clarification. So firstly, when you  
23 say "our detainees" and you describe these as "not our  
24 detainees", what do you mean by that?

25 A. I was -- well, the operation wasn't ours. We were in

1 support of the SMU.

2 Q. That's helpful --

3 A. The detainees were the SMU's detainees. We were only  
4 a staging post for them to move on the next day.

5 Q. Thank you. And what was it that led you to believe that  
6 they would be transferred the next day?

7 A. That's the impression I was left with, actually, that  
8 the prisoners would be moved on the following day  
9 because they were -- although they were part of  
10 the operation, they weren't actually our detainees,  
11 because we weren't running the operation.

12 Q. Thank you. And would the CSM have also been aware that  
13 these weren't your detainees?

14 A. I believe so, yes.

15 Q. So in that context, are you able to explain why the CSM  
16 ordered you, or, sorry, instructed you to ask questions  
17 to the detainees?

18 A. No, I haven't got a -- I haven't really got a clue,  
19 because, I mean, at this point I realised that, because  
20 if you look at my statement earlier, I wasn't actually  
21 on the brief for this, I was actually on watch keeper  
22 duties, and I wasn't actually meant to be in this  
23 operation. But because, you know, it's -- okay, let's  
24 go and see what's happening here, so I went out and took  
25 part, but I was to stay on the perimeter of the ...



1           So we came back, and then he says, "Right, you're  
2           questioning". I says, "They're not our prisoners. I'm  
3           going to learn nothing from them than what's been  
4           learned already, and in fact, because I wasn't on  
5           the brief I didn't know what to ask them".

6           So I decided not to question the general any more,  
7           put him back in the EPW area with his guard, and I went  
8           to my bed.

9       Q. Just one more question about the CSM's orders. Was that  
10       -- at what point did the CSM give you those orders?  
11       Was it during that conversation you were having that  
12       involved SMU members?

13      A. Yes.

14      Q. So were SMU members present at the point that the CSM  
15       made those instructions?

16      A. I believe one or two of them were, and again  
17       I remonstrated with the sergeant major and he wasn't  
18       happy with that, but I went and done what I was told,  
19       and I thought why am I questioning him, because I don't  
20       know to what ask him. So I says, "Right, what's your  
21       name, what's your rank", and I made the decision at that  
22       time I'm not questioning anybody else, because, one,  
23       you know, I don't think I'm doing the right thing, and  
24       two, I'm going to gain no more information.

25      Q. Thank you.

1           And so had it been the CSM's instructions that you  
2           also questioned the other two detainees?

3    A. No, actually. He's -- he specifically says, "You might  
4           want to ask the general". I believe they were looking  
5           for weapons, or something. But I didn't believe I was  
6           going to gain anything from the general, so I decided  
7           not to further question anybody.

8    Q. That's helpful, thank you.

9           And you did describe your objection to the CSM, and  
10          I think you just said it didn't go down too well.

11          Could you just describe in a bit more detail how  
12          the CSM responded to your objecting?

13   A. Without swearing in this format, I would say not,  
14          Natasha. Just to say he was displeased with me would be  
15          enough.

16   Q. Understood. You wouldn't be the first witness during  
17          these hearings to swear, but I think that's enough of  
18          a response for our purposes. Thank you.

19          And we have got some evidence from you on this, but  
20          I just wonder if I could get your full account, if  
21          that's possible, in full, of the questions that you did  
22          ask the detainee referred to in your statement  
23          as "the General" at the time.

24   A. I asked -- I actually asked his name, his rank and --  
25          what else did I ask the general? God, it's some time

1 ago. Because I knew his name. I knew his name, rank  
2 and number. And then that was it, actually.

3 Q. And do you recall whether, when giving those responses,  
4 the detainee you're referring to as "the General",  
5 confirmed to you that he was the person you were  
6 expecting him to be?

7 A. Yes, he did, actually.

8 Q. Thank you.

9 And was anyone else present during this questioning?

10 A. Yes, an interpreter.

11 Q. Thank you.

12 But other than the interpreter, was anyone in  
13 the vicinity at the time?

14 A. No. It was quite close vicinity to the front gate where  
15 the sentries were, and it was quite close vicinity to  
16 the EPW cage. It was just -- I would say just out of  
17 earshot, no more.

18 Q. That's incredibly helpful. Thank you.

19 Just for the sake of completion, in respect of  
20 the other two detainees, one of whom was Radhi Nama --  
21 sorry, one of whom was Mousa Ali and the other was his  
22 son, did you have any contact with those detainees at  
23 Camp Stephen?

24 A. No, I didn't, actually, no.

25 Q. Thank you. Sorry, SO90, did you have anything else you

1 wanted to say?

2 A. No, because straight after the -- straight after I put  
3 the general back in the cage -- well, I didn't put him  
4 back in the cage, I asked the guard to put him back in  
5 the cage, I went straight to bed because, as I said  
6 before, I had been on duty prior to this, and I went  
7 into -- into the accommodation and went to my room,  
8 because it's -- that's it.

9 Q. Thank you.

10 And then the last just very small number of  
11 questions are about the events after Mousa Ali had  
12 passed away.

13 A. Mm-hm.

14 Q. Firstly, do you remember how you heard about the death?

15 A. Actually, I heard about the death later on from one of  
16 the soldiers. Because actually I missed the lunch meal,  
17 and it was tea when I found out that he'd actually  
18 passed away.

19 Q. Can you give me a sense of how long after the death this  
20 was? Was this in the immediate aftermath, was this some  
21 time after?

22 A. No, it was after.

23 Q. Hours after?

24 A. Yes.

25 Q. Thank you.

1 And did anyone in the chain of command, so anyone  
2 more senior, ever formally or informally discuss  
3 the events of Mousa Ali's death with you?

4 A. No, no, never.

5 Q. Thank you.

6 And I have asked this question to other witnesses as  
7 well. With the benefit of hindsight now, some 20 years  
8 on, where we know that the picture was, well, actually  
9 two detainees died within a week of each other, are you  
10 surprised that no one spoke to you about the events that  
11 took place?

12 A. In hindsight ...

13 Q. It's not a trick question. We're just interested in  
14 your answer.

15 A. I'd like to say it should be looking like somebody  
16 should have asked questions, but no, I would say nobody  
17 ever did ask me questions about that.

18 Q. Thank you.

19 A. In the immediate aftermath, no, or any time further on,  
20 apart from the IHAT investigation.

21 Q. Thank you.

22 And are you able to just explain or describe what  
23 the atmosphere was like in Camp Stephen after  
24 Mousa Ali's death?

25 A. I think people were obviously upset it had happened, but

1 that doesn't change the fact that we've still got a job  
2 to do and we've just got to get on and do that job. So  
3 I don't think the atmosphere changed in any way,  
4 actually.

5 Q. That's helpful.

6 And just one final question, because we heard  
7 evidence from SO89 earlier today about him and another  
8 private making Mousa Ali perform exercises during  
9 the course of then guarding him while he was being  
10 detained at Camp Stephen. Was that something that you  
11 had heard about prior to that account?

12 A. No, actually. I was listening to it earlier on today  
13 and I thought this is the first of me hearing about  
14 this. It was never discussed with me. Nobody's ever  
15 discussed what actually happened, or -- this is  
16 the first time I was aware of it, actually.

17 Q. Were you familiar with any type of exercising being used  
18 in relation to detainees at the time in Camp Stephen?

19 A. No, I wasn't familiar. The detainees should have been  
20 guarded and made sure their welfare was okay, given  
21 water, and that's all that should have happened.

22 MS JACKSON: Thank you very much, SO90.

23 I don't have any further questions to ask you. I'm  
24 just going to check for a moment with my team to see if  
25 anyone else does. (Pause)

1 Thank you. No, no further questions from us.

2 Dame Anne may have some further questions for you.

3 Dame Anne?

4 DAME ANNE RAFFERTY: No, thank you.

5 MS JACKSON: Thank you.

6 In that case, I'll go to the representatives and see  
7 if anyone has any questions they'd like Dame Anne to  
8 put.

9 Can we go first to you, Ms Al Qurnawi.

10 MS AL QURNAWI: Yes. Hi, Natasha, we have two questions, if  
11 we may.

12 MS JACKSON: Thank you.

13 MS AL QURNAWI: The first question is: the Army acted on an  
14 allegation of rape against Mohammed Radhi Nama, the son.  
15 Where did that allegation come from? For example, did  
16 someone walk into Camp Stephen and made such  
17 a statement? That's question one.

18 And the second question: what steps did the Army  
19 take to check out the credibility of such allegation  
20 before heading off to Radhi Nama's house? As I said  
21 yesterday, as local people, we are well aware that  
22 sometimes untruthful allegations were being made to  
23 the military in order to get various Iraqis into  
24 trouble. In other words, tribal and individual scores  
25 were being settled.

1 Thank you.

2 DAME ANNE RAFFERTY: Thank you very much.

3 Can I make one comment before this is put, is  
4 thought of. I'd be delighted to be corrected if I'm  
5 wrong, but is the evidence that the trip to Mr Radhi's  
6 house was based on "intelligence" about the possible  
7 behaviour of his son; is that right?

8 A. Dame, yes, that's right.

9 DAME ANNE RAFFERTY: Sorry, SO90, I beg your pardon,  
10 I wasn't asking you. But thank you. I was asking  
11 Ms Jackson to tell me whether I've correctly remembered  
12 the evidence.

13 What's the answer, Ms Jackson?

14 MS JACKSON: Well, again, obviously we're taking evidence.  
15 I don't have the answer to what the evidence shows, but  
16 we have had evidence to the effect that there was  
17 intelligence that came through the RMP concerning  
18 Mr Nama's son, Mohammed Nama. But it sounds like  
19 actually SO90 might be able to assist you with his  
20 version of events, so it may be something he can assist  
21 with.

22 DAME ANNE RAFFERTY: So having turned to you, SO90, can you  
23 help any further with that?

24 A. Yes, Dame Anne. Natasha's quite right, the information  
25 did come from station 1 of the RMP office, directly



1 from -- it came directly from the woman allegedly in  
2 the house. How that information got to our CSM, I don't  
3 know, but apparently it was more than one walk-in at  
4 station 1 accusing this person of being a rapist in  
5 the area.

6 DAME ANNE RAFFERTY: Where's station 1?

7 A. Mm. Dame Anne, that's a good question. It's in Basra.

8 The old -- I think it was the old -- I think it was  
9 actually the police station.

10 DAME ANNE RAFFERTY: Thank you very much.

11 A. And on number two. We learned, actually, using  
12 interpreters -- actually we learned very quickly that  
13 some of the interpreters were not telling the truth and  
14 they were indeed trying to get people in trouble for no  
15 reason, so we were quite guarded against that, actually.  
16 And actually, we sacked quite a few interpreters for  
17 that very same reason.

18 DAME ANNE RAFFERTY: Thank you. I'm just going to revisit  
19 that a little bit with you, SO90, because that deals  
20 with the second part of the second question.

21 Do you know -- and please tell me if you don't --  
22 what checks were made on credibility of the allegation  
23 before the visiting party set off?

24 A. Dame Anne, I don't believe we'd done any checks before  
25 we set off. I believe we listened to the intelligence,

1 because apparently it came from more than one walk-in to  
2 the RMP station.

3 DAME ANNE RAFFERTY: Thank you.

4 Ms Jackson.

5 MS JACKSON: Thank you very much, Dame Anne. Thank you,  
6 SO90.

7 Ms Al Qurnawi, did you have any other questions from  
8 Basra?

9 MS AL QURNAWI: No, thank you.

10 DAME ANNE RAFFERTY: Thank you very much, as ever. Thank  
11 you.

12 MS JACKSON: Thank you, Ms Al Qurnawi.

13 Could I please next go to Mr Foley. Were there any  
14 questions on behalf of your clients?

15 MR FOLEY: No. No questions from me.

16 MS JACKSON: Thank you very much.

17 Mr Cherry?

18 MR CHERRY: If you just give me a second.

19 MS JACKSON: One thing I might say, Mr Cherry, just before  
20 asking questions, is that there have been some points  
21 that arise that SO88 might want the opportunity to  
22 comment on, and in the course of going over  
23 the transcripts, if the Inquiry team do identify any  
24 such points, then we will be putting them to your client  
25 to respond. But please do continue to ask any

1 clarificatory questions that you might want to put.

2 MR CHERRY: I think I might be able -- I can see potentially  
3 that SO90 might be confused, although he's very firm on  
4 it, I can give the appointment of the person, so it may  
5 assist. Because obviously SO88, as you say, says he  
6 wasn't there at Radhi Nama.

7 The person that he says was in command on the ground  
8 was the second-in-command of the Anti-Tank Platoon,  
9 the colour sergeant. That might be the person, if that  
10 might trigger SO90's memory. But if not, in assistance,  
11 and it may also assist the Basra question, SO88 made  
12 the statement, which is very contemporaneous, the next  
13 day, on 9 May, and the statement says -- and I'll  
14 read it, because obviously it's not in the bundle:

15 "Although I was not personally involved in  
16 the actual operation, I am aware that it was carried out  
17 as a result of information received from the RMP about  
18 a convict who had been illegally released from prison by  
19 the Ba'ath Party regime. The operation was directed to  
20 SO90, who was my Company's intelligence officer,  
21 the commander on the ground during the operation being  
22 colour sergeant ..."

23 And that is the second-in-command of  
24 the Anti-Tank Platoon.

25 "... of my unit. [as read]"

1 And then he gives the command radio call signs of  
2 who were present.

3 If that's of assistance, because that was made  
4 the next day to the RMP.

5 DAME ANNE RAFFERTY: Thank you, Mr Cherry. Again, I will be  
6 pleased to be corrected if I'm wrong, but I think that  
7 after we had our brief break Ms Jackson gave SO90, this  
8 witness, the opportunity to think through whether, when  
9 he said the OC was at the visit to Mr Radhi Nama's  
10 house, perhaps he meant the colour sergeant. I could be  
11 wrong about that, but she's here, we'll ask her.

12 Did you put that?

13 MS JACKSON: Thank you very much, Dame Anne.

14 Mr Cherry, that is very helpful. I think you will  
15 hopefully have picked up from the questioning that we  
16 were alive to the conflict in evidence between your  
17 client and SO90. That said, I would hate it to be  
18 the case that your client didn't feel like every  
19 opportunity was given to enable SO90's recollection.

20 SO90, I don't know if you heard in full what  
21 Mr Cherry read out there, or if you would benefit from  
22 having it repeated. We do, of course, have your clear  
23 evidence as to who you recall being in charge of  
24 the operation, that being the OC. But having heard what  
25 Mr Cherry said, I wonder if you would just like to

1 comment on the clarity of that recollection one more  
2 time?

3 A. To my recollection, the colour sergeant you mention was  
4 there, the OC was there, the CSM was there, and the lady  
5 RMP referred to earlier was there.

6 MS JACKSON: Very grateful for that, SO90.

7 DAME ANNE RAFFERTY: Thank you.

8 Mr Cherry --

9 MR CHERRY: I'll take it no further, but that's a clear  
10 difference and that's it.

11 DAME ANNE RAFFERTY: What I wanted to do, Mr Cherry, was say  
12 thank you to you.

13 MR CHERRY: Thank you, Dame Anne.

14 MS JACKSON: Thank you.

15 And then finally, Mr Berlow, were there any  
16 questions?

17 MR BERLOW: I have no questions. Thank you very much.

18 MS JACKSON: Very grateful for that.

19 In that case, I will pass back to you, Dame Anne.

20 Thank you.

21 DAME ANNE RAFFERTY: SO90, renewed thanks for coming and  
22 giving us your time in doing what you can to help us.

23 None of this is easy for anybody involved in all this,

24 but we are properly grateful. Thank you.

25 A. Dame Anne, thank you very much.

1 DAME ANNE RAFFERTY: We can let you go now.

2 A. Lovely. Thank you very much.

3 (The witness withdrew)

4 MS JACKSON: Sorry to interrupt. Dame Anne, I wonder if it  
5 might be worth taking a five-minute break before we  
6 continue with the next witness, SO99.

7 DAME ANNE RAFFERTY: So shall we say 25 past, or 20 past?  
8 What do you think?

9 MS JACKSON: I'd suggest 20 past, just to keep things  
10 moving, but I'm in your hands.

11 DAME ANNE RAFFERTY: 20 past.

12 (4.16 pm)

13 (A short break)

14 (4.20 pm)

15 SO99 (called)

16 Introduction by MR JUDD

17 MR JUDD: Thank you very much, everyone.

18 Can I just check if SO99 can see and hear me?

19 A. Yes.

20 Q. Can I just check before we move on, SO99, whether you  
21 have the list of ciphers in front of you?

22 A. Yes, on the screen to my left.

23 Q. Wonderful, thank you. And I know I just asked you  
24 the question, but would you mind just confirming that  
25 you are SO99 as identified on that cipher list, please?

1 A. Correct.

2 Q. Thank you.

3 Now, you have made a statement in these  
4 investigations. Opus, if we could just pull up document  
5 {A/84/1}, please. Thank you.

6 Now, SO99, is this the witness statement you  
7 prepared in advance of these investigations?

8 A. Yes.

9 Q. Thank you.

10 I'm just going to scroll down to the last page of  
11 it, which, Opus, should be at page {A/84/9}. I will  
12 just wait for that to come up. Wonderful, thank you.

13 Now, the signature's been redacted there, SO99, but  
14 you can see it's signed and dated. Is there anything  
15 you would like to confirm or clarify or change in this  
16 witness statement before we proceed?

17 A. No.

18 Q. Thank you. And you should have had a disclosure bundle  
19 that includes previous statements you gave. Just --  
20 sorry, I may have cut across you then.

21 A. No. Got them.

22 Q. Have you had a chance to review that disclosure bundle?

23 A. Yes.

24 Q. Thank you. And did you have sight of those witness  
25 statements -- those previous witness statements when you

1 were preparing that statement we've just seen?

2 A. Yes, I did.

3 MR JUDD: Thank you very much.

4 In that case then, I'll hand you back to Dame Anne.

5 Thank you, SO99.

6 Questions from DAME ANNE RAFFERTY

7 DAME ANNE RAFFERTY: Good afternoon, SO99. May I just check  
8 that you can hear and see me?

9 A. Yes, all clear.

10 DAME ANNE RAFFERTY: Can you hear me clearly?

11 A. Yes, very clearly.

12 DAME ANNE RAFFERTY: All right, thank you.

13 For a start, thank you for coming. And thank you --  
14 I know we've kept you waiting today, thank you for your  
15 patience and thank you for your willingness to help in  
16 this investigation.

17 I'm going to ask you some first questions and then  
18 Mr Judd, whom you just encountered, will take over.

19 Irish Guards, a career soldier?

20 A. Yes, ma'am, yes.

21 DAME ANNE RAFFERTY: Give me an outline, if you would, of  
22 your military career. I don't need the Is dotted and  
23 the Ts crossed. I need, you know, a paragraph.

24 A. So a straight combat officer. So I have commanded  
25 a Company, I have done a series of staff jobs from --



1 [REDACTED]  
2 [REDACTED]  
3 [REDACTED] command

4 of a training regiment of junior soldiers, and I'm now  
5 a full colonel [REDACTED]

6 DAME ANNE RAFFERTY: Any particular career highs that will  
7 always live with you?

8 A. There are moments that will always live with me, yes.

9 I think probably 20 years ago is probably reasonably  
10 (inaudible) in my career as commanding a Company there.

11 It's all very immediate and pertinent as we speak at  
12 the moment.

13 DAME ANNE RAFFERTY: Could I ask you now to outline for me  
14 in the same, if I may say so, very effective ways you've  
15 just done your career, your 2003 role as Company  
16 Commander No 1 Company Irish Guards out there in Iraq;  
17 would you do that for me, please?

18 A. Sure, yes. I mean, from the point of crossing into  
19 Iraq, we were with the Scots Dragoon Guards Battle Group  
20 until early April, where we moved to the Black Watch  
21 Battle Group at the end of -- I think probably about the  
22 8th/9th, probably, my date's unclear, to the Black Watch  
23 Battle Group, when effectively the war-fighting phase  
24 had gone and --

25 DAME ANNE RAFFERTY: Yes.

1 A. -- moved into an infantry-centric Battle Group. So  
2 effectively the armour moved out and we needed mass and  
3 troops on the ground.

4 From that point onwards, we took over a large area  
5 of Basra as a ground-holding company, probably about 170  
6 people under command. We established -- re-established  
7 ourselves into a slightly different structure to  
8 optimise for that task. And we were occupying a gym  
9 complex right in the centre of town, which was not  
10 terribly optimal, but it was somewhere for us to be. We  
11 were sort of -- I think probably we were -- we were  
12 the last group into town in terms of establishing that  
13 stuff, so we'd have a reasonably rough time when  
14 the fighting took a -- we were the last team to move out  
15 of that phase into this next phase.

16 DAME ANNE RAFFERTY: The place you occupied, which we've  
17 been calling, I'm pretty sure, the gymnasium, the gym,  
18 would that fit?

19 A. Yes, that's fine. I think that might be what we called  
20 it. I don't --

21 DAME ANNE RAFFERTY: For our purposes this afternoon, SO99,  
22 we'll settle for "the gym".

23 Distance to Camp Stephen?

24 A. I couldn't even tell you where Camp Stephen was, to --

25 DAME ANNE RAFFERTY: Right, that's the answer to that one

1 then. Right, thank you.

2 So training and instruction. So to understand that,  
3 I need you to take one step back for me. Can you  
4 explain the structure of No 1 Company and who was in  
5 charge of what in May 2003.

6 A. So we were a company -- an armoured infantry company  
7 reinforced to a war-fighting establishment, so probably  
8 about 180 people, formed into three (inaudible) platoons  
9 with -- I had a section of snipers with me, I had  
10 a section of anti-tanks with me, so it was reinforced,  
11 so a reasonably large organisation but on a fairly  
12 generic armoured infantry construct. In terms of --

13 DAME ANNE RAFFERTY: So --

14 A. Go on.

15 DAME ANNE RAFFERTY: No, no, please do. I shouldn't have  
16 interrupted. Carry on.

17 A. No, I mean, that's probably it. I mean, it wasn't -- it  
18 wasn't anything -- we all -- I think pretty much every  
19 one of the companies went there with a reasonably  
20 similar construct to it and then started to adapt  
21 subsequently from that with what resource we had.

22 DAME ANNE RAFFERTY: And in your company, what we might call  
23 the NCO, who was the powerhouse, the coalface, what rank  
24 sat under him?

25 A. So I mean it was standard, so I --

1 DAME ANNE RAFFERTY: I know it's standard to you -- it's  
2 standard to you, but it might not be standard to  
3 everybody listening and reading later.

4 A. Yes, sure. So we had a -- there was a -- in the officer  
5 structure it was supported by a company  
6 second-in-command, and then three platoon commanders  
7 within that. I had two additional officers, a liaison  
8 officer and a watch keeper, so each one of the platoons  
9 was commanded by a captain or a subaltern. Each one of  
10 those supported by a platoon sergeant. There is  
11 a company sergeant major as well.

12 In a Warrior company, there is a sort of -- there's  
13 a tiered level of command -- or was, I think it's  
14 probably more or less similar nowadays -- where there is  
15 a -- there's sort of the -- with the company sergeant  
16 major there's a Warrior sergeant major as well, so he  
17 provides a slightly more technical basis. So each of  
18 the platoons would have had another senior  
19 non-commissioned officer as a Warrior expert, as well as  
20 a platoon sergeant who was a dismounted one, so they're  
21 sort of doubled up in that context.

22 DAME ANNE RAFFERTY: Understood and gratefully received,  
23 thank you.

24 And now we'll come, with that knowledge base newly  
25 created by you, to training and instruction.

1           So I think I'm right in understanding your evidence  
2           to be that in various aspects or various places,  
3           the training was limited. And you can look at it if you  
4           want to, it's {A/84/1}, paragraph 5, but you might not  
5           need it. We'll throw it up on the Opus screen, just in  
6           case. And I think your evidence is there was no  
7           training for the phase after the war-fighting --

8    A. No.

9    DAME ANNE RAFFERTY: -- before going to battle; is that  
10       right?

11   A. Yes, that's correct.

12   DAME ANNE RAFFERTY: Had there been any training on  
13       the maintenance of law and order before the invasion --  
14       sorry, had there been any training before the invasion  
15       on maintenance of law and order?

16   A. No, none whatsoever.

17   DAME ANNE RAFFERTY: Did any previous training prepare you  
18       and your men for the conditions you met?

19   A. Yes, I think so. I mean, I think there's a -- you know,  
20       there was a band of experience. I think I probably  
21       served about [REDACTED] years by that stage. And I would  
22       have had, perhaps not necessarily in the officer corps,  
23       I think they were probably on their first operation, the  
24       vast majority of them. But the senior non-commissioned  
25       officers and the warrant officers would have all served

1 previously in Northern Ireland in their own contexts,  
2 and in Kosovo where we, in some extent, I suppose, we  
3 had a similar context.

4 We also were, at that stage, the Irish Guards  
5 Battle Group, we were one of the first Battle Groups  
6 into Kosovo. So whilst the circumstances were  
7 different, that same vacuum existed, but with the -- not  
8 with the devastating consequences that took place in  
9 Iraq. So there would have been an understanding of  
10 trying to establish the rule of law and elements of rule  
11 of law, etc, and we would have operated in both those  
12 contexts in Northern Ireland and the Balkans to a series  
13 of Rules of Engagement which we didn't and were not  
14 established for a general war-fighting operation which  
15 is what we went into Iraq as.

16 DAME ANNE RAFFERTY: Thank you.

17 Final question on training, perhaps. Was there any  
18 specific training, or any briefing about how to deal  
19 with civilian detainees?

20 A. No. Certainly not that I can recollect.

21 DAME ANNE RAFFERTY: Would you have expected any?

22 A. I was excited to be going to war. I don't think --  
23 probably, yes, in retrospect, as an officer with  
24 [REDACTED] service, yes, I would expect it. And  
25 you know, hindsight is a lovely thing, but, yes, it

1 would have been jolly useful, and perhaps slightly naive  
2 of us at the time not to have picked that up, but, yes.

3 DAME ANNE RAFFERTY: Hindsight is a wonderful thing, isn't  
4 it. 20:20 vision.

5 A. Oh yes.

6 DAME ANNE RAFFERTY: 20:20 vision. So using it now, but  
7 doing your best to look back to the enthusiastic young  
8 officer you once were, the training, however absorbed,  
9 either generically as a fighting officer or picked up  
10 along the way, when you contemplate what you met in  
11 2003, was the training adequate or inadequate?

12 A. There could have been more, and I think there is a --  
13 I think we probably at that stage were slightly naive in  
14 terms of the acceptance of a broader subliminal element  
15 of education in the whole process. I think I was  
16 probably the most junior company commander, or one of  
17 the most junior company commanders in the Battle Group.  
18 The others probably were -- effectively you can command  
19 a company before you go to staff college or after you go  
20 to staff college, and I was doing it very early, prior  
21 to going to staff college. So I think -- I think  
22 certain commanders would have had a broader professional  
23 education at that point in their career. I was younger  
24 and hadn't.

25 But I mean, with hindsight, yes, I think we should

1 have probably had more training at that sort of part of  
2 the operation. I think probably we're much more attuned  
3 to that as an Army.

4 DAME ANNE RAFFERTY: Spin out for me any perceived lack of  
5 training you can now identify. Did it import any  
6 implications for how things went in 2003 out there?

7 A. I'm not entirely sure. I mean, training is probably  
8 perhaps -- I mean, this is -- this is commentary, but  
9 I think training is -- there was a flexibility of mind  
10 to deal with issues that you were presented with, which  
11 was fine in that context. I think the -- there was --  
12 it's perhaps not -- the greatest absence perhaps was not  
13 training, it was direction and orders and some sort of  
14 planning that took place. If I was to turn around and  
15 say what was the greatest -- what was the thing we  
16 missed most? I think clearer direction post-6 April as  
17 to what to do and what happened there. I think that's  
18 probably -- there's quite a few of us who didn't  
19 necessarily get a great deal of direction up until  
20 6 April. There was a certain ...

21 Yes, so I think probably direction is a better part,  
22 rather than training. Training is very specific, down  
23 to a series, a set of circumstances that can be quite  
24 binary. You know, you go through a series of evolutions  
25 to this. But we probably were presented by enough



1 flexibility of mind to deal with stuff, but we didn't  
2 have the -- we didn't have the direction to turn around  
3 and tell us what to do and how to do it, I would say.

4 DAME ANNE RAFFERTY: You might have answered the question  
5 that I might have asked you, but let's just see. I was  
6 thinking of asking you: absent "training" as we used it  
7 until you just started your last paragraph, what did  
8 the troops rely on? But you might have answered that by  
9 choosing another noun, not "training". What do you  
10 think? What direction was chosen now?

11 A. Did the troops rely on?

12 DAME ANNE RAFFERTY: Mm.

13 A. I think there's a -- I think that's all --  
14 notwithstanding the series of incidences that we're  
15 talking about here, I saw ample evidence of  
16 a fundamental decency and an ability to identify, at  
17 extraordinarily critical points, right from wrong. To  
18 be in the midst of -- the heat of battle, and to stop  
19 firing for somebody to pass by, and for something to  
20 happen in the most extraordinary circumstances.

21 So I think there is -- that flexibility of mind is  
22 perhaps sort of overcooking it, but that understanding  
23 of what is right and wrong for the vast majority of  
24 people existed in there for the troops.

25 Most soldiers rely on drills. Drills is our --

1 drills -- it gives you that -- if you practice stuff,  
2 and often enough, you generate that unconscious  
3 competence to allow you to have the freedom of mind to  
4 deal with something else, and that's effectively  
5 the basis of all basic soldiering, is that you practice  
6 that to the point that you can then think about other  
7 things whilst you're conducting those basic drills.  
8 It's the driving principle, I suppose.

9 DAME ANNE RAFFERTY: So you freed up some mental acuity  
10 because you've got a drill. You don't need to think  
11 about that, you do it. And that has liberated other  
12 parts of you to contemplate what now needs a decision?

13 A. Yes.

14 DAME ANNE RAFFERTY: Right.

15 So you'd previously served in Northern Ireland, as  
16 we know, and law and order there fell to the civilian  
17 police. So if we look at your military personnel, 2003,  
18 in Basra, how experienced were they in dealing with  
19 questions of law and order?

20 A. I think probably the non-commissioned officers,  
21 the senior non-commissioned officers, probably from  
22 sergeant up, would have had some experience of that, and  
23 partially by -- by virtue of just going through more  
24 training evolutions, generic training evolutions, they  
25 would have come across that, and potentially from their

1 operational experience. There would certainly have been  
2 some of them who had been on operations in Ireland and  
3 in the Balkans more recently, and I think we were -- it  
4 was [REDACTED] we went into Kosovo, so it was relatively recent  
5 from that point.

6 DAME ANNE RAFFERTY: Understood.

7 I've got one last topic I want to ask you about, if  
8 I may, at the moment. I'm going to ask you to paint  
9 another of your very helpful word pictures for me,  
10 please. This time I'm interested in how orders and  
11 instructions played out. So, for example, how did  
12 instructions or orders come down the chain of command  
13 about how or when civilians should be captured or  
14 detained and then what would happen if they were.  
15 That's the -- will you start with that for me, please.

16 A. Yes. I think during the initial parts of the sort of  
17 war-fighting it was probably -- there would have been  
18 a paragraph which spoke about prisoners of war, and I --  
19 you know, I think we saw very few uniformed combatants  
20 at that stage, occasionally, in the early stages,  
21 you know, mostly in armoured vehicles, and they  
22 presented themselves and engaged us, but the majority of  
23 the combatants we saw were in some form of civilian  
24 uniform.

25 So there was sort of a transposition to that, that

1 they were effectively a combatant and you were dealing  
2 with them. That would have been a paragraph at the back  
3 end of a formal order statement which is -- I think  
4 probably it passed through a series of prisoner of war  
5 cages back.

6 I don't recall -- I mean, I recall endless  
7 discussions about looting and grave disorder throughout  
8 the city, but I couldn't turn round and tell you that we  
9 were given clear direction as to what to do with people  
10 at any one stage. And it -- it was a narrative rather  
11 than a -- you know, it was a discussion rather than  
12 a series of direction and orders.

13 So we'd had, prior to sort of occupying Basra, we'd  
14 had really clear distinction about what to do. We  
15 initially started operating on those rules and taking  
16 people and dealing with them as combatant prisoners.  
17 And the rules that we were operating to, the standard  
18 norms then were, I think, probably -- you know, they're  
19 very different to how we would deal with it now, in  
20 the light of an awful lot of this work, you know, but  
21 there was -- it was detention, it was prevention from  
22 them seeing and disclosing stuff. So, you know, you  
23 were -- you were blindfolding or hooding or however you  
24 were dealing with that and moving them back to prisoner  
25 of war cages.

1           So we did that initially, but then you got into  
2           a stage where mass numbers prohibited that. And we were  
3           -- I do remember getting directions to turn round and  
4           say "You can't pass civilians back through the chain  
5           unless they're direct combatants, or something has  
6           happened in that line", and we'd moved past that stage.  
7           There was sort of -- we were in the tricky bit where  
8           fighting had stopped, broadly, although it was still  
9           breaking out occasionally and there were contacts taking  
10          place on a regular basis, but there was no sort of law  
11          and order provision at this stage.

12 DAME ANNE RAFFERTY: Yes.

13 A. -- nothing, I'm afraid.

14 DAME ANNE RAFFERTY: Am I understanding correctly that there  
15          might have been a -- let's call it a more rigid, more  
16          archetypic structure which you tried to abide by, and  
17          probably did in the early days, but mass and number saw  
18          that one off. So there had to be, or there was, in  
19          a continuum, a narrative, and that's what you had to  
20          deploy when you were looking at combatants, so it might  
21          be civilians or civilians plus, it might be combatants.  
22          In other words, the purity of the first system was what  
23          compromised?

24 A. Yes, I think that's an entirely fair way of representing  
25          it.

1 DAME ANNE RAFFERTY: Thank you.

2 So think about the commanders on the ground, your  
3 commanders on the ground there. They're going to have  
4 to make decisions. I realise that's what they're there  
5 for, but I'm trying to find my way to some measure of  
6 the degree of autonomy they had in the context that you  
7 and I have just been talking about.

8 A. Yes, I think I'd probably turn around and say there was  
9 significant autonomy. I think scale -- the size of  
10 the area that we had to look after, and the tens --  
11 multiple tens of thousands of people that were there,  
12 probably hundreds of thousands of people in some areas,  
13 and the paucity of resources that we had to deal  
14 with it, we were operating in very isolated teams, so  
15 effectively single vehicles with sections worth of  
16 people, so no more than seven or eight people operating  
17 independently in this vast space, albeit probably in  
18 some sort of contact with another element of the group,  
19 whether that's within a couple of hundred metres or  
20 something like that. But they were definitely isolated  
21 and they were operating independently at that stage.

22 And there would have been various degrees of  
23 independence and freedom of manoeuvre within it. So  
24 the most junior non-commissioned officers would probably  
25 be operating in a static position, supported by

1 a sergeant who was looking after one or maybe two  
2 locations, and then up to the commander who was  
3 operating and dealing with three or four of those areas,  
4 and each one with a discrete space. So effectively  
5 you're sort of -- you're multiplying, or you're  
6 subdividing my group down into that pace.

7 And then the reporting backwards and forwards about  
8 that, it became -- it was difficult to turn round and  
9 keep a handle on everything that was going on all of  
10 the time, would probably be a reasonable way to describe  
11 it.

12 DAME ANNE RAFFERTY: Understood, thank you. That's all  
13 I want to ask you, SO99, at this juncture. You might be  
14 burdened with me just once more at the end, we'll see,  
15 but I'm going to invite Mr Judd now to take over some  
16 questioning. Thank you.

17 Questions from MR JUDD

18 MR JUDD: Thank you, Dame Anne.

19 SO99, I wonder if I could just start by us placing  
20 the gym or the gymnasium in Basra.

21 Opus, could you pull up, please, {A/1/1}. Thank  
22 you.

23 Now, this is, SO99, it's a map of Basra, and you've  
24 already helpfully described that your area of  
25 responsibility didn't overlap with that emanating from

1 Camp Stephen, but I just wondered if this map would help  
2 you identify where the gymnasium where you were based  
3 was?

4 A. Yes. It's a small map -- it's quite a small picture of  
5 quite a big area.

6 Q. It is.

7 A. So effectively the area of responsibility for my  
8 company, if you were to -- if you were to take the area  
9 between the Czech Military Hospital in the centre of  
10 the picture and the Basra General Hospital in the bottom  
11 right of the picture.

12 Q. Yes.

13 A. That sort of width I'd probably say was the breadth of  
14 the -- in fact, where it goes to the Basra  
15 General Hospital, sort of one block over to  
16 the right-hand side, was probably the breadth --  
17 the width of the Battle Group, the Black Watch  
18 Battle Group area. That chunk between the Czech and  
19 the Basra, or the block to the right of the Basra, was  
20 split between two companies. My company would have been  
21 on the right-hand side of that. And if you follow  
22 the -- from the Basra General Hospital going in  
23 a northeasterly direction, there is a dark line sort of  
24 intersecting, if you like, sort of a quadrant coming  
25 through it.



1 Q. Yes.

2 A. That probably was the forward edge of my company. So  
3 effectively you should draw that box, and then back  
4 through what was the Shia flats, that big block at  
5 the back left.

6 Q. Yes.

7 A. And the company -- the gym was somewhere --

8 Q. If it helps, I don't want to cut across you, there's  
9 a more zoomed-in photo or map on {A/1/2}.

10 A. Can you put a pointer on that map? I mean, I'm trying  
11 to verbally describe it.

12 Q. I wish I could, but I'm afraid I can't control that.

13 Opus, can we -- thank you.

14 Opus, I'm not sure if we can do this, but if we can  
15 perhaps --

16 A. So --

17 Q. -- which is moving, to follow where SO99 is helpfully  
18 taking us to.

19 A. Okay, so put the pointer down on the Basra  
20 General Hospital, please. Go straight up from that  
21 until I tell you to stop. That's not straight up. No,  
22 go back down to the Basra General Hospital. Just go up  
23 slightly. I'd probably say, as a punt, around there.  
24 Or maybe even that black dot to the left of it. I mean,  
25 probably there are spots on the thing where each one of

1 those -- it was a spot map, and each one of those, they  
2 would probably -- it's somewhere between the Basra  
3 General Hospital and that spot, so it was somewhere  
4 along that line, the gymnasium. It was just off that  
5 main road on the left-hand side as you look, going up  
6 it.

7 Q. That's very helpful, and it helps us so we're not  
8 discussing the gymnasium in a geographical vacuum.

9 And you already helpfully addressed in your witness  
10 statement the infrastructure, if I can call it that, for  
11 detainees at the gymnasium, but I wonder if you could  
12 just elaborate on that: was there any, and what sort of  
13 infrastructure was it, for detainees who were brought  
14 back?

15 A. Not much, if anything. Probably an area outside under  
16 the shade, and then there was a room -- one small part  
17 of the room. The gym was very small and not terribly  
18 fit for purpose, so I don't think there was very much  
19 there for us. We certainly didn't retain -- we didn't  
20 keep any detainees with us for any amount of time, if  
21 they came back to us at all.

22 Q. Now, if I could just pull up your witness statement.  
23 Opus, it's at {A/84/3}. Just a few questions on  
24 detainees at the gymnasium. Thank you.

25 Now, paragraph 16, we have here a description of

1 detainees from time to time being brought back to  
2 the base for various reasons. I just wondered if you  
3 could flesh this out slightly, SO99. The first question  
4 would be, why, generally, were looters brought back?

5 A. I think if you found somebody with weapons or munitions,  
6 they were brought back, because they were armed and  
7 dangerous at that stage, and so you would ... I suppose,  
8 as I was saying to Dame Anne at the start, the sort of  
9 -- it was that -- if you like, it's that bit of the Venn  
10 diagram that sits in between the uniformed combatant to  
11 the armed civilian, part of it, to the looter stage, and  
12 you were trying to at some stage bring them back.

13 I think there was also -- there were quite a few  
14 occasions where the mob was after the looters, and we  
15 were moving looters away from people -- from areas where  
16 there was a lynch mob after them. So, you know, if  
17 somebody was pulling something apart. Whether that was  
18 for effect or -- it's hard to tell at that stage, but  
19 there was certainly -- there was an anger from certain  
20 sections of society about the people who were pulling  
21 stuff down. Whether that was, you know, a division  
22 between whether that was Shia and Sunni, or however it  
23 played out. I think we were pretty amateur at picking  
24 that out at that stage, but certainly we were moving --  
25 on quite a few occasions we moved people from areas

1 where they were in danger.

2 Q. I see, thank you.

3 Can you roughly estimate how often something like  
4 that would have had happened in the, if we can call it  
5 the looting stage --

6 A. No --

7 Q. -- brought back from the mob?

8 A. I mean, often. I mean, you know, it was not uncommon  
9 from that whole process. Moving people from one place  
10 to the other because there was a mob would pretty much  
11 be fairly standard. There was activity. You were doing  
12 something that generated people who were bored and hot,  
13 and with nothing else to do, to stand around and shout  
14 about it. You know, there's a -- yes, there's a sort  
15 of -- you know, a crowd and activity generates another  
16 crowd and more people in there, which changes  
17 the dynamic of the situation.

18 Q. Yes, of course. And how would those detainees be  
19 brought back? And that's either looters or those who  
20 may have been caught before this looting phase, so when  
21 they were perhaps armed combatants?

22 A. I think probably the standard process would have been  
23 they would Plasticuffed, and certainly in the early  
24 stages they would be hooded as combatants and brought  
25 back in the back of a vehicle, whatever type of vehicle

1 that we were operating from, whether that was a Warrior  
2 or a Land Rover.

3 Q. Thank you.

4 And moving forward to that looting phase, in your  
5 view, was any part of that that it was to have  
6 a deterrent effect, that they were brought back?

7 A. Yes, I mean, I think, you know, we'd scratched our head  
8 in all sorts of ways. You know, I don't think anybody  
9 came up with anything definitive about what -- what we  
10 were doing. I think everyone was trying anything and  
11 everything to -- to deter people from pulling society  
12 apart as we were watching it; whether that was arresting  
13 them, but they weren't really being arrested, because  
14 they didn't go anywhere and they were released somewhere  
15 else. And, yes, so it was -- it was going back to that  
16 lack of direction about what to do with people at that  
17 stage.

18 Q. Yes, I see thank you. That's helpful.

19 And if it did have a deterrent effect, can you  
20 identify what aspect of being brought back to  
21 the gymnasium was supposed to act as a deterrent?

22 A. No I can't. I mean, I'd love to, in terms of it -- but  
23 you know, it was probably a dislocation from the point  
24 where they were at to somewhere else. I think there was  
25 probably an element of fear involved, because I think

1 there's -- you know, this is coming from a society that,  
2 if you were taken somewhere else by the armed --  
3 the forces of the state at that time, life was going to  
4 be pretty grim for you. And we weren't necessarily --  
5 we certainly weren't trying to replicate that, but  
6 I think the sort of perception of that was part of it,  
7 so, you know, people were wary of it.

8 All sorts of things. Anything and everything we  
9 were trying, you know? You can't -- you can't stand by  
10 and do nothing when somebody's pulling the incubators  
11 out of a hospital. You've got to try and intervene in  
12 some way.

13 Q. Yes. I mean, we've had other evidence to suggest  
14 that -- I'll summarise it as a time-wasting aspect is  
15 one of the deterrents.

16 A. Yes. You know, just bugging people about I think  
17 would probably be some part of it, and I think,  
18 you know, you can see how that iterated into -- into  
19 various sets and circumstances that took place.

20 Q. I see, thank you.

21 If I could just move on to O group orders which  
22 you've described in your witness statements. Opus,  
23 could we go back to -- sorry, forward a page to  
24 {A/84/4}, and paragraph 21 in particular. Thank you.

25 Now, this is in reference, SO99, to the O group

1 meeting which you've given us some very helpful detail  
2 on, and in your words they happened daily, and the CO  
3 would relay orders received from Brigade and allocate  
4 tasks down to the companies, and any issues that were  
5 arising were discussed. And you would then, if I could  
6 summarise it this way, go back to the Company and relay  
7 that information.

8 Can you just confirm for us who else would have  
9 attended these meetings, and bear in mind that if any of  
10 those names appear in the cipher list, give their  
11 ciphers.

12 A. I mean, the Battle Group orders -- so anybody who was  
13 a major would have been there, from  
14 the second-in-command to all of the company commanders,  
15 to the Battle Group engineer to everybody in that space.  
16 The senior captains of the Battle Group, so the  
17 adjutant, the ops officer, the intelligence officer,  
18 the Battle Group engineer officer, all of those people  
19 would have been there. So effectively the hierarchy of  
20 the Battle Group would have been in that room, from --  
21 I think probably the most junior habitual attenders  
22 would have been captains, and certainly all the majors  
23 in the Battle Group would have been there.

24 Q. I see. It may seem like a different question in light  
25 of that, but if you wouldn't mind just confirming from

1 that cipher list whether you can ever recall SO88  
2 attending?

3 A. Yes, I think -- classically my computer -- I have to  
4 just try and wake up my Army computer. Wait there. But  
5 I'm pretty sure that that would have been -- if he was  
6 the officer commanding of the company that we were  
7 talking about previously, then yes, he would have been  
8 there.

9 Q. Thank you.

10 It might be that when your computer wakes up we can  
11 return to that, but that's very helpful.

12 A. Wait, I've got it now, 8. Yes, he would have been  
13 there.

14 Q. Thank you very much.

15 And you go on to describe at paragraph 23 there  
16 that:

17 "... the city descended into chaos with rampant  
18 looting ..."

19 And that problem in particular was discussed at  
20 length at the O group meetings and at your company  
21 meetings.

22 And sometimes the troops could only disperse looters  
23 who would return -- only to return when the troops moved  
24 away.

25 I suppose it would be helpful if you could give



1 a little more context to how those conversations about  
2 looters were structured at the O group meetings.

3 A. I mean, hard to place, really, 20 years ago. But I mean  
4 it was so central to everything that we were doing. It  
5 was talked about. It would have been -- it would have  
6 been talked about as we entered into the room, it would  
7 have been talked about formally in the process, and it  
8 would have been talked about as we left it. I mean, it  
9 was, you know, bar -- you know, there wasn't much else  
10 going on, to be honest, really, so it was -- but that  
11 was the national sport at that time, so, you know ...

12 I can't really -- I mean, I can't recollect anything  
13 other than that. It was -- you know, given the scale of  
14 the issue and scale of the problem, that was probably  
15 preeminent in everything that we talked about, you know,  
16 bar the standard administration and moving round and  
17 probably some deliberate operations that we were  
18 conducting. I remember the banks were being  
19 systematically taken apart and we were trying to find  
20 out where to put the money from banks, etc, to make sure  
21 that that was safe.

22 Those deliberate operations, the broader scale would  
23 have been about looting, and even that's about looting.

24 Q. Yes. And would it be fair to say that it was a fairly  
25 informal discussion about how to deal with the problem?

1 A. Yes. I can't remember anything definitive. I think  
2 the bits that I got that were definitive about this were  
3 from recollection were: stop treating them as prisoners  
4 of war. So they can't go all the way back to  
5 the prisoners of war cage. I think the original  
6 prisoner of war cage was set up at the fighting at  
7 Umm Qasr and they are not going to go back there.

8 But I remember feeling, okay, but what then? And  
9 then probably there would have been a discussion, broad  
10 ranging, about stuff within that. But I never --  
11 I never came away, and I certainly I cannot recollect at  
12 this stage -- I mean, albeit it's 20 years ago, but,  
13 you know, I've revisited this formerly, as you can see  
14 through the statement, several times, and closer to  
15 the event I can't recollect that we were given any  
16 really clear directions as to what to do with looters.

17 Q. Putting aside directions for a moment, were there  
18 suggestions and advice shared between other people of  
19 your seniority at the meeting?

20 A. Yes. So people -- you'd hear what people were doing.

21 Q. And was there a sense in which those -- again,  
22 I appreciate these conversations are some time ago, but  
23 where those practices were shared, were they ever then  
24 taken back to the company and disseminated as a good  
25 idea or a bad idea?

1 A. Yes, I mean, I think some of them would have been  
2 statements of fact: this is what somebody else is doing.  
3 I mean, if you're talking about sort of, you know,  
4 people being thrown into water, you know, there would  
5 have been -- those companies that have -- if you'd go  
6 back to that map, you would have seen those front  
7 companies had a facing, you know, that was direct in  
8 where the mass of people were onto the Shatt Al-Arab,  
9 and so they had banks up there that were being robbed,  
10 and they took the looters from the banks and, you know,  
11 there was -- I remember one discussion about that taking  
12 place and them going into the water.

13 That would have been -- I probably would have talked  
14 about that in my own Battle Group -- in my own company  
15 orders subsequently: this is what somebody else had  
16 done. But if you then look back at the map in terms of  
17 our context, there was a large void and space back down  
18 to any water of significance, and certainly I didn't  
19 have any troops deployed close to that and I wouldn't  
20 have expected them to go there.

21 So I'm being slightly -- I mean, I'm not being  
22 evasive about this one. I just don't believe that  
23 I gave direction about that one way or the other, either  
24 a negative or a positive, that these are -- you know, it  
25 was more: this is what somebody else is doing. And

1 there would have been discussions about, you know, what  
2 do we do? You know, we bring people back, we disperse  
3 them, we take them somewhere else. Some of them had  
4 written -- you know, I think there were talks about  
5 people having written something in Lumicolour on  
6 people's heads so they were marked as a thief, and there  
7 were all sorts of -- taken out of context at this stage  
8 they seem slightly strange positions, but in the absence  
9 of the rule of law, better than nothing.

10 Q. I see, thank you.

11 Opus, could we just go over the page, please, to  
12 page 5 {A/84/5}, and paragraph 26 in particular. It  
13 would just be helpful now to elaborate on some of those  
14 practices.

15 So here we have, at paragraph 26, various non-lethal  
16 methods being used, including marking on foreheads and  
17 dropping looters away from their home to inconvenience  
18 them.

19 You go on to say that one of those practices was:

20 "Forcing them into ... water sources, rivers or  
21 dirty puddles [and this] was also seen as a deterrent by  
22 making them feel foolish and miserable."

23 I wonder if we could just go back to the map,  
24 please, Opus, would that comment in mind. So if we can  
25 go back to {A/1/2}, please. Thank you.

1           Now, SO99, I appreciate the words "water sources,  
2           rivers or dirty puddles" give rise on a wide variety of  
3           bodies of water, but I just wondered if you could help  
4           us identify where they may have been in your area of  
5           responsibility with reference to this map.

6           A. So when you turn round and go back down that that sort  
7           of -- if you like, the bottom right quadrant, quarter,  
8           of the city around the Basra General Hospital, it  
9           indicates there's quite a lot of water.

10          Q. Yes.

11          A. Standing water there. I think probably that's slightly  
12          wishful thinking in probably areas that perhaps, but at  
13          that stage it was averaging about 50 degrees during  
14          the day, so there wasn't much standing water to be had  
15          except in the river, the main river you have up, which  
16          runs along the top of the map. And then right at  
17          the bottom of the map you can see the canal. Those are  
18          probably the only areas where there was any significant  
19          water.

20          Now, there would have been -- I think there were  
21          some muddy puddles around the place, but it was pretty  
22          much the gungy type stuff lying around the place,  
23          you know, inches deep of gunge rather than anything  
24          else. But in terms of significant water courses, there  
25          are only two that really happened.

1 Q. I see, thank you. And if those detainees were forced  
2 into the water, can you recall what degree of force  
3 might have been used on them to encourage them?

4 A. No, I didn't see it. And I'm not being evasive, I just  
5 didn't, you know, so I couldn't. And I didn't see that  
6 take place, so I'd just be guessing.

7 Q. No, that's very helpful. Again, I appreciate not only  
8 that this is a long time ago, but these may have been  
9 things which happened some way below the level of  
10 command that you had. But it doesn't sound as though  
11 you can recall any discussions as to the degree of force  
12 that may have been used to force these detainees into  
13 puddles or rivers or water or otherwise?

14 A. I mean, there's -- you know, I think if you have  
15 a weapon and you point it at somebody and tell them  
16 where to go, there's a sort of element of compulsion  
17 that's involved in that. And certainly when you come  
18 through in a sort of martial state where people were  
19 probably freer about actually shooting somebody in that  
20 space, then, yes, you tend to do what an armed person  
21 tells you to do.

22 So I think it's compulsion really rather than  
23 actually physically forcing and doing something to ...  
24 My point is I don't think you need to -- you know, you  
25 don't need a great deal of physical force to tell

1 somebody to do something if you're armed.

2 Q. No, I appreciate that.

3 And did you ever recall hearing of anybody speaking  
4 against this? I'll call it a practice, but against  
5 these sorts of activities?

6 A. No.

7 Q. Can we take from that that it was approved of or  
8 condoned in any way?

9 A. I would turn round and say that there was tacit approval  
10 of the practice at Battle Group level. Battle Group  
11 would have been absolutely aware that that was taking  
12 place.

13 Q. I see, thank you.

14 If we can just go back to your statement, please,  
15 at, Opus, {A/84/5} and again, we're going back to  
16 paragraph 26. Thank you.

17 This might be just a little bit more detail on what  
18 you were describing about the tacit approval.

19 A. Which paragraph again?

20 Q. It's paragraph 26. So the second one down on the page.

21 And you helpfully tell us that there was no particular  
22 act that was disapproved of other sanctioned by a senior  
23 commander, including yourself.

24 You go on at paragraph 29 to say these practices  
25 were described fairly openly at the O group meetings and

1 at Company level, and this included all senior  
2 commanders in the Battle Group. And again it may be  
3 the question is answered by what you have said at  
4 paragraph 26, but it would be helpful just to clarify  
5 whether, when these things were discussed to O group,  
6 whether anybody ever spoke out to express approval or  
7 disapproval in any terms at all, or was it simply  
8 a statement of a matter of fact, just as the weather was  
9 a matter of fact?

10 A. Yes, I think that would be fair. I did not hear anybody  
11 turn round and challenge it and say that is  
12 inappropriate and shouldn't take place.

13 Q. Thank you.

14 Moving beyond maybe the scope of those O group  
15 meetings slightly, was it your view that further up  
16 the chain of command people were aware of this? So  
17 those who may have been providing directions to those  
18 O group meetings were aware that these practices were  
19 being discussed in any terms?

20 A. No, it's supposition. I couldn't tell you. I mean,  
21 I -- you know, we were reasonably compartmentalised. My  
22 life consisted of trying to get through the next sort of  
23 24/48 hours really, each day.

24 Q. I see. But it wasn't something which was obscured, if  
25 that's fair to say?



1 A. No, I don't think so. I mean, you know, I don't think  
2 anybody was surprised by these things that were taking  
3 place. I mean, the main headquarters was, you know, in  
4 a palace at that stage, and if they transited at any  
5 stage through the city, they would have seen what was  
6 going on around them.

7 Q. Thank you, that's very helpful.

8 If we could just go forward, please, Opus, to  
9 perhaps 40 on page {A/84/7} of this statement. I'd just  
10 want to ask a few questions on wetting generally.

11 Now, I'll frame these questions by being fully aware  
12 that this is perhaps a term that wouldn't have been used  
13 at the time, it is something which has come out as part  
14 of these investigations and has found a meaning of its  
15 own. But at paragraph 40 there, you say that you indeed  
16 only became aware of the phrase after the war.

17 Would it be fair to say that the practices which  
18 were being discussed at the O group meetings would fall  
19 within the definition of "wetting", as it's being used  
20 in these investigations or as you have come to  
21 understand it?

22 A. I'm really cautious about it, because by the very use of  
23 the terminology, and I think it came through in some of  
24 the initial trials, it sort of formalised it, a kind of  
25 word, so therefore it became -- there was

1 a formalisation of something. But it just wasn't there  
2 in terms of a formal direction of it, giving it a point  
3 of grammar in this whole process that didn't exist.

4 So, yes, I mean, of course, you know, if putting  
5 somebody in water makes them wet and that's wetting, if  
6 you want to extrapolate into that context, then yes.

7 But I'd be really wary of that whole process. I find  
8 this -- I found this part of the subsequent process  
9 difficult to take, because it doesn't -- I mean, it did  
10 not, and it still does not represent what was going on.

11 Q. I see, thank you.

12 A. It's out of context, I think is probably the whole  
13 process. It's that point of -- the point of creating  
14 a formalised process for something that didn't exist in  
15 terms of what was happening, but it was just -- context  
16 is everything. It was chaos.

17 Q. Thank you.

18 Just staying on this page for a moment, at  
19 paragraph 43, just further down the page there, you  
20 describe water as a "non-lethal intervention method",  
21 and there was no specific direction as regards any  
22 particular conduct. And it's described as "minor  
23 chastisement". And again, I think I may anticipate your  
24 answer here, but is it fair to say that minor  
25 chastisement of that nature was tolerated?

1 A. Yes, I think so. People were -- you know, there were --  
2 somehow -- you know, in the sort of lexicon from  
3 the locals was that looters should be shot. There  
4 was -- I think, you know, that people -- you know,  
5 looting is a -- you know, I think in the Law of Armed  
6 Conflict training you're told that you cannot loot and  
7 it's part of the formal process. But there's nobody  
8 turns around and says, "And this is the consequence of  
9 it". But there's a generation of people who have  
10 watched films where looters get shot and say "Why can't  
11 we shoot people?" We can't shoot people for that. And  
12 there was cries for curfews, there was cries for all  
13 sorts of things in these circumstances.

14 So "minor chastisement" I think is probably the best  
15 description of it in its varying forms within it, given  
16 that there were definitely -- you know, the locals were  
17 calling for much more aggressive action to take place.

18 Q. Thank you.

19 I don't have any further questions on this aspect of  
20 the investigations, but it's been very helpful, SO99.  
21 I know you've addressed these things a couple of times,  
22 but just to put a bit more colour to try and identify  
23 certain things. So I'm very grateful for your evidence.

24 I might just check with the team if there are any  
25 questions before going round the representatives.

1 No, I don't believe so.

2 Dame Anne, if it's okay, I'll just go round  
3 the representatives and check there are no questions.

4 First of all, can we start with Ms Al Qurnawi,  
5 please.

6 (Pause)

7 I'll just wait, because I know there have been some  
8 problems with the lag, and I know there have been some  
9 translation issues.

10 (Pause)

11 Ms Al Qurnawi, can you ...

12 MS AL QURNAWI: Yes, I can hear you now. Thank you, we have  
13 no questions. Thank you.

14 MR JUDD: Thank you.

15 Mr Foley, any questions you'd like to put through  
16 the Inspector?

17 MR FOLEY: No. No questions from me. But if this is  
18 the last witness, I just thought it might be appropriate  
19 to say thanks to the investigation for conducting these  
20 hearings in a very professional and fair manner.

21 MR JUDD: Well, thank you. I think that's praise mostly for  
22 other members of the team and Dame Anne.

23 I'll ask Mr Berlow if there are any questions you'd  
24 like to put through the Inspector?

25 MR BERLOW: I have no questions, and thank you to all.

1 MR JUDD: Thank you.

2 And Mr Cherry?

3 MR CHERRY: I have no questions, thank you.

4 MR JUDD: Thank you very much. Well, in that case, I'll  
5 hand back to Dame Anne again. Thank you again, SO99.

6 DAME ANNE RAFFERTY: Right, SO99, I merely want to repeat  
7 what I said to you earlier. We are really grateful to  
8 you. We need all the help we can get in compiling an  
9 accurate picture. You know that. You have been an Army  
10 officer, you still are. So when I say we're grateful,  
11 I mean every syllable of that. Thank you very much  
12 indeed.

13 A. Thank you.

14 DAME ANNE RAFFERTY: And we can let you go.

15 (The witness withdrew)

16 And to those representatives who are still with us,  
17 the gratefulness of the compliment was not lost on  
18 the team, to whom we owe so much. Thank you all very  
19 much.

20 MS JACKSON: Sorry to jump in, Dame Anne. I think this  
21 concludes the evidence for these hearings. As you said  
22 right at the start, there are a couple of witnesses  
23 we're still hoping to take evidence on, so it is likely  
24 to be the case that we schedule further public hearings  
25 to take that evidence. All representatives and

1 witnesses will of course be updated about that. But  
2 otherwise, I think there's nothing else to cover for  
3 these hearings, unless you wanted to say any concluding  
4 remarks, Dame Anne.

5 DAME ANNE RAFFERTY: I did not. I think we can formally  
6 close these three days of public hearings, with thanks  
7 to all concerned.

8 (5.16 pm)

9 (The hearing concluded)

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