

OPUS2

April 12, 2023  
Day 2

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# Iraq Fatality Investigations

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1 Wednesday, 12 April 2023

2 (10.00 am)

3 DAME ANNE RAFFERTY: Good morning.

4 Over to you, Natasha.

5 Housekeeping

6 MS JACKSON: Good morning, everyone. So we've got Day 2 of

7 the hearing starting today. Thanks very much for

8 joining us. Just before introducing the intended

9 running order for today, Ms Al Qurnawi, I don't know if

10 you can hear me?

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

12 Sorry, Jamie, I might summon you back, if that's

13 okay.

14 MS AL QURNAWI: Good morning.

15 MS JACKSON: Good morning. Sorry for the delay there. Are

16 you able to hear me properly now?

17 MS AL QURNAWI: Yes, I can hear you properly now.

18 MS JACKSON: I just wanted to say, before we start, thank

19 you for your email regarding the interpretation.

20 I understand Sophie Warner has responded to it. We will

21 do our best to speak a bit slower today, and we will ask

22 witnesses to do the same, and I hope that improves

23 the interpretation coming through your end.

24 But I'm aware that two of your clients are due to

25 give evidence tomorrow, please do stay in touch with us

1 about the interpretation through the course of the day,  
2 and if we need to change arrangements for tomorrow in  
3 order to make sure everything can be understood  
4 properly, we will discuss that this evening, if that's  
5 okay. But we're alive to the issue and we'll do our  
6 best.

7 Does that sound okay for you for present purposes?

8 MS AL QURNAWI: Yes, it's fine. We'll be in touch with you  
9 during the course of today, but hopefully it will  
10 improve today, the translation.

11 MS JACKSON: Hopefully. As I say, we'll all try and speak  
12 slower and be cognisant of the fact that someone is  
13 having to translate that live for you. Thank you.

14 Okay, so today we're expecting to be hearing  
15 evidence from SO86, SO81 and SO95, who I understand are  
16 all represented by Mr Foley at GLD, and then SO87, who  
17 I understand is one of your clients, Mr Cherry.

18 So unless there are any other matters of  
19 housekeeping that anyone needs to raise before we get  
20 started -- I'll just turn to everyone in turn.

21 Mr Foley, anything your end?

22 MR FOLEY: No, no, please proceed.

23 MS JACKSON: Thank you.

24 Mr Cherry, anything?

25 MR CHERRY: Nothing from me, thank you.

1 MS JACKSON: Fantastic.

2 Mr Berlow? Ah, it's Mr Hamilton again today.

3 MR HAMILTON: Yes, Mr Berlow will be with us shortly. He  
4 highlighted to me this morning that one of his clients,  
5 SO89, is due to give evidence tomorrow. He's having  
6 technical problems and he's a bit unsure, so I have  
7 emailed Jamie Dalton this morning to see if he was able  
8 to assist on that matter. That was all.

9 MS JACKSON: Thank you very much. That's very helpful.  
10 Hopefully those can all be ironed out, but do keep us  
11 updated.

12 MR HAMILTON: Will do, thank you.

13 MS JACKSON: Ms Moss, are you on the call? No, I think  
14 Ms Moss was just with us yesterday.

15 And finally, Ms Al Qurnawi, is there anything else  
16 you wanted to raise before we get started?

17 Ms Al Qurnawi?

18 Can the Millennium Hotel hear us at the moment?

19 Sorry, Jamie, I'm a bit concerned about whether we  
20 can be heard in Basra.

21 THE VIRTUAL HEARING MANAGER: Yes, I believe Ms Al Qurnawi  
22 is putting the headset on. I'm squinting to see, as you  
23 probably are as well.

24 Ms Al Qurnawi, can you hear us?

25 MS AL QURNAWI: Hello, sorry, yes, I can hear you now. We

1 are trying to sort things out here.

2 MS JACKSON: Okay, thank you. We were just checking that  
3 there was nothing else you needed to raise before we  
4 start today.

5 MS AL QURNAWI: No, so far so good. We are just trying to  
6 sort it out. Thank you, we are fine.

7 MS JACKSON: Thank you very much for that.

8 In that case, we'll get started with the evidence.

9 And I'll hand over to Mr Judd who will be calling SO86,  
10 if he's on the call.

11 DAME ANNE RAFFERTY: Yes, Mr Judd.

12 SO86 (called)

13 Introduction by MR JUDD

14 MR JUDD: Good morning, everyone.

15 SO86, can I check that you can see and hear me,  
16 please?

17 A. I can.

18 Q. Fantastic, thank you. I'm just going to run through  
19 some questions on your evidence before we go back to  
20 Dame Anne. The first thing is, could you just confirm  
21 that you have the list of ciphers in front of you,  
22 please?

23 A. I do.

24 Q. Fantastic. And could you just confirm for us that you  
25 are indeed SO86?

1 A. I am.

2 Q. Thank you. And you should have received a disclosure  
3 bundle before these hearings that included your previous  
4 statements. Have you had a chance to look at those?

5 A. I have.

6 Q. Thank you. And you've given two statements to these  
7 investigations. If you have the Opus platform open,  
8 they are at {A/70/1} and {A/71/1}. If I could just ask  
9 you to turn up that first one, please, {A/70/1}.

10 A. Yes, I can see that.

11 Q. Brilliant. And is this the first witness statement  
12 you've given to these investigations?

13 A. It is.

14 Q. Wonderful.

15 If you turn to the final page of that, which is at  
16 {A/70/11}.

17 A. Yes.

18 Q. You see a redacted signature and a date 1 June 2022.

19 A. Yes.

20 Q. Thank you. Is there anything you'd like to confirm or  
21 clarify in that statement?

22 A. No.

23 Q. Thank you very much.

24 The second one is at {A/71/1}. If you could turn  
25 that one up, please.

1 A. Yes, I can see.

2 Q. And if you go to the final page of that document, which  
3 is at {A/71/6}.

4 A. Yes.

5 Q. You see a "Signed" there?

6 A. Yes.

7 Q. And again, is there anything you would like to confirm  
8 or clarify in this statement?

9 A. No.

10 MR JUDD: Thank you very much. In that case, I will hand  
11 you back to Dame Anne.

12 Questions from DAME ANNE RAFFERTY

13 DAME ANNE RAFFERTY: Good morning, SO86. Let me just check  
14 that you can hear me clearly and see me?

15 A. I can hear and see you, ma'am.

16 DAME ANNE RAFFERTY: Good. At any time anything gets a bit  
17 distorted or isn't easy for you, remember, I haven't got  
18 any visual clues about you, so you need to tell me.

19 A. Okay, ma'am.

20 DAME ANNE RAFFERTY: Don't be inhibited, just say so.

21 A. Yes.

22 DAME ANNE RAFFERTY: A couple of nursery slopes reassurances  
23 for you, if I can, SO86. When I opened the Inquiry  
24 yesterday, I said in a general statement it's important  
25 for people who, like you, have taken the time and

1 trouble to come to try and help us, to be reassured that  
2 this is not an adversarial process, it's not a contest,  
3 there's no cross-examination, and the object of  
4 the exercise is for me, if I can, better to understand  
5 what you might offer us, let you have the opportunity to  
6 flesh out anything that you can or want to, but there  
7 will be no tripping you up, no efforts to catch you out,  
8 no attention to fine detail which you might find  
9 challenging.

10 So, first of all, can I check that all that's clear  
11 to you, SO86?

12 A. Yes, that's clear, ma'am.

13 DAME ANNE RAFFERTY: And please hold closely -- hold tightly  
14 to it. I know, we'll come to it in a minute, but life's  
15 dealt you a bit of a blow, and what I want you to  
16 understand right from the beginning is that you and  
17 I are both aware there could be times when you simply  
18 have to say, "I can't remember". So if you do, please  
19 say it. Understood?

20 A. Understood, ma'am.

21 DAME ANNE RAFFERTY: We are on the same page, are we?

22 A. We are.

23 DAME ANNE RAFFERTY: All right.

24 Now some generalities first. I don't want to  
25 embarrass you, but I know you've had a bad accident and



1 I know that it's meant that your memory of the past is  
2 not where you'd like it to be. I've already tried to  
3 reassure you that if you can't remember, that's fine.

4 Can you give me, in any broad strokes, an idea of  
5 where the clarity of what you can remember sits, or is  
6 that itself impossible for you to describe to me?

7 A. To be honest, ma'am, I think the main thing is -- so  
8 the biggest thing is that I can't remember any of my  
9 childhood whatsoever. There are some things day-to-day  
10 I can remember, and then some things -- some of  
11 the things that happened yesterday I can't remember. It  
12 just depends.

13 DAME ANNE RAFFERTY: It's a mixed bag then, is it?

14 A. It is, ma'am, yes.

15 DAME ANNE RAFFERTY: So you and I, as we through this, are  
16 going, in that elegant phrase, to have to "suck it and  
17 see", SO86.

18 A. Yes.

19 DAME ANNE RAFFERTY: Now, give me an idea in brief --  
20 I don't need Is dotted and Ts crossed -- of your  
21 military career. Get me from when you joined up to when  
22 you went, in two or three sentences.

23 A. So I joined in 1994 and I'm still serving now.

24 DAME ANNE RAFFERTY: Good. 1994. Do the sums for me.  
25 That's quite some career.

1 A. Yes. I also had a year out of the Army as well --

2 DAME ANNE RAFFERTY: Right.

3 A. -- serving about 27 years now.

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 So outline for me the same way -- really helpful,  
9 thank you -- what you were doing in the Army in 2003.

10 Take me to 2003, where were you?

11 A. So I was a lance corporal attached to Support Company  
12 1st Battalion Black Watch, particularly the  
13 Recce Platoon, and we were based at Camp Stephen in  
14 Basra.

15 DAME ANNE RAFFERTY: Okay. Well, let's go to Camp Stephen  
16 then. Can you remember anything about what we might  
17 call the culture of Camp Stephen? Do you know what  
18 I mean by that?

19 A. I'm taking you mean the sort of -- the feeling within  
20 the camp, within the troops?

21 DAME ANNE RAFFERTY: Yes, that's it. What did you make of  
22 it?

23 A. So in Camp Stephen, when we first got there, it was  
24 good, morale was good. There was then some -- well,  
25 some things that -- an incident that happened before we

1 even got to Camp Stephen, and there was an  
2 investigation, I think, at that point. People were  
3 maybe -- I don't know -- I wouldn't like -- I don't know  
4 if I'd like to say they were on edge, but there was just  
5 a bit of a feeling where things are dropped because of  
6 what was going on.

7 DAME ANNE RAFFERTY: But that's one particular thing that  
8 sticks out in your mind, does it?

9 A. Yes.

10 DAME ANNE RAFFERTY: We might come to that.

11 In general, because you'd have had a lot of  
12 experience by then, having signed up in '94, how did it  
13 compare in terms of the way it ticked over, the culture,  
14 the feel of it, with other areas in which you'd  
15 operated?

16 A. So with other tours that I'd done, I would say it was  
17 probably the same. There was always going to be that  
18 feel that you don't know what's happening next. There's  
19 always going to be incidents that happen that affect  
20 the morale of the troops. So I would say it probably  
21 compares quite closely to other operations that I've  
22 been on.

23 DAME ANNE RAFFERTY: So pretty much par for the course;  
24 would that be right?

25 A. Yes.

1 DAME ANNE RAFFERTY: Okay. So how was order and discipline  
2 maintained? What was the structure at Camp Stephen?

3 A. So you had obviously the normal chain of command within  
4 the Company, you had three platoons with an officer in  
5 charge of each platoon, you had our REME detachment that  
6 had a artificer in charge of that. And I would say  
7 the discipline was very good. It was controlled,  
8 obviously, by the sergeant major. You know, he was  
9 a disciplinarian, an authoritarian, and I'd say that was  
10 what you have to be if you're a sergeant major in those  
11 circumstances.

12 DAME ANNE RAFFERTY: Thank you.

13 So you were there, weren't you, when the war ended  
14 and the soldiers went into post-war phase. Did  
15 the atmosphere change, did the approach in Camp Stephen  
16 change as the war ended, or to you was it pretty much as  
17 it was?

18 A. I think we maybe relaxed a little bit more, because  
19 maybe the tensions within the whole of Basra maybe  
20 dropped a bit, but that's about as much as I can  
21 remember, ma'am.

22 DAME ANNE RAFFERTY: All right.

23 And much interaction, soldiers with civilians?

24 A. When we were out on foot patrol, maybe a little bit  
25 more, because I think some of them saw us that we were

1       there to help them, but then there was others who were  
2       quite angry because they blamed us for no power, no  
3       water, etc.

4       DAME ANNE RAFFERTY: Yes, okay. So the interaction with  
5       the civilians, again, you'd describe that as a mixed  
6       bag, it would depend which civilians you were dealing  
7       with?

8       A. Yes.

9       DAME ANNE RAFFERTY: Thank you.

10       So I want to ask you a general question. Tell me if  
11       you can't answer it, that's fine. I think you've spoken  
12       in your witness statements of having a difficult time if  
13       you reported incidents of mistreatment of a prisoner or  
14       a person detained, and it might be linked to your worry  
15       that, even if you did, it wouldn't have been dealt with,  
16       or they wouldn't have been dealt with properly.

17       I can show you, if you like, on the screen where you  
18       wrote that in your witness statement. It's {A/71/2}.  
19       You might not need it, but let's get it up while you and  
20       I continue to talk. So just bearing that in mind --  
21       difficult time if you reported stuff, would anybody do  
22       anything even if you did -- would you just flesh that  
23       out a little bit for me? What did you mean?

24       A. So I think it was because, as REME, we're not  
25       Black Watch cap badge. We get moved around units every

1 two/three years, the Black Watch is a very close-knit  
2 battalion, they're all from the same sort of area in  
3 Scotland, and, you know, you just wanted to fit in, you  
4 didn't want to stand out, you wanted to be accepted,  
5 you know, and that's probably what -- why I have said  
6 that.

7 DAME ANNE RAFFERTY: Understood. Understood.

8 Well, we're going to go on then to the treatment of  
9 detainees, and again, if you want it, your statement is  
10 {A/70/7}. What you describe is hearing on  
11 the grapevine, which you helpfully describe as rumours,  
12 essentially, that the CO Black Watch, [REDACTED]  
13 [REDACTED], came down  
14 with his RSM and he -- I'm going to use a phrase you  
15 haven't -- tore strips off the Camp Stephen senior NCOs  
16 and above about how prisoners had been treated, and he  
17 told them, "Stop it".

18 Now, first of all, can you bring that back to mind,  
19 or has it now gone?

20 A. The only thing I can remember with that, ma'am, is  
21 I think I was -- we were out of camp at the time, and  
22 when we came back in, I can't remember who it was,  
23 someone had said, "Oh, the CO has been down with the RSM  
24 and they've had all the senior NCOs in". That's as much  
25 as I can recall, ma'am.

1 DAME ANNE RAFFERTY: Well, that saves me another longer  
2 preamble, because in one of your other statements -- and  
3 if we need it, it's {A/71/3} -- you point out that you  
4 weren't in the camp. All that happened, so far as your  
5 information is, you came back and you heard an account  
6 of what was a rumour. Have I got that right?

7 A. That's right, ma'am.

8 DAME ANNE RAFFERTY: Okay. That being so, and groups of  
9 people being groups of people, SO86, was there any  
10 pushing down the ranks of what **SO114**  
11 **██████████** had said? In other words, did  
12 the message filter down into the soldiers in the camp?  
13 Don't know? What?

14 A. To be honest, ma'am, I can't recall.

15 DAME ANNE RAFFERTY: Okay.

16 A. It may have been that we were told on a briefing by  
17 artifi, I'm not sure.

18 DAME ANNE RAFFERTY: That's an interesting word. What's  
19 your artifi? Is it your artificer?

20 A. Yes.

21 DAME ANNE RAFFERTY: Right, I'll write that one down. Thank  
22 you, SO86. Just because I'm curious-minded, it's got  
23 nothing to do with anything, where in the rankings does  
24 an artificer sit?

25 A. He's a staff sergeant.

1 DAME ANNE RAFFERTY: He's a staff sergeant, good. Well,  
2 we've all learned something thanks to you. Good.

3 So we can take it that you wouldn't know whether  
4 there were any training, formal or informal, that arose  
5 out of [REDACTED] SO114 [REDACTED] striping of them,  
6 because your memory has stopped before then?

7 A. Yes, ma'am, I've no idea.

8 DAME ANNE RAFFERTY: Right.

9 So something else you describe -- it's {A/70/5},  
10 we'll pop it up on the screen, just in case you want  
11 it -- is an incident at night-time where there might  
12 have been mistreatment of detained suspected looters.  
13 Now, tell me if you remember this. You might fix it by  
14 there being about 70 to 90 men. Let me stop there. Is  
15 that incident, with 70 to 90 men, ringing a bell, or  
16 shall we leave it?

17 A. I can recall being outside the compound and a load of  
18 prisoners were up against the outside wall. I can  
19 recall that.

20 DAME ANNE RAFFERTY: Prisoners the soldiers had taken?

21 A. Yes, ma'am.

22 DAME ANNE RAFFERTY: So they're outside the camp against  
23 the wall?

24 A. Yes.

25 DAME ANNE RAFFERTY: Do you know anything more about that,



1 or is that about as far as you can get?

2 A. Without reading my previous statement again, all I can  
3 remember is the sergeant major being stood outside  
4 the gate that you walk through and the wall. Lights  
5 went out, lights went back on. That's about as much as  
6 I can remember, ma'am.

7 DAME ANNE RAFFERTY: Okay. Do you want to have a look at  
8 your statement? You're very welcome either to look or  
9 not to look. You choose.

10 A. I can have a look, ma'am, yes.

11 DAME ANNE RAFFERTY: Okay, it's on the screen for you now.  
12 Can you see it?

13 A. Yes, I can see it, ma'am.

14 DAME ANNE RAFFERTY: You're looking at paragraphs 20 to 28,  
15 so we'll need Opus 2 to take you on to the next page.

16 You tell me when you've read and you're comfortable.

17 (Pause)

18 A. Yes, I've read that, ma'am.

19 DAME ANNE RAFFERTY: Okay. So where are we now, SO86? Have  
20 you just read the words, or has reading the words  
21 brought any more of it back to you? What I'm interested  
22 in is what you can tell us now as you and I are  
23 speaking.

24 A. So the only thing that it's brought back is obviously  
25 I can remember lights going out, and -- but that was,

1 from what I can recall, a common occurrence, because one  
2 of the guys that I was working with day-to-day, it was  
3 his job that if the lights went out, he had to go and  
4 put the generators on to kick the lights back in. So  
5 that was something that happened quite a lot.

6 Again, as it said there, I don't -- you know,  
7 I think I've said in another statement I don't know if  
8 the lights went out on purpose or not. Again, it was  
9 a common occurrence due to the issue of  
10 the infrastructure within Basra at the time.

11 It's not bringing anything back about blows to  
12 the body, hearing blows to the body, people crying out  
13 or anything.

14 DAME ANNE RAFFERTY: Okay. All right. Thank you very much.

15 So coming to the stream, as it's called, at  
16 Camp Stephen, and you certainly said you can't remember,  
17 in fact, that there was a stream outside Camp Stephen.  
18 I'm going to ask you to have a look at -- it will come  
19 up on the screen now -- some photos and sketches and  
20 maps. It's {A/2/2}. There we are.

21 Now, just let's motor gently through this collection  
22 of images, if Opus 2 can oblige. Let's just go very  
23 gently from 1 to 2 to 3 to 4, etc. Give a beat between  
24 each. That's it. And the next one.

25 Now, as we are watching, is that bringing it back to

1 you, SO86?

2 A. I can obviously see, ma'am, that there's obviously,  
3 you know, a small water source there, but I can't  
4 remember -- as I say in all my statements, I can't  
5 actually remember seeing it when I was there.

6 DAME ANNE RAFFERTY: Thank you, very helpful.

7 While you were there, did you ever hear about any  
8 detainees being put in it?

9 A. No, I didn't, ma'am.

10 DAME ANNE RAFFERTY: Okay.

11 Now, I want to ask you about wetting, a word we've  
12 heard a bit about. Can you tell us now what, to you,  
13 "wetting" meant or means?

14 A. So obviously now I know that it's -- someone has  
15 probably put plasticuffs on them and thrown into a water  
16 source to simulate drowning.

17 DAME ANNE RAFFERTY: And then? What did you understand when  
18 you were there at Camp Stephen?

19 A. To be honest, I didn't really know what it was when  
20 I was in Camp Stephen. Obviously I was interviewed by  
21 IHAT a couple of times, and one of their guys that  
22 questioned me told me what it was, because I didn't  
23 know. I thought it was something like the water  
24 boarding, where someone's laid down and something's put  
25 over their mouth and water board in it. That's what I

1 thought it was. But it was him that said, no, this is  
2 what it is.

3 DAME ANNE RAFFERTY: Okay. Did anything on the Camp Stephen  
4 rumour mill, the grapevine, reach you about frequency,  
5 who was involved?

6 A. I can't remember anything to do with that, ma'am.

7 The only thing I remember, I think it was in  
8 the statement, was that I can remember walking out of  
9 Red Platoon's block, I can't remember what time of day  
10 it was, and seeing someone being brought out, or brought  
11 into the camp, walking in, and they were wet, and I just  
12 -- I didn't think much of it, I just thought, "Oh,  
13 I wonder where he's been", and that was it.

14 DAME ANNE RAFFERTY: Yes, you're quite right. It's at  
15 paragraph 47 of your statement when you tell us about  
16 the detainee dripping from head to foot, and that's one  
17 you didn't report. So we're talking about the same one  
18 here, are we, SO86?

19 A. No, the one that I didn't report, I think, was to do  
20 with when I was sat in the vehicle one night with  
21 someone that I worked with. I can't remember who it  
22 was. So that was -- I think that was something  
23 different.

24 DAME ANNE RAFFERTY: All right. Well, let's come back to  
25 the wet detainee. Did he seem to you to be the sort of

1 wet I would be if I went into the sea and then came out  
2 having swum, or was he the sort of wet that I might be  
3 if I went paddling in a pool, or --

4 A. To be honest, ma'am, I think -- I think I can only sort  
5 of remember that he was wet on the bottom half.

6 DAME ANNE RAFFERTY: Okay. Thank you very much.

7 So you wouldn't remember anything about his hair?

8 A. No.

9 DAME ANNE RAFFERTY: That being, as we experts know, on  
10 the top half of the body. Right.

11 Can you remember anything about the way other people  
12 around you reacted to seeing the same as you were  
13 seeing?

14 A. I can't, ma'am. I think even in my statements I can't  
15 recall who was around, who was with him or anything.  
16 I think I just thought, oh, you know, he might have been  
17 -- ran off and tried jumping the Shatt Al-Arab, and they  
18 managed to get him out and brought him in for  
19 questioning. I don't know.

20 DAME ANNE RAFFERTY: Okay. Well, SO86, thank you for all  
21 the help you've given us, and thank you for how honest  
22 and open you've been about your memory. I'm just going  
23 to pause for a beat and let the team, Ms Jackson,  
24 Mr Judd, Ms Bailey, Ms Warner, see if there's anything  
25 any one of them would like to ask you.

1           So Mr Judd, can we start with you. Anything you'd  
2           like to ask SO86?

3           MR JUDD: No, thank you, Dame Anne.

4           DAME ANNE RAFFERTY: Any others of the team?

5           MS JACKSON: Nothing from me, Dame Anne.

6           DAME ANNE RAFFERTY: Okay. Right, just bear with me, SO86,  
7           a moment, because Mr Judd will just go round  
8           the representatives to see whether any would like to  
9           suggest that he or I ask any more questions of you.

10          We'll not be long. Just stay with us for a minute.

11          A. Okay, ma'am.

12          MR JUDD: Yes, thank you.

13          Can I start with Ms Al Qurnawi and those at  
14          the Grand Millennium Hotel, please. Any questions you'd  
15          like to put?

16          DAME ANNE RAFFERTY: Ask us to put.

17          MS AL QURNAWI: Yes, hi. No, no questions from us.

18          MR JUDD: Thank you.

19          Ms Vyvyan-Robinson, any questions that you would  
20          like us to put?

21          (Pause)

22          No? I'll take that silence as a no.

23          Mr Foley, any questions you'd like to put through  
24          us?

25          MR FOLEY: No, nothing from me. Thank you very much.

1 MR JUDD: Thank you.

2 Mr Berlow?

3 MR HAMILTON: No, nothing from ourselves. Thank you very  
4 much.

5 MR JUDD: Thank you. Sorry, I should say Mr Berlow by way  
6 of Mr Hamilton.

7 And Mr Cherry, any questions you'd like to put  
8 through counsel's team?

9 MR CHERRY: No, thank you very much.

10 MR JUDD: I think that's it, Dame Anne.

11 DAME ANNE RAFFERTY: Thank you.

12 Right, SO86, thank you once again, and thank you for  
13 being prepared to come at all. Life's tough enough, and  
14 you were dealt a pretty unhappy card, so renewed thanks  
15 to you, and all the best.

16 A. Thank you very much, ma'am.

17 (The witness withdrew)

18 DAME ANNE RAFFERTY: Right.

19 Now, as SO86 leaves us, shall we just pause?

20 I wouldn't mind knowing from the interpreters' point of  
21 view how my pace and voice is going for them. Can we  
22 have a bit of information on whether I need to change  
23 anything?

24 THE INTERPRETER: Witnesses are a little bit emotional, so  
25 they will tend to speak quickly.

1 MS AL QURNAWI: Is this a question here to us in  
2 the Millennium?

3 DAME ANNE RAFFERTY: Yes, I just wanted to know if you can  
4 cope and the interpreters can cope with my voice and its  
5 pace, in other words it's not too fast and it's easily  
6 understood. That is what I was after.

7 MS AL QURNAWI: From our side, if we are honest, we're  
8 finding it a bit difficult to follow, just because of --  
9 not because of your voice, just because the sound is not  
10 totally clear. Plus as well here the audience, they  
11 don't know who is speaking, who is asking, who is  
12 answering, so there is like sort of overlapping.

13 DAME ANNE RAFFERTY: Okay. We'll ask Opus 2 and the team to  
14 think about that. That is helpful, thank you.

15 MS AL QURNAWI: Thank you.

16 DAME ANNE RAFFERTY: Right, Natasha, back to you with  
17 the organisation of the day.

18 MS JACKSON: Thank you, Dame Anne. So I think our next  
19 witness is SO81.

20 DAME ANNE RAFFERTY: Thank you.

21 SO81 (called)

22 MS JACKSON: Is SO81 there?

23 A. Yes.

24 MS JACKSON: Thank you, SO81. I'm going to hand back to  
25 Mr Judd, who's going to ask you some questions.



1 Introduction by MR JUDD

2 MR JUDD: Thank you SO81. Can I just check that you can see  
3 and hear me okay?

4 A. Yes, I can.

5 Q. Fantastic, thank you. I'm just going to run through  
6 some questions on your evidence before we go back to  
7 Dame Anne. First off, have you got that list of ciphers  
8 in front of you?

9 A. I have now, but I was very disappointed that I didn't  
10 get it until last thing yesterday, which did cause me  
11 lots of angst and confusion yesterday, thinking why did  
12 everybody know who everybody is. I didn't get that  
13 until about, I would say, about 3.30, 4 o'clock, which  
14 did cause me a lot of stress.

15 Q. I see. Well, we will go perhaps a little bit slower  
16 when it comes to referencing people on that list.

17 But before we do, would you mind just confirming  
18 that you are in fact SO81?

19 A. Yes, I am.

20 Q. Wonderful. And you should have received a disclosure  
21 bundle that included your previous statements. Have you  
22 had a chance to look at that?

23 A. Yes, I have, yes.

24 Q. Brilliant. And you have given a statement to these  
25 investigations which, if you have the Opus platform open

1 in front of you, is at {A/61/1}.

2 A. I didn't get any sort of indication of that platform.

3 That was another angst I had yesterday as well. I've  
4 got my own statements, which I think are the ones you  
5 are going to use today, yes, which were sent to me in  
6 email, but I'm not getting a link to any other portal  
7 that I hear other people have.

8 Q. Okay. So just to double-check, you don't have access to  
9 the Opus platform at the moment?

10 A. No, I didn't even know it existed until I heard other  
11 people talking about it.

12 Q. Okay. Well, we'll come to that in a moment. But if you  
13 have the statement you gave to these Investigations, if  
14 you go to the final page of it, on page 7.

15 A. Yes.

16 Q. You should see a date there, 1 June of last year. Is  
17 that the statement you gave to these investigations?

18 A. Yes, the 01.06.2, yes.

19 Q. Is there anything you'd like to confirm or clarify in  
20 that statement?

21 A. No.

22 MR JUDD: All right, thank you. Well, in that case I'll  
23 hand you back to Dame Anne. Thank you.

24 Questions from DAME ANNE RAFFERTY

25 DAME ANNE RAFFERTY: Good morning, SO81. Let me just check

1 that you can hear me adequately.

2 A. Yes, I can hear you fine, ma'am.

3 DAME ANNE RAFFERTY: Good. I can't remember, can you see me  
4 as well or can you only hear me?

5 A. I can see you as well.

6 DAME ANNE RAFFERTY: You can see and hear me. Remember,  
7 I can't see you, so I won't have any visual clues about  
8 whether anything is not going well, or you're puzzled or  
9 whatever. I think that I'm dependent, therefore, on you  
10 to say to me anything you like, "Slow down", "I'm not  
11 happy", "Do this differently". Will you do that for me,  
12 please, SO81?

13 A. I will do, ma'am.

14 DAME ANNE RAFFERTY: Thank you.

15 Right, so let's start with an outline, please, of  
16 your military career. I don't need Is dotted and Ts  
17 crossed, I just want you, in a paragraph, to take us  
18 from when you signed up to when you went?

19 A. Yes, so basically I joined in the mid-80s. I'm still  
20 serving now, so I've done about 36 years military  
21 service. I spent a lot of time with different units,  
22 and I spent my time during the dates with Black Watch.  
23 I was attached personnel to the Black Watch during that  
24 period.

25 DAME ANNE RAFFERTY: Thank you. And put aside all modesty,

1 if you will. You were an expert in something. What was  
2 it?

3 A. It was armoured inventory for weapons systems for  
4 armoured vehicles (inaudible - break in audio).

5 DAME ANNE RAFFERTY: A lot of training for you went into  
6 that? A lot of professional stuff? I'm just curious.

7 A. Yes, lots of -- yes, the course used to be -- the first  
8 instructors course was something like 10 weeks long, and  
9 then the next one to then be able to teach other people  
10 to be instructors was nearly nine months long.

11 DAME ANNE RAFFERTY: That's quite something. Where did you  
12 do it, your nine-monther?

13 A. It was down in [REDACTED] It's a lovely part of  
14 the country.

15 DAME ANNE RAFFERTY: Mm. And again, just put your modesty  
16 to one side, am I right in thinking that that's the big  
17 compliment to you, being selected to pass on your expert  
18 knowledge; is that right?

19 A. Yes, it was. It was the guys who were (inaudible -  
20 break in audio) Sandhurst instructors. It's sort of --  
21 to me, it's the same par as that in the sort of --  
22 the armoured side of things, yes.

23 DAME ANNE RAFFERTY: Thank you.

24 So take us now with you into 2003 when I think  
25 you're a colour sergeant attached to 1BW, and you did

1 a lot of driving for SO88. Have I got all that right?

2 A. That's correct. So I was part of the headquarters  
3 group.

4 DAME ANNE RAFFERTY: Okay. Just, again, the same thing.

5 You did it beautifully when I asked you about your  
6 military career. Can we just have a paragraph about  
7 your role in 2003 out there in Camp Stephen, please?

8 A. So my -- my role was, because we had a mixed amount of  
9 armoured vehicles from the initial transition from war  
10 to sort of peace-keeping, or whatever you want to call  
11 it, we had the armoured vehicles, and my job was to make  
12 sure that those vehicles were maintained, serviced and  
13 so on. But in that situation, my second role ended up  
14 being part of the OC's team, because he went -- because  
15 we didn't want to look so sort of in your face, sort of  
16 thing, we went from armoured vehicles to Land Rovers.  
17 So therefore the OC needed our Land Rover team, so we  
18 ended up with two Land Rovers which then went from A to  
19 B, so I was part of that team, yes.

20 DAME ANNE RAFFERTY: Understood.

21 So training and instruction. We'll put up on  
22 the screen for you {A/61/2}, which you'll recognise.  
23 SO81, when we put something up for you, it doesn't mean  
24 you're going to have to use it. I'm putting it up just  
25 as a backdrop and you might want to use it, and I'm

1 particularly going to have it put up for you because  
2 you've been disconcerted by the late arrival of stuff.  
3 So that, I hope, will reassure you. And also, we  
4 needn't rush.

5 But I just want you to tell me, can you remember  
6 anything now at all about any specific training that  
7 dealt with looting, detention of individuals, or the use  
8 of and the danger about water during detention? Did you  
9 have any directed training about any of that?

10 A. I was slightly different, ma'am, because I'd actually  
11 had an accident prior to redeployed, a [REDACTED]  
12 So the -- the Battalion had lots of other training  
13 happening while I wasn't there, so I -- so between sort  
14 of [REDACTED] had an  
15 accident, and then I ended up in Germany for a lot of  
16 the build-up on that. So I may have missed bits of  
17 training that the Battalion had done, but I do know we  
18 would have done our mandated MATTs training, because  
19 without those MATT training you wouldn't have been able  
20 to deploy, because if it's not on your GPA system, which  
21 is our sort of electronic system, then you weren't  
22 deployable. So I would have went through the mandated  
23 MATTs, like I had done for the last 20 years before that  
24 that we went through MATTs.

25 DAME ANNE RAFFERTY: Got it. That is clear and helpful,

1 thank you.

2 And water boarding, such as, we can all read about  
3 that. You'd have known -- you wouldn't have needed  
4 training -- that that was inappropriate. It sounds as  
5 though, from what you've just said, you weren't briefed  
6 on whether looters could be put into water or couldn't  
7 be put into water. Have I got that right or wrong?

8 A. I think that would be common sense. At the end of  
9 the day, the Geneva Convention is there, how you treat  
10 people, and normal sort of moral compass is there. So  
11 therefore any soldier or any individual would know  
12 that's not right, so therefore -- and the words  
13 "wetting" and "boarding" and all the rest of it, it  
14 wasn't even terminology back then. It wasn't things  
15 that anybody thought of back then. I didn't, anyway.  
16 I don't know whether any others did, but it was not  
17 something people would come up with.

18 We were always taught, whoever we dealt with, be it  
19 with -- and I did tours in Northern Ireland, Bosnia,  
20 Kosovo, Iraq, the first Iraq War where we dealt with  
21 prisoners of war quite extensively, Afghanistan. You  
22 didn't need to be told how to treat prisoners, you knew  
23 how to treat prisoners. It had been drilled into you as  
24 a young 16/17-year old soldier that you had to treat  
25 people fairly, because that's how you would like to be

1 treated yourself.

2 DAME ANNE RAFFERTY: Do as you would be done by?

3 A. Yes. The discipline system would then deal with you if

4 you were treating anybody --

5 DAME ANNE RAFFERTY: Yes.

6 A. -- the wrong way.

7 DAME ANNE RAFFERTY: If you had to do a broad strokes of

8 the brush description of what training you did have for

9 and in Camp Stephen, what would you say? Adequate,

10 inadequate, terrific, forgotten about it?

11 A. Training within? Any training we got within, did you

12 say?

13 DAME ANNE RAFFERTY: Mm.

14 A. I don't think we received any training when we were

15 within Camp Stephen. We were briefed and orders were

16 delivered -- delivered to us on a daily basis for any

17 sort of FRAGOs or any other stuff that was coming from

18 upwards, sort of thing. But training, I would say not.

19 DAME ANNE RAFFERTY: Thank you.

20 So detainees at Camp Stephen. Can you give us

21 a word picture of what it would be that would trigger

22 a detainee being taken to Camp Stephen and why they'd go

23 there? So let's start with what would prompt the taking

24 of a detainee to Camp Stephen?

25 A. The main, I would say, 95% of the time it was for the --



1 for the looting, so -- and it was because people were  
2 directly caught stealing from -- most of the time it was  
3 from the metal factory. And we all sort of knew that we  
4 couldn't then do anything else with them, but it was  
5 more -- as most people says, it was more of a deterrent  
6 than anything else. It was a mess-about, it was  
7 disabling their vehicles, it was moving them back to  
8 somewhere else and then them having to get back home  
9 again. So it was just a deterrent. But I think after  
10 time that deterrent just wore off, because we were  
11 getting some people who had come back a second time or  
12 a third time, because it just -- that was the way they  
13 conducted their business.

14 DAME ANNE RAFFERTY: Yes. So it lost its potency, you're  
15 describing, after a while, because they knew exactly  
16 what would happen. You just used a wonderful phrase, it  
17 was "a mess-about". So the second and third and fourth  
18 time they knew you'd just mess them about, but they'd go  
19 home. Was that the picture?

20 A. Yes, but then through that we knew that, the guys knew  
21 that. The guys were getting tired and more tired and  
22 more tired doing it. And also we were then setting  
23 patterns up as well, because we were then going in and  
24 out of that place all the time, so therefore the chances  
25 of a proper contact with an arrest was more.

1 DAME ANNE RAFFERTY: Understood. So by repetition you were  
2 -- actually, the ability of the troops to manage things  
3 was itself reduced, because a pattern is dangerous for  
4 you, is that it?

5 A. Yes. But then again, the chain of command was then  
6 getting pressure from the local tribal leaders to do  
7 something about it, so we were sort of caught between  
8 a rock and a hard place, because we had to act in some  
9 way, otherwise what was the point just sitting in  
10 Camp Stephen?

11 DAME ANNE RAFFERTY: Yes. And the amount of  
12 oversight/general view of what was going on by -- tell  
13 me if I'm wrong -- SO101, the CSM, and SO88, officer  
14 commanding, their degree of oversight about the  
15 detail --

16 THE VIRTUAL HEARING MANAGER: Interpreter, you're speaking  
17 Arabic on the English channel. Interpreter, you're  
18 speaking Arabic on the English channel.

19 (Pause)

20 DAME ANNE RAFFERTY: SO81, we'll just pause for a minute  
21 while that's regularised. It doesn't affect you and me.

22 THE VIRTUAL HEARING MANAGER: I think the matter's been  
23 resolved, Dame Anne. Thank you.

24 DAME ANNE RAFFERTY: Right, thank you.

25 We're back on board, SO81. You were just about to

1 tell us the degree of oversight of the CSM and the OC on  
2 detainees.

3 A. Well, as far as I'm concerned, the sergeant major would  
4 have had full oversight of everything. The OC would  
5 have -- he would know how many were in at any one time,  
6 but the sergeant major would be the person who would be  
7 dealing with them. If he wasn't dealing with them  
8 directly, he would be the person organising who was  
9 dealing with them. And I would presume that he was then  
10 doing daily checks to make sure individuals were doing  
11 their job properly.

12 DAME ANNE RAFFERTY: Yes. Just a final little exchange, you  
13 and me, on looting, if I can. Just a slightly different  
14 aspect of it. I think really we've been talking about  
15 stopping people thieving from buildings and taking  
16 the metal, etc, etc, which requires them to go out and  
17 into buildings. Was there a concept of some sort of  
18 informal measurement of whether one particular premises  
19 was of high value? Was there a sort of index in  
20 the collective head that those three sets of premises  
21 are high value and we've got to make them a priority, or  
22 don't you know?

23 A. I think, from what I can call, there was the metal place  
24 and there was also a food place, and then there was lots  
25 of garages and petrol stations and water filling

1 stations, which were all priorities. I don't know what  
2 levels they all were, but everything seemed to have been  
3 a priority based around just normal day-to-day living.  
4 So it was the metal works, it was the grain place, it  
5 was the water points which we set up and guarded, and it  
6 was also the petrol stations as well.

7 DAME ANNE RAFFERTY: When you were out driving the OC, do  
8 you remember -- just a chance question -- whether you  
9 and he came across any looters?

10 A. Constantly. Constantly. It was a constant thing, but  
11 you didn't -- you didn't stop. Everywhere you went,  
12 there was a donkey moving about with metal coming from  
13 where we knew it came from. You couldn't -- you  
14 couldn't stop everything that was happening. So it was  
15 constant. It seemed to be the culture at that time.

16 DAME ANNE RAFFERTY: So if I'd asked you a slightly  
17 different question, how often, if at all, did you and  
18 the OC stop if you saw a looter? I'd get a very  
19 different answer, would I?

20 A. Yes, if we'd seen an individual -- individual people  
21 looting, then we would drive past. If you were going  
22 from A to B, it would be a constant thing that you'd  
23 see. How could you prove that metal had come from  
24 there, unless you'd actually seen them pulling it over  
25 the wall, you know what I mean? And if we did drive

1 past and they were pulling it over the wall, we would  
2 stop, and by that time they'd be off with their donkey  
3 and they'd be away.

4 DAME ANNE RAFFERTY: Yes, you can hardly ask the donkey if  
5 the donkey has any views on where the metal came from,  
6 can you?

7 A. No. Half the time the donkey ended up in the air, yes.

8 DAME ANNE RAFFERTY: Thank you very much, SO81. I'm going  
9 to pause there, because I'm going to hand you back to  
10 Mr Judd for the balance of the questions. I'll come  
11 back to you at the end. Thank you.

12 Right, Mr Judd.

13 Questions from MR JUDD

14 MR JUDD: Thank you, SO81. I should say before I just start  
15 with some questions, I appreciate you may not have had  
16 a chance to see some of this material, so what I'll do  
17 is I'll put it up on the screen, but if you need any  
18 more time with it, just say, and we can take as long as  
19 you need in order to help your recollection.

20 A. Yes, that's fine.

21 Q. Thank you.

22 If we could just turn up, firstly, document  
23 {A/61/2}, please, Opus. Thank you. If we could have  
24 the bottom of the screen, please, so that's a bit more  
25 zoomed down. Perfect.

1 Now, SO81, you've already helpfully described  
2 the scale of the looting that was going on in 2003, and  
3 at paragraph 9 of your statement here, you say that that  
4 looting was one of the reasons to take detainees to  
5 Camp Stephen and that it was a deterrent to stop them  
6 from doing it. Dame Anne has explored this with you,  
7 but I just wondered if you could give us any more  
8 details about it.

9 For example, whose decision was it to first start  
10 bringing detainees back to Camp Stephen, as a deterrent  
11 or otherwise?

12 A. Well, I would say it would have come from Battalion  
13 initially, and then down to the OC, because when some of  
14 the operations happened at night-time, we were in  
15 a place where we could then extract lots of detainees.  
16 So it was plan to go out and bring back, because there  
17 was measures put in place to have enough transportation  
18 to bring them back.

19 Q. Okay, thank you.

20 When you say "transportation", this may seem like  
21 a different question, but how were those detainees  
22 brought back to the camp?

23 A. I can't totally recall. I can vaguely remember it was  
24 vehicles which had been confiscated from them at  
25 previous times, if I can recall, but I can't totally

1 recall it. The incident which we were speaking about  
2 earlier on where there was about 90 to 100 detainees,  
3 they certainly weren't put into military vehicles to  
4 bring them in. I'm positive it was civilian --  
5 civilian-type vehicles which were used to bring them in,  
6 and that would have been, possibly, the vehicles which  
7 were there to -- to confiscate the metal with.

8 Q. Okay, thank you.

9 And in bringing those detainees back, can you give  
10 a bit more colour on what the deterrent aspect of doing  
11 that was? What was supposed to happen to the detainees  
12 that would mean, once they'd been brought back, they  
13 would have second thoughts next time about looting?

14 A. Basically, yes, because it was -- at that stage, there  
15 was no civilian sort of prisons, or police or whatever,  
16 so therefore it would have been impossible for us to  
17 keep that amount of people and maintain them, feed them,  
18 water them, look after them. So, therefore, there could  
19 only be one reason, and that was to bring them back,  
20 waste a bit of their time, take their details and then  
21 let them go. There was no other alternative. The camp  
22 was as small as it was.

23 Q. Thank you.

24 And you just mentioned there that you would take  
25 their details and then waste their time and then send

1       them on their way. Could you just give us a bit more  
2       detail as to what else would happen to the detainees  
3       after they were brought back to camp?

4       A. I personally don't know and I don't recall. I wasn't  
5       part of that. I know they were brought back, and then  
6       the other senior NCOs within the Company would then deal  
7       with them. The OC wouldn't be -- wouldn't -- we'd come  
8       in in the headquarter group, we'd be straight back into  
9       camp and then deal with other stuff, and then it would  
10      then be the company sergeant major and the other 2ICs  
11      and all the rest who would then deal with the detainees.  
12      So me, personally, I never dealt with any detainees.

13     Q. Thank you, that's very helpful.

14       And in bringing these detainees back to  
15      Camp Stephen, you've already explained to Dame Anne  
16      that, if I can summarise, it became less effective as  
17      time went on, perhaps, because the looting didn't stop  
18      and you'd often see the same people twice. Was it  
19      effective, broadly, in your view, bringing the detainees  
20      back to the camp?

21     A. Probably not. Probably not, because you couldn't be  
22      there 24/7. So, therefore, okay, you were catching so  
23      many of them as you turned up, and they then -- or lots  
24      of them would then sort of disappear in the dark sort of  
25      thing, but you might be dealing with an hour, but it



1 would go on in broad daylight, so -- so for the other  
2 23 hours in that day they were still doing it, you know  
3 what I mean, so ... yes.

4 Q. Thank you.

5 Turning and looking at paragraph 9 of the statement  
6 again on the screen, you also tell us that the commander  
7 on the ground would make a decision whether these  
8 detainees were brought back to the camp. Perhaps  
9 looking at that cipher list -- again, I appreciate  
10 you've not had a huge amount of time to look at it, but  
11 can you tell us, without identifying them other than  
12 using ciphers, who those commanders were?

13 A. Yes, the commanders were -- it would have been -- I'm  
14 just looking through the cipher list at the minute -- is  
15 -- yes, so they were broken into three different  
16 platoons, and each of those platoons had a platoon  
17 commander and they had a 2IC, so either one of them  
18 would be making a decision to bring detainees in or not.  
19 If it was a corporal who was in charge of a certain  
20 section, he would radio up to his 2IC, or his platoon  
21 commander, and say, "Right, I've got a detainee", and  
22 then his platoon commander/2IC would then say, "Yes,  
23 we're going to take him in", or, "No, our main -- our  
24 main role is doing this, this and that". Yes. So at  
25 all levels, you know what I mean? When I say

1 "commander", that's commanders at all levels. But at  
2 certain levels lower down, they would be in asking up  
3 the chain of command, because a corporal wouldn't just  
4 turn up with lots of detainees, because he would have  
5 spoke on the radio to his 2IC, or else his platoon  
6 commander, and say, "I have got detainees, what do you  
7 wish me to do". And then somebody would then decide  
8 would they come in or would they not come in.

9 Q. Understood.

10 And can you recall what those commanders used to  
11 make that decision? So when would a detainee be brought  
12 back and when wouldn't they be brought back?

13 A. I don't know what they would judge the decision on,  
14 you know what I mean? Would it be the scale? Would it  
15 be because the person had been seen before? Was it  
16 because there was enough space in the camp? Was it  
17 because there was other people there, so they wanted to  
18 make a point? I don't know what that individual's  
19 decision would have been, but I'm sure that it would  
20 have been for the right reasons. It wouldn't just have  
21 been because I just feel like taking some -- somebody  
22 into camp.

23 Q. Okay, thank you.

24 Can you remember if there were any other practices,  
25 other than bringing detainees back, that were used

1 routinely to try and deter people from looting?

2 A. There would be -- there would be patrolling, there would  
3 be checkpoints set up. Yes, that would be about all.

4 Q. Thank you.

5 Opus, could we just go over the page, please, to  
6 paragraph 11 {A/41/3}.

7 Just staying with your statement for a moment, SO81.  
8 Looking at paragraph 11 here, you describe the stream  
9 outside of Camp Stephen. I'll just give you a couple of  
10 moments just to read through that, if you don't mind.

11 A. Yes, I'm happy enough with that.

12 And when I say "stream", this wasn't a fast-flowing  
13 stream; half the time, it was a puddle, you know what I  
14 mean? It was more of a drainage ditch than -- so, so  
15 people get the under the impression of what this is, it  
16 wasn't a fast-running stream, it was more stale, dirty,  
17 stagnant water. I would have recalled it more as  
18 a drainage ditch rather than a proper stream, you know  
19 what I mean, in my sort of wording here.

20 Q. Okay, perhaps you could help us with that. I'm just  
21 going to bring up some photos of the camp.

22 So if we could turn, Opus, firstly to {A/2/2},  
23 please. Thank you very much.

24 SO81, I hope you can see an aerial photo of  
25 the camp.

1 A. Yes.

2 Q. Could you help us with where the stream was in this  
3 photo, if it does appear at all?

4 A. I'm trying to orientate myself here. I can't even work  
5 that out.

6 Q. Is it that bit that runs diagonally across the bottom of  
7 the right-hand side of the screen?

8 A. If it is, it's not what I recall, you know what I mean?

9 That is not what I recall being at the front of the ...

10 So is that -- is that the front of the camp there, just  
11 as you come -- so that there is the stream, is it?

12 Q. I believe so. I think --

13 A. That bottom right-hand -- it's not what I recall.

14 I don't recall anything as big as that.

15 Q. Okay.

16 And there are a couple more things which might  
17 help -- again, I appreciate this is some time ago.

18 But if we turn, Opus, to {A/3/2}, please. I'm  
19 hoping a sketch of the camp is going to pop up.  
20 Brilliant.

21 So we have a sketch of the camp here, SO81.

22 I couldn't help you with how it's oriented, but you can  
23 see at the bottom there we've got a compound in which  
24 there is a main gate marked on the left-hand side, and  
25 then top-left side of that compound we've got something

1 marked as the guard tower. Does that help at all with  
2 your recollection of the layout of the camp?

3 A. A bit, yes, but it's not the best of sort of  
4 illustrations, yes.

5 Q. Okay. I'm going to try and go to some more, because  
6 there are quite a few. But just on this one, on  
7 the left-hand side there, where it says "sewerage small  
8 river" --

9 A. Yes.

10 Q. -- is that the ditch that you described outside  
11 the camp?

12 A. Yes ... yes.

13 Q. There's one more that might help.

14 If we go to {A/4/5}, please, Opus. Thank you.

15 Now, we've heard before that this was the guard  
16 tower that just appeared in that sketch, and if you look  
17 beyond the guard tower, you can see, running from  
18 the left side of the screen, there's a green line of  
19 plants which appear to be on some sort of bank, and then  
20 it runs behind the guard tower, and then we have it  
21 running alongside that wall there where we understand  
22 that you can see the tops of three armoured vehicles.

23 A. Yes.

24 Q. Again, does that help at all with any description you  
25 can give?

1 A. Yes -- yes, it does, but I can actually see from -- from  
2 there -- I -- I cannot recall the -- even -- from --  
3 when you're on the ground -- you know, I would not go up  
4 on top of the roofs and all the rest of it, but if you  
5 were on the ground there, you would not be able to  
6 notice that that was a river running left to right at  
7 the back end there. So -- so what -- from my memory,  
8 I don't recall the river being that focused.

9 Q. Thanks. And you described it as more of a drainage  
10 ditch.

11 A. Yes.

12 Q. Would you just help us with a little bit more detail, if  
13 possible? So how deep was it? You know, where would it  
14 come on your body if you stood in it? Things like that.

15 A. No idea. No idea. I don't think I actually got within  
16 50/70 yards of the thing. And I wouldn't have any  
17 reason to be the thing, you know what I mean? So  
18 I don't recall depth, size, whatever. I wouldn't have  
19 been near the thing. It wasn't part of the camp.

20 Q. Okay.

21 I don't suppose that you have any recollection of  
22 either hearing of or seeing anyone who was brought back  
23 to the camp being put in that ditch at all?

24 A. No. I don't -- I don't see why they would be, and --  
25 because it was a distance away from where the detainees

1 were dealt with. So for them to be trudged out  
2 the front gate, across that vehicle park and over to  
3 that river, that, to me, would -- everybody would be  
4 able to see that, and you'd need to have a reason to do  
5 that, you know what I mean?

6 Q. Thank you, that's helpful.

7 Opus, could we just turn up SO81's statement at  
8 paragraph 35. The document number should be {A/61/6}.

9 So SO81, it's just a short paragraph. You say that  
10 you're not aware of any incidence of detention or  
11 mistreatment of detainees involving certain individuals.  
12 I'm just going to take you to one document and see if it  
13 helps with any recollection you might have.

14 So, Opus, could we turn up {A/132/1}, please. Thank  
15 you. You got there before I did.

16 Sorry, bear with me, SO81. My computer's going  
17 slower than the Opus platform.

18 So at the top of the page there, could you just have  
19 a read of that first paragraph that begins:

20 "One day I was on the roof ..."

21 (Pause)

22 Could you just let me know when you've had a chance  
23 to read that.

24 (Pause)

25 A. Yes.

1 Q. Thank you.

2 So this is the account of SO113, and he here seems  
3 to be describing shouting and screaming coming from  
4 within the tents. Now, we understand that tent was  
5 what's been called the EPW area, and he heard things  
6 like, "Let's throw them in the river", and he was  
7 concerned that detainees were being, in his terms,  
8 "beasted". Is this anything that would jog your memory  
9 at all, or do you have any recollection of prisoners --

10 A. No --

11 Q. -- being treated this way?

12 A. No, definitely not, no. I never heard of anybody being  
13 taken and thrown into a river in my time being there,  
14 no.

15 Q. Okay, thank you.

16 Just a few more questions. If we could go to --  
17 well, in broad terms, I think you've previously  
18 described in a 1 May 2014 statement that the REME  
19 personnel had concerns about the treatment of detainees  
20 in a compound close to where REME worked. Just can you  
21 help us with whether that compound was the EPW cage?

22 A. I'm led to believe that the REME, the section where they  
23 did the repairs on the vehicles -- because most vehicles  
24 were outside, but if a vehicle had to be fixed, if I can  
25 recall, were brought inside and the REME had their own



1 sort of workshop -- was that beside where the tent was  
2 set up -- the EPW tent was set up? I think it was, yes.  
3 I don't know how close, I don't recall, but I'm sure it  
4 was in that area of the camp, yes.

5 Q. Thank you.

6 Just while we're on treatment of detainees, Opus,  
7 could we turn up, or go back to {A/61/5}, please.

8 This is going back to your statement, SO81.

9 A. Yes, okay.

10 Q. Paragraph 32. Would you mind just having a quick read  
11 of that before we discuss it.

12 A. Yes, yes, I'm fine with that, yes.

13 Q. Brilliant, thank you.

14 So you're recalling here intervening to stop another  
15 soldier from kicking a detainee who had got out of  
16 a vehicle at Camp Stephen and that soldier's officer  
17 took exception to your getting involved. Could you just  
18 give us a bit more detail on this?

19 A. Yes, I would like to. I would like to, yes.

20 Q. Thank you.

21 A. So, I did say to you earlier on that 95% of the people  
22 who were brought back to camp were dealt with for  
23 looting. On some occasions, it was not of that, it was  
24 contacts that people had on the ground and other more  
25 serious attempted ... As far as I'm aware, and from what

1 I can recall, that was part of the 5%, you know what  
2 I mean, where the individuals who had gone out -- if  
3 I can recall, I think there was contact near the camp,  
4 shots were fired, the QRF then went out, went out for  
5 some time.

6 And then, which was unusual, was then vehicles then  
7 came into camp at quite a fast pace and detainees were  
8 then dropped off. And that was normal business, because  
9 normal business with looters, they weren't brought into  
10 the camp, they were dealt with -- the majority of them  
11 were dealt with outside the camp. So, bearing in mind  
12 I'm in camp and I've not got the adrenaline going  
13 through me and all the rest of it, so therefore when  
14 those vehicles came skidding in and they stopped just  
15 right beside the headquarters, that was unusual.

16 So when the soldiers went to take the detainees off  
17 the vehicle, one of the detainees -- was he trying to  
18 flee, was he trying to do whatever -- he came off  
19 the vehicle at some speed and the soldier reacted in  
20 a way which I thought was incorrect but others thought  
21 it was okay. And actually, now that I think more  
22 about it, well, it might have been okay, because that  
23 prisoner was trying to escape, or -- because I don't  
24 know, was that prisoner struggling beforehand, was that  
25 struggler doing whatever he was brought in for? At that

1 point, I don't know what it is. So I intervened, and  
2 I still, quite rightly, say I should have intervened and  
3 I did intervene. And then when I did intervene, because  
4 basically the soldier tried to kick -- when I say kick,  
5 he was probably more likely trying to trip him to then  
6 get him to fall, you know? So then when I made comment,  
7 the officer who was there, who was in charge of that  
8 soldier, then said to me, "Sergeant Major", or, "Colour  
9 Sergeant, keep out of it, none of your business,  
10 blah blah blah". So it was a rebuke to me about it.

11 I still wasn't happy, because as far as I was  
12 concerned, it possibly could have been dealt with in  
13 another way, but there was probably lots of situations  
14 which -- which sort of went to that line. But  
15 was it: let's just boot this prisoner? No, it wasn't.  
16 It wasn't just a matter of just bullying or kicking;  
17 there was a specific reason. But that soldier -- maybe  
18 he thought his life was at threat, he thought other  
19 people were at threat -- he did something which  
20 I thought at the time, as a bystander, was incorrect.  
21 But actually, in hindsight, it might have been correct.

22 So that's my sort of thoughts of that, 20 years  
23 later.

24 Q. Okay, thank you.

25 I'm just going to come on to a couple of questions

1 on wetting. Opus, if we could turn up the previous  
2 page. It's {A/61/4}. Thank you.

3 Now, at paragraph 18 here, SO81, you were asked  
4 about a recollection you'd previously given about SO88,  
5 or the OC, having to give an order putting a stop to  
6 detainees being put in that ditch outside Camp Stephen.  
7 You said here that you do not recall any such order.  
8 I just wondered whether you could help us at all with  
9 whether that recollection has changed, or whether there  
10 was any order given from above about the treatment of  
11 detainees in relation to that ditch?

12 A. Not what I can remember. Not what I can remember at  
13 all.

14 And even I learnt something today, what "wetting"  
15 was. I didn't even know what the terminology "wetting"  
16 was. I thought wetting actually was the putting of  
17 the water over the person's face. That's what I thought  
18 wetting was up to half an hour ago when someone else  
19 says it was something different from that. Yes.

20 So, no, I can't remember any orders about -- I'm  
21 saying again, that would be normal common sense, moral  
22 compass, that's wrong.

23 Q. Thank you.

24 Well, just to, again, help with us this, Opus, would  
25 you mind turning up {A/133/5}, please. Thank you.

1 Now, SO81, this is a statement you gave in 2014.

2 I'd just ask you to have a quick read of that paragraph,  
3 second one down, beginning:

4 "My impression of the OC ..."

5 A. How far down is that?

6 Q. It's the fourth line down the page, and it starts:

7 "My impression ..."

8 DAME ANNE RAFFERTY: Mr Judd, just give me the page ref  
9 again.

10 MR JUDD: Of course, Dame Anne. It's {A/133/1}.

11 DAME ANNE RAFFERTY: Oh, 133. Thank you. Yes.

12 MR JUDD: That's right. Sorry if I wasn't speaking clearly  
13 enough.

14 DAME ANNE RAFFERTY: That's okay.

15 (Pause)

16 MR JUDD: Have you had a chance to read that, SO81?

17 A. Yes, I have, yes.

18 Q. Thank you. Just to clarify really whether, given that  
19 comment there, you have a recollection of such an order  
20 or direction being given by the OC or by anyone else?

21 A. I -- I don't. I mean, so the difference between these,  
22 so the statement there is 2014, the other statement was  
23 another nine years later, whatever it was, and then  
24 the incident happened. But, no, I don't. I don't. But  
25 I'm sure, if the order had come from Battalion to

1 the OC, then he would have made that clear, and I don't  
2 think he would have had to have been told that. If  
3 the OC had any inkling, or the man that I know had any  
4 inkling that things like that had happened, then he  
5 would have gave that order out, yes? I mean, without  
6 a doubt, without a heartbeat, he would have gave that  
7 order out of, "This -- this must stop". And  
8 the sergeant major as well. I mean, although I never  
9 got on well with the sergeant major, I am sure  
10 the sergeant major -- if the sergeant major knew that  
11 things like that were going on, he wouldn't have  
12 tolerated it. Never.

13 Q. Thank you. That's really helpful.

14 This might be something you can't recall, but if  
15 there was such an order given, can you help us at all  
16 with how it might have been disseminated down the chain  
17 of command?

18 A. Yes, we would have our nightly O Groups, but I think, if  
19 it was something specific like that, then the OC would  
20 have got us in for an extraordinary. So on gathering,  
21 depending what time of day he found out or he was told,  
22 but it would have been quickly dealt with, yes, be it at  
23 the nightly briefing, or else he might have had an  
24 extraordinary, he might have put a "Charlie Charlie"  
25 call out on the radios, I don't know, but it would have

1        been done swiftly, knowing the -- knowing the  
2        individual.

3        Q. Thank you.

4            And again, this is something which might be beyond  
5        your experience, but thinking again about that order  
6        which may have come from the OC to stop detainees being  
7        put in the stream near Camp Stephen, can you recollect  
8        how information like that may have made its way up  
9        the chain of command so that he was aware of it?

10        A. I'm not too sure. It would either be jungle drums, it  
11        would -- it would be other NCOs directly informing him.

12        I don't know.

13        Q. Okay, thank you.

14            And if we could just go back to {A/61/4}, please,  
15        Opus.

16            I'm just going back to your statement very briefly,  
17        SO81.

18        Thank you.

19            At the bottom of the page there, paragraph 23, you  
20        were asked about what you understood "wetting" to mean,  
21        and you've told us today that it's something which is  
22        a term you weren't familiar in 2003 and it's only later  
23        on that it's become something which you could attach  
24        a description to.

25            You understood it here to mean putting a sandbag

1 over someone's face and then pouring water over them.

2 If we were using that description of "wetting" that  
3 we're using in this investigation, so placing a detainee  
4 into any body of water, can you recall any incidents  
5 like that? So the broader category, not just  
6 the sandbag on the face and then water.

7 A. No, no. Something like that, if that had been seen by  
8 me or any other senior NCOs, or even a senior Jock had  
9 actually seen that, a private soldier, people would be  
10 talking about it, people would be questioning it,  
11 people's moral compass would be saying something  
12 about it, but no recollection of that at all.

13 MR JUDD: Thank you. Well, thank you, SO81. You've been  
14 incredibly helpful.

15 I'll just check with Dame Anne that there are no  
16 further questions before turning to the other  
17 representatives.

18 DAME ANNE RAFFERTY: Not from me.

19 And thank you, SO81. I'll come back right at the  
20 end and thank you again, but no, no questions following  
21 up from me.

22 MR JUDD: Thank you.

23 Just to go through the representatives,  
24 Ms Al Qurnawi and those in the Grand Millennium, do you  
25 have any questions you would like to put through



1 the team?

2 If you are responding, I think you might be on mute.

3 MS AL QURNAWI: Yes, hi, sorry. No questions from our side.

4 Thank you.

5 MR JUDD: Thank you.

6 Ms Vyvyan-Robinson, any questions?

7 MS AL QURNAWI: Sorry, did you hear us?

8 MS VYVYAN-ROBINSON: No, thank you. We did. We did hear.

9 MR JUDD: And Mr Foley, any questions you'd like to put

10 through the team?

11 MR FOLEY: No, no questions from me.

12 MR JUDD: Thank you.

13 And Mr Berlow, via Mr Hamilton, any questions you'd

14 like to put through the team?

15 MR HAMILTON: No, none at all. Thank you.

16 MR JUDD: Thank you.

17 And Mr Cherry?

18 MR CHERRY: No, thank you.

19 MR JUDD: Thank you.

20 Well, thank you again, SO81.

21 DAME ANNE RAFFERTY: Right.

22 SO81, I know perfectly well, because I was listening

23 at the beginning, that you could have done with

24 the run-up to this being considerably smoother, couldn't

25 we all. The team would have liked you to have had what

1 you ended up with a great deal earlier. So you get  
2 triple thanks from me, (a) for turning up, (b) for  
3 having made so many efforts along the way in your  
4 statements, and (c) for bearing with the intense  
5 pressure of last-minute information. Will you accept  
6 those thanks genuinely from me, SO81, please?

7 A. Yes. Yes, I would. But I would also like to extend my  
8 condolences to the family, big time, because the family  
9 have obviously been through a lot. But we also need to  
10 remember what our fellow soldiers and veterans have been  
11 through as well, and this has been a long time coming,  
12 and even to get to this day has cost a lot of people  
13 a lot of stress. I'm not saying it's not worth it,  
14 because for the family I'm sure it's worth it, every  
15 single bit of it, and it will hopefully give them some  
16 peace of mind or some sort of information, but I hope at  
17 some stage these constant trials/investigations will end  
18 at some point, because, sadly, there are some people who  
19 are not here today, and who have passed quite recently,  
20 who were there at Camp Stephen, and that person probably  
21 went to his grave thinking about this, and it's time to  
22 go forward rather than back.

23 DAME ANNE RAFFERTY: All noted. All noted.

24 Thank you, SO81. We can let you go now.

25 A. Thank you.

1 (The witness withdrew)

2 DAME ANNE RAFFERTY: Right, let's ask Ms Jackson. Natasha,  
3 for the interpreters and the transcribers, is this  
4 a good time to have a 15-minute break? What do you  
5 think?

6 MS JACKSON: Absolutely agreed.

7 Opus, perhaps if we can come back at 11.35.

8 THE VIRTUAL HEARING MANAGER: Yes, I'll open the breakout  
9 room now.

10 DAME ANNE RAFFERTY: We'll see you all at 25 to the hour.  
11 11.35 then. Thank you.

12 (11.22 am)

13 (A short break)

14 (11.35 am)

15 DAME ANNE RAFFERTY: So, Ms Jackson, I think you're going to  
16 call for us SO95.

17 MS JACKSON: I am indeed. Thank you, Dame Anne.

18 SO95 (called)

19 Introduction by MS JACKSON

20 MS JACKSON: SO95, can you hear me?

21 A. Yes, I have got you clearly.

22 Q. Thank you. Can I just check first whether you've got  
23 a copy of the cipher list with you?

24 A. I do, yes.

25 Q. Excellent. We're off to a good start then. Can I just

1 get you to confirm, then, that you are the person  
2 ciphered as SO95 on that list?

3 A. I am, yes.

4 Q. Wonderful.

5 Opus, I'm just going to ask if you could bring up  
6 {A/81/1}.

7 We should have a statement that you've given to  
8 the IFI, to these Investigations. And Opus, if we could  
9 turn to page 15, please {A/81/15}, there's a redacted  
10 signature, a name, and the date there is 30 March 2023.

11 Can I just check if this is a statement that you've  
12 given for these investigations?

13 A. Yes, I believe it is.

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

16 A. No, I don't think so, thank you.

17 Q. Thank you. And also, can I check whether you've got  
18 the bundle, the initial disclosure bundle to hand that  
19 you were sent before preparing this statement?

20 A. Yes, yes, I have.

21 Q. And so in there you should have copies of the three  
22 accounts you've given previously from 2023, 2012 and  
23 2017; is that correct?

24 A. That is correct, yes.

25 Q. Excellent. And you had copies of all of those to hand

1 when preparing the statement for us?

2 A. Yes.

3 MS JACKSON: Excellent. Thank you very much, SO95. I'm now  
4 going to pass you back to Dame Anne, who's got some  
5 questions, and then I'll probably ask you some following  
6 that, if that's okay?

7 A. Yes, absolutely.

8 MS JACKSON: Thank you.

9 Questions from DAME ANNE RAFFERTY

10 DAME ANNE RAFFERTY: Good morning, SO95.

11 A. Ma'am, good morning.

12 DAME ANNE RAFFERTY: Just let me check. It sounds as though  
13 you can hear me. Can you hear me loud and clear?

14 A. Yes, I can.

15 DAME ANNE RAFFERTY: And are you burdened with me on screen?

16 A. Yes, I can see you on screen, ma'am, yes.

17 DAME ANNE RAFFERTY: What an elegant answer. Thank you.

18 Let me remind you, I doubt it will arise, but let me  
19 say it to you because I say it to all the witnesses,  
20 I can't see you, so I've got no visual cues on whether  
21 something isn't going well from your point of view or  
22 it's creating problems, so I need you to tell me if  
23 there are any wrinkles in the silk. Would you mind  
24 doing that?

25 A. Of course, ma'am. Not a problem, thank you.

1 DAME ANNE RAFFERTY: All right.

2 For a start, thank you for coming. Thank you for  
3 all the efforts you've made so far. Thank you for all  
4 the thinking that you have done to compile your  
5 statements. We are really genuinely grateful. And  
6 you know from your experience that the point of this  
7 Inquiry is not to do any adversarial pushing and  
8 pulling, we're here because I stand a better chance of  
9 understanding, if I listen to you and we together tease  
10 out anything else you can remember. What I am not here  
11 to do, and what nobody will do, is try and trip you up  
12 or set any traps, and I'm not interested in fiddling  
13 around in the absolutely minute detail of what you can  
14 remember.

15 So I hope, (a) that makes sense, does it?

16 A. Yes. Yes, it does, ma'am.

17 Q. And (b) does it suit? Are you happy with that method of  
18 proceeding?

19 A. Yes.

20 DAME ANNE RAFFERTY: Good. As the saying goes, let us  
21 begin.

22 Give us an outline, if you would, SO95, of your  
23 military career. I don't need the Is dotted and the Ts  
24 crossed, I need a paragraph on, you know: SO95, where  
25 I started and where I quit.

1 A. Okay. So I joined the -- well, I started Sandhurst  
2 in [REDACTED] commissioned into the Black Watch in 2000, went  
3 to Kosovo in 2001, Iraq in 2003 and 2004, Northern  
4 Ireland in 2005 I think, Afghanistan in 2006,  
5 Afghanistan again in 2011 as a company commander. I  
6 left the regular Army in 2015 having been an instructor  
7 on the captains' warfare course, [REDACTED]  
8 [REDACTED]  
9 [REDACTED] That is SO95 up to  
10 date in terms of military experience.

11 DAME ANNE RAFFERTY: Excellent, thank you.

12 So now think of SO95 in 2003.

13 A. Mm-hm.

14 DAME ANNE RAFFERTY: Give me a similarly well-ordered, if  
15 you wouldn't mind, paragraph on your role in 2003.

16 A. Yes, so -- so like -- so like SO81, my sort of journey  
17 to Iraq in 2003 was -- was not in the same vein as  
18 the rest of the Battalion. So I'd been serving at  
19 Catterick in late 2002, and then, as I recall, we joined  
20 the Battalion in early 2003, went through some of  
21 the training package, deployed out to Iraq as  
22 second-in-command of Fire Support Company, which was  
23 unusual. You don't usually have a second-in-command in  
24 a Fire Support Company, given its nature.

25 I then was in effect -- you'll see, I think, there

1 are some questions about company ops officer and  
2 second-in-command. When we finished the war-fighting  
3 phase and went into the ground-holding phase, so  
4 the peace support element of the operation, I became  
5 the company ops officer for the majority of the tour.  
6 And then about a month before the end of the tour,  
7 I took over as the Mortar Platoon commander for about  
8 a month to increase my experience of patrolling and  
9 operations.

10 And SO88 felt that was a good use of my time in  
11 terms of experience, because I think what would be  
12 useful to understand is that I -- although I was  
13 a company second-in-command, I was actually junior, in  
14 terms of time served, to all of the other platoon  
15 commanders in the -- in the Company, who were probably  
16 my senior by about a year to 18 months, possibly two  
17 years.

18 DAME ANNE RAFFERTY: Well, that saved me a direct question  
19 which you anticipated for me, thank you. Because as you  
20 know, we've heard from SO88, and I would have asked you  
21 what your recollection was.

22 I'll just pick up one little thing for you so I know  
23 I've got a good note of what your evidence amounts to,  
24 and I know in your 2012 statement you said you were in  
25 the 2IC ops officer post by 8 May. So that's consistent



1 with what you've just been telling me; is that right?

2 A. I think so. I couldn't be utterly sure of the time, but

3 I think, if that is the date in question where one of

4 the detainees died, then yes, that's correct.

5 DAME ANNE RAFFERTY: Thank you. And at any stage we can  
6 throw up your statement on the screen, if you want.

7 Then in one of your other statements, 2017, you said  
8 after 8 May you swapped roles. I just wonder, please  
9 tell me if you don't know, can you get any further with  
10 how long after 8 May?

11 A. I couldn't -- I couldn't tell you with any great degree  
12 of accuracy, I'm afraid.

13 DAME ANNE RAFFERTY: I'd much rather you told me that.

14 Thank you. I don't want you to guess, thinking you're  
15 trying to help me. I'd rather hear an honest answer.

16 A. Okay.

17 DAME ANNE RAFFERTY: Right, so put yourself now back into  
18 Camp Stephen for me, if you will. I want you to tell me  
19 what you made of the culture. Describe it for me. You  
20 were an experienced man by then. What was the culture  
21 at Camp Stephen?

22 A. Well, actually, I'd say that in 2003 I was pretty  
23 inexperienced, but ...

24 DAME ANNE RAFFERTY: Sorry, all right. Careless question,  
25 well caught out. You are now an experienced man and

1 used to assessing culture. So retrospectively apply  
2 that and tell me your view.

3 A. Yes, ma'am. Sorry, I didn't fully pick up on the nuance  
4 of the question --

5 DAME ANNE RAFFERTY: You didn't pick up on it because  
6 I asked it clumsily. So well done on sorting that out  
7 for me. Off you go.

8 A. Thank you. So I think I'd sort of split it down into  
9 a couple of areas. If we look at command culture, that  
10 would be the first thing, I think, to look at, and I'd  
11 say that the command culture, so SO88's style of command  
12 was he led from the front, he was action-centred, he  
13 liked to get things done, he liked to be on the front  
14 foot. And, as I recall, the issues around looting that  
15 we heard described by, I think it was SO81 and SO86,  
16 that he wanted to be ahead of that and to tackle it, and  
17 I'll come on to why that was important later, if you'd  
18 like me to.

19 DAME ANNE RAFFERTY: We will like you to, and you do it any  
20 time you like. Do you want to do it now?

21 A. Okay, let's do it now. So why was it important?  
22 Because I think the -- and when I say tone of  
23 the questioning, I don't mean that in a negative way.  
24 The tone of the questioning seems to me to have been  
25 asking, you know, why would you continually go out into

1 Basra and do operations to counter looting, which would  
2 involve taking looters and detainees and bringing them  
3 back into camp, if you knew that there was no chance  
4 that those individuals were going to be detained  
5 further, or there would be due legal process, which  
6 would then, you know, see them charged with -- with  
7 looting?

8 Predominantly it was to demonstrate, in my opinion,  
9 to the Baswaris, that we were doing something about  
10 the looting and taking it seriously. I think, and this  
11 is [redacted] --

12 MS JACKSON: Can we cut the feed, please.

13 DAME ANNE RAFFERTY: Stop, SO95. We've just got a little  
14 technical matter to deal with.

15 THE VIRTUAL HEARING MANAGER: I have cut the feed now.

16 MS JACKSON: Sorry, SO95. There was a cipher slip-up.

17 I think it was only in respect of -- well, I won't say  
18 that.

19 So Jamie, can you let us know when we're ready to  
20 continue.

21 THE VIRTUAL HEARING MANAGER: Yes, just give me a moment.

22 I'm going to wait a few more seconds and then I'll  
23 recommence the stream, but rest assured 60 seconds has  
24 been cut from where we were. I'll advise you when to  
25 recommence. One moment, please.

1 MS JACKSON: So sorry to interrupt, but it's nice to know  
2 that our safeguards are working.

3 (Pause)

4 THE VIRTUAL HEARING MANAGER: The stream is up and running  
5 again live.

6 DAME ANNE RAFFERTY: Thank you.

7 So, SO95, you were helping us with one particular  
8 topic.

9 A. Yes. So we were talking about looting. Where do you  
10 want me to start from?

11 DAME ANNE RAFFERTY: Start from -- you'd given us a good  
12 description of the attitude of mind of SO88.

13 A. Yes.

14 DAME ANNE RAFFERTY: And you said some of the tone of  
15 the questions that had been fielded was: why were you  
16 bothering doing all this stuff about detainees and  
17 looting? Carry on from there.

18 A. Yes. So I think it was important to demonstrate to  
19 the Baswaris that we were taking the issue of looting  
20 seriously, because it was, from my recollection and  
21 interactions that I had with the Iraqis, that they were  
22 horrified predominantly at the state of the looting in  
23 Basra, which they felt had been a pretty ordered place,  
24 and it was, I think, disappointing to see the descent  
25 into chaos. And I think that we were -- well, I don't

1 think; we were. We were on the back foot when it came  
2 to the looting.

3 And so therefore I think -- well, I don't think --  
4 SO88 would have been keen to have addressed that as  
5 a situation, as would the Battle Group commander and  
6 indeed the Brigade commander. So that is why we were  
7 doing what we were doing.

8 So the culture, in terms of command, was  
9 action-centred, SO88 led by example, he was out and  
10 about on the ground involved in operations, and he also  
11 -- I would describe him as a good leader in that he had  
12 a strong moral compass, he was seized of doing the right  
13 thing, and he was also approachable. So you could  
14 approach him with issues and problems and know that you  
15 would get a fair hearing, and he also listened to  
16 advice. So in terms of the culture of the -- of  
17 command, I assess that to have been good.

18 The culture of the camp in itself, I think,  
19 generally speaking, morale was good. We had lost  
20 Corporal Stephen in the war-fighting phase of  
21 the operation, which I think had impacted on some  
22 people's perspectives and views. I think they were very  
23 sad to have lost a friend. I think there was some guilt  
24 associated with that too. And the -- and people were  
25 generally professional in the way that they conducted

1 their business.

2 I think there was a frustration with respect to  
3 the looting. I think -- I don't think it, I know it,  
4 I lived it, there was a frustration with some of the way  
5 in which the interim administration in Iraq was running  
6 things in terms of the edicts that meant that there was  
7 no ex-Ba'athists allowed to be part of the running of  
8 the country. Paul Bremer's edict about allowing people  
9 to be armed, not paying the Army, for instance. So that  
10 all made life very difficult, and I certainly felt that  
11 to be frustrating.

12 Whether that transmitted itself down to the level of  
13 private soldier, I couldn't tell you. But I do think  
14 the issue as alluded to by SO81 with respect to looting  
15 and the ineffectiveness of the methods that we were able  
16 to employ with respect to looters certainly frustrated  
17 the soldiers. I think they felt that they were being --  
18 they were unable to do their job. I think we'd all  
19 felt, perhaps somewhat naively, that we'd come to Iraq  
20 to do the right thing and to help Iraq out, and I think  
21 at that stage we were just starting to see  
22 the frustrations of trying to run a country on  
23 a shoestring, as bequeathed to us by our political  
24 masters.

25 Sorry, that's sort of me getting on my soapbox.

1 I didn't mean to.

2 So I said three parts of culture. So there's  
3 the command culture, the actual culture within  
4 the soldiers themselves, and then we've talked about --  
5 and forgive me, because I can't remember the cipher  
6 name, so if you just bear with me, I shall go to it.

7 (Pause)

8 Please bear with me, sorry.

9 DAME ANNE RAFFERTY: We will. You take your time.

10 A. Yes, so SO101 ...

11 DAME ANNE RAFFERTY: The CSM?

12 A. Correct, yes. So, you know, like SO81, I might not have  
13 personally got on with him at all times, I found him in  
14 the main to be professional, to, again, get things done,  
15 and to have a -- to have a good grip and understanding  
16 of what was going on in the camp. And my -- my view,  
17 from what I saw of his dealings with detainees, was that  
18 he was above board and looked to address any  
19 ill-treatment of -- of detainees.

20 And I can give you an example of that, which  
21 I imagine you probably want. In the two previous  
22 witnesses, you've heard about a big operation that we  
23 did in what was called the wood and metal factory, which  
24 was just to the -- I think to the south of Al Hayaniya,  
25 which was a part of Iraq. And we had gone there to

1        disrupt the looting of the metal, predominantly, from  
2        that location, and we brought back quite a lot of  
3        detainees from that. And I can recall a soldier --  
4        I don't know who it was -- grabbing a detainee by  
5        the hair, and the company sergeant major being very,  
6        very robust and very swift in articulating that was not  
7        how we were to treat detainees. It was very public, it  
8        was very quick, and, you know, I was certainly in no  
9        doubt that he was on top of his game with respect to --  
10       with respect to that sort of thing.

11       I hope that gives you a good --

12       DAME ANNE RAFFERTY: May I interrupt you just for a moment?

13       Was it also, insofar as you could assess it, very  
14       effective?

15       A. Yes, I think so.

16       DAME ANNE RAFFERTY: I interrupted you. Do go on.

17       A. Yes, so I think that sort of -- that covers the --

18       I think that covers the culture. You know, good command  
19       culture, predominantly professional, but, you know, with  
20       frustration with respect to our inability to control  
21       the situation vis-à-vis looting.

22       DAME ANNE RAFFERTY: Thank you.

23       Now looking back, using the benefit of your then and  
24       subsequent experience, how would you assess Camp Stephen  
25       in comparison to other military environments in which



1 you'd been, on a sort of ratings/rankings?

2 A. It's a really -- it's a really good question, ma'am.

3 I think top level stuff, good. I think, again, in  
4 hindsight, we were probably -- we were very naive when  
5 it came to some of the proceedings and what have you  
6 with respect to prisoner handling. You know, as I've  
7 been going back through the statements and what have  
8 you, I think what we have learned on subsequent  
9 operations, and indeed probably relearned from  
10 Northern Ireland and the Balkans, you know, we probably  
11 could have applied. So I think -- I think the will to  
12 do right and execute that properly was there.

13 Did we have the necessary procedures and -- what's  
14 the word I'm looking for -- assurance for what we were  
15 doing? No, probably not. And so, you know, I think  
16 that that would be my reflection.

17 DAME ANNE RAFFERTY: And once the war ended and the soldiers  
18 went into post-war phase --

19 A. Mm-hm.

20 DAME ANNE RAFFERTY: -- did you spot any change in approach  
21 or atmosphere in Camp Stephen?

22 A. I'd use the word "think", because it's think and assess  
23 rather than know, and especially now at 20-odd years  
24 distance. I -- I imagine that there would have been,  
25 and that there would have been to some extent relief.

1 And I also can't remember whether we were in  
2 Camp Stephen before the war officially ended, before  
3 combat operations officially ended, or not, but I think  
4 there was definitely a knowledge that, you know, we were  
5 out of the war-fighting phase, so therefore the approach  
6 would be -- would need to be slightly different, insofar  
7 as we were now, I suppose, probably you'd call it peace  
8 support operations rather than -- rather than  
9 war-fighting.

10 DAME ANNE RAFFERTY: That sounds -- tell me if this is an  
11 inapt phrase -- as though you're describing a not  
12 unexpected change of mindset?

13 A. It's -- ma'am, it's an easy thing to say, it's a harder  
14 thing -- it's a harder thing to do and engage. Because  
15 I think -- I think certainly the change in mindset would  
16 not have been something that would have happened  
17 overnight, I think that would have --

18 DAME ANNE RAFFERTY: Ah, let me help you. Let me help you.

19 A. Yes.

20 DAME ANNE RAFFERTY: I wasn't suggesting that a change of  
21 mindset snapped into action or was acted upon at all.  
22 What I'm after is it sounded, to me at least, as though  
23 what you were describing is: post-war phase now, we must  
24 think differently.

25 And my next question, which I think you've probably

1 begun to answer, is did that happen?

2 A. Yes, I think it did, ma'am.

3 DAME ANNE RAFFERTY: Unpick that a bit for us. Unpick that  
4 a bit.

5 A. So certainly I certainly remember a greater need to  
6 engage with the local population and to -- what would  
7 now be sort of seen as key leader engagement, where we  
8 were trying to engage with people in the community  
9 around us in our part of Basra that were important, that  
10 could give us information about how we might do our  
11 business better, sort of understanding the --  
12 understanding the needs and the wants of the population  
13 and how we might -- how we might approach that.

14 And I think SO81 described it really well, you know,  
15 when he was answering your question. There was  
16 a triangle, really, of water, fuel and electricity that  
17 needed to be maintained in order to keep Basra running,  
18 because without -- without water, obviously people  
19 couldn't drink, but without electricity, and therefore  
20 the fuel that drove that, you couldn't purify the water  
21 and you couldn't have, you know, the basic amenities.

22 And I think -- I don't think; I'm pretty sure that  
23 the Baswaris were pretty frustrated by our inability to  
24 provide those things, because we -- we de facto became  
25 the civil power. But, you know ...

1 DAME ANNE RAFFERTY: You've spoken about contact with  
2 civilians. The soldiers, did they often interact with  
3 civilians? What sort of interaction did they have?

4 A. Yes, I mean -- well, so from the -- from the -- I'll  
5 give you three examples. So example 1 is that quite  
6 close to Camp Stephen there was a school, and one day  
7 the children came and protested outside the camp because  
8 they didn't have enough materials to do learning. So  
9 that was one interaction, which was actually pretty  
10 positive. There were interactions in terms of, as I've  
11 described, the bigger operations in capturing some of  
12 the looters, or deterring the looters. And then there  
13 were just normal day-to-day interactions where you would  
14 patrol and you would talk to people, you know, try and  
15 have a conversation with people.

16 And we also had other tasks like, for instance,  
17 there was an order that came down that said if someone  
18 was living in a house that they didn't have  
19 the paperwork for, then we were to in effect serve an  
20 eviction notice on them. So you had these sort of  
21 interactions as well.

22 So everything from the really positive to the sort  
23 of higher end house searches and operations to deter  
24 looting, you know. But every -- every soldier would be  
25 expected to interact in some way, shape or form with

1 the local population, because you -- you get more  
2 information that way than if it's just the commander.

3 So everybody would be sort of expected to interact.

4 DAME ANNE RAFFERTY: And there on the ground at  
5 the coalface, when the soldiers were interacting,  
6 remembering then, but it's a question I'm going to ask  
7 you about all ranks, were they encouraged to use  
8 initiative when they were trying to maintain law and  
9 order?

10 A. Yes, I think -- I think so, because you can't -- you  
11 can't do it all yourself. I mean the sort of -- sort of  
12 SO88 couldn't do it all himself. So yes, we would have  
13 been encouraged to use initiative and address issues on  
14 the ground when we saw them.

15 DAME ANNE RAFFERTY: Okay.

16 Right, back to you particularly. Did you feel  
17 well-prepared for the role you took in Basra?

18 A. In hindsight, no, I didn't.

19 DAME ANNE RAFFERTY: Okay. What were the deficiencies?

20 A. I think -- and, again, SO81 covered this to some extent  
21 -- my recollection is that the training that we had was  
22 predominantly focused on war-fighting, and so therefore  
23 it was about manoeuvring armour, about casualty  
24 extraction, you know, moving kit and equipment for  
25 the sorts of things that enable combat operations.

1 DAME ANNE RAFFERTY: Nuts and bolts? Nuts and bolts, in  
2 other words?

3 A. Yes, the nuts and bolts. Genuinely, ma'am, actual nuts  
4 and bolts.

5 DAME ANNE RAFFERTY: Ah, yes.

6 A. And there was no -- I don't recall having sat down with  
7 SO88 or the company sergeant major or the other platoon  
8 commanders and discussed, prior to the war, what -- what  
9 we were going to do in the aftermath. And I think we  
10 were surprised that, one, I think, that it ended so  
11 quickly, our combat operations; and two, then that we  
12 were it in terms of the peace support element. Because  
13 I think as I said in my statement, I don't think that  
14 has ever happened before, that you had the combat force  
15 then move in to be the -- in to be the peace support  
16 force.

17 Now, since then, you know, as -- as the situation in  
18 the world has changed, you know, that's been an  
19 expectation. But the level of training that we have  
20 had, certainly going back again to Iraq in 2004, was  
21 better, and to Afghanistan, again much better, sort of  
22 giving you much more to draw on in terms of dealing with  
23 the population, dealing with -- dealing with detainees,  
24 and much, much more -- but I suppose they're much more  
25 mature theatres, and I suppose the Army is more mature

1 in its approach, by which I mean it has learned --

2 DAME ANNE RAFFERTY: It's learned.

3 A. -- since 2003.

4 DAME ANNE RAFFERTY: So I am hearing, and in fact you said

5 it in one of your statements. I'll show it to you if

6 you like, but you probably won't need it, it's {A/81/2}.

7 You wrote certainly no possibility of you having

8 training on how to maintain law and order, and you've

9 dealt with that for us, how to prevent looting:

10 "... and neither did we receive any training on the

11 use of restraint techniques for detainees as [distinct]

12 from [prisoners of war]."

13 So you've dealt with maintaining law and order and

14 prevent looting. But I'm interested now in the third

15 part of that comment that you made: no training on use

16 of restraint techniques for detainees as opposed to

17 POWs.

18 For a start, what should have been the difference?

19 What should you have been trained in, if you can do it?

20 A. Well, so, the PWs, as distinguished from detainees,

21 clearly PWs are combatants, and therefore are protected

22 by the Geneva Convention, and the rules and regulations

23 with respect to that are pretty -- are pretty clear. So

24 we'd taken quite a few PWs in the initial phase of

25 the operation -- I think about 30 or so -- and

1 the detainees were not -- well, to the best of any  
2 knowledge, anyway, were not combatants, they were  
3 civilians. And therefore dealing with civilians,  
4 you know, as I now -- as I now know, and there would  
5 have been some experience within the Battle Group  
6 because of Northern Ireland, requires a very different  
7 approach insofar as, you know, they are -- they're --  
8 you are in effect acting as a police force, and so  
9 therefore the niceties of law and order, as sort of laid  
10 down by the understanding of the police force, is what  
11 you should -- is what you should do.

12 In places like Northern Ireland, and certainly  
13 latterly when I'd gone to Afghanistan, you would look --  
14 and in Kosovo, you would hand them over to an  
15 established police force to deal with, because you don't  
16 want to be dealing with detainees, because it is a -- it  
17 is a difficult and nuanced subject, and therefore,  
18 you know, you arrest and detain somebody as a soldier as  
19 -- in the most part as the last resort. But obviously  
20 in Iraq, in 2003, there was no police force and it was  
21 us, and there was the moral duty, I think we felt, to  
22 try and get the situation under control with respect to  
23 looting, and I rather sense that's what the Baswaris  
24 wanted as well. So that's why I made a distinction.

25 Sorry, ma'am.



1 DAME ANNE RAFFERTY: No, no, please don't apologise.

2 Let me pick up and see if you can flesh out -- you  
3 might not be able to, bear that in mind -- one aspect of  
4 what you have just seen saying. So inevitable  
5 frustration you've already dealt with for us by  
6 the troops' inability to deal with looting, save by  
7 a little bit of cosmetic here and a little bit of  
8 cosmetic there, which I understand to be your position.

9 But the general feeling of frustration. I wonder if  
10 you can get that translated for us into how it fed into  
11 the troops' treatment of detainees or looters. So we've  
12 got the general feeling of frustration. Can you get it  
13 translated into how, therefore, the looters and  
14 detainees were treated as a consequence?

15 A. I -- I don't -- my -- and, again, it's my recollection,  
16 and I wasn't omnipresent, and I know that's not what  
17 you're suggesting -- is that people were frustrated, but  
18 I think people were generally professional in the way  
19 they -- in the way they behaved. And, you know, some of  
20 the evidence that I saw earlier on today in terms of --  
21 I can't remember the evidence number -- was, you know,  
22 describing the treatment of detainees in a way that was  
23 bad is not something -- is not something I recognise.  
24 I can't say it didn't happen, because I didn't see it,  
25 but I don't sense that it -- I don't sense that it made

1 its way into behaviours such as wetting. And like  
2 the other people you've previously spoken to, it's not  
3 a -- it's not a term that I was familiar with until --  
4 until this last round of interviews.

5 And, you know, was there times when people were  
6 overly robust with people, à la what I mentioned earlier  
7 on with the hair-pulling? Yes, I think there was. But  
8 my sense was that that was -- that was dealt with  
9 relatively quickly by the company sergeant major. And  
10 therefore, from what I know of SO88 and the company  
11 sergeant major, I think if they had been aware of  
12 mistreatment, they would have dealt with it and would  
13 have spoken to the individuals concerned.

14 DAME ANNE RAFFERTY: Right. Think now, if you will, for me,  
15 in the context of the death of Mr Radhi Nama.

16 A. Mm-hm.

17 DAME ANNE RAFFERTY: And you've already told us -- you can  
18 have it on the screen, if you like, it's {A/81/8} --  
19 what you said. So the mindset of people picked up by  
20 Iraqi forces under Saddam was they wouldn't be coming  
21 back, so something horrible was likely. So arguably, in  
22 your view, Mr Nama was under an inordinate amount of  
23 stress, and you weren't really sure that the British  
24 military understood that well enough at the time, but  
25 that's a conclusion you've reached as you look back, not

1 based on what you thought then. And again you spell it  
2 out:

3 "... [you] thought after the event that we added to  
4 all these factors."

5 So I wonder if you can unpick for me a little: you  
6 wonder now, with the benefit of hindsight, whether  
7 the British military added to all those factors. Can  
8 you flesh that out at all?

9 A. Yes, of course, ma'am. So what I -- what I mean is that  
10 -- so I will unpack it as best I understand  
11 the situation on the day. So we'd gone to Mr Nama's  
12 house for -- not to pick him up, but I think it was his  
13 son who it was alleged had been conducting some pretty  
14 untoward activity. So we went there. The call sign on  
15 the ground picked him up.

16 As I recall, and I may be wrong, I think he came  
17 back in a Warrior, and a Warrior is an armoured vehicle  
18 that seats seven people in the back. It is very hot in  
19 Iraq, and also it gets very cold when it's cold, but,  
20 you know, it's a metal box, so therefore the environment  
21 inside it is what it is outside. So if I remember  
22 correctly, if he'd gone into the back of the Warrior,  
23 one, it would have been dark, it would have been noisy,  
24 it would have been exceptionally hot, and it's quite  
25 vibrating -- there's quite a lot of vibration.

1           So the amount of both mental stress that he would  
2           have been under, because, you know, as I alluded to, if  
3           you were picked up from Al Hayaniya by the Iraqi  
4           security forces, there's probably a pretty good chance  
5           you weren't coming back. So he's under that sort of  
6           stress. And he's under environmental stress as well, in  
7           terms of coming back in this -- in this vehicle.

8           And so therefore, when you aggregate those two  
9           things together, you know, he's already under an  
10          inordinate amount of stress even before he's come to  
11          Camp Stephen. And that's what I mean, is you're looking  
12          back with the benefit of hindsight. And as I recall, he  
13          was -- he was older. I don't know how much older, but  
14          you know, I would hazard a guess, probably in his 60s.  
15          And bear in mind I didn't actually ever physically see  
16          him, so you have to treat that with a degree of caution.

17          You know, I should have -- I look back at it and  
18          think, actually -- and this comes back, doesn't it, to  
19          this situation about training. You know, it would have  
20          been probably sort of worth thinking about how we were  
21          transporting that individual, given the temperature and  
22          the other -- the other environmental situation.

23          And that's what I mean. You know, that's what  
24          I mean about when you sort of sit it back and look at it  
25          forensically and think, gosh, you know, how would we do

1 that differently? I think we wouldn't put him in a box  
2 on wheels.

3 DAME ANNE RAFFERTY: A hot vibrating box on wheels.

4 A. Correct, ma'am, yes, exactly.

5 DAME ANNE RAFFERTY: Thank you.

6 Just do some definitions for me so I understand  
7 exactly how you're using the words. "Detainees", does  
8 that mean civilian?

9 A. Yes, ma'am.

10 DAME ANNE RAFFERTY: Okay.

11 A. So somebody that's not -- somebody that's not a prisoner  
12 of war.

13 DAME ANNE RAFFERTY: Okay. And a detainee might be  
14 restrained, a PW might be restrained. What's  
15 the difference in the technique?

16 A. I imagine that there is no difference in terms of  
17 the restraining used insofar as, if the individual is  
18 a threat to themselves or to other people, then they  
19 need to be restrained. The difference between a PW and  
20 a detainee is with a PW you're looking to preserve  
21 a thing called shock of capture; with a detainee you're  
22 not looking to preserve -- or you're not looking to gain  
23 shock of capture or indeed preserve it because they're  
24 not a combatant.

25 DAME ANNE RAFFERTY: Thank you.

1           And, again, go back into post-war, so you're now in  
2 peace support. Did any difference in the treatment of  
3 detainee, compare and contrast PW when we think about  
4 restraint, alter? Did the difference alter as you went  
5 into post-war?

6    A. I -- I think it must have done. I mean, I think,  
7       you know, I'd sort of echo what SO81 said, you know, in  
8       that the best place to start off with all of this is  
9       a human being. And I'll give you -- if you'll indulge  
10      me, I'll give you an example.

11       So I remember, because I was put in charge of taking  
12      some prisoners of war back from -- I can't remember  
13      where it was, it was sort of outside Az Zubayr. And  
14      there was about 30 people on the back of a -- back of  
15      a truck, me and three soldiers, and I can remember  
16      a sort of really conflicting set of emotions. Emotion 1  
17      was being nervous myself and understanding that I had 30  
18      people who, if they took it into their minds, would  
19      overwhelm me very, very quickly, and so therefore was  
20      gruff and unapproachable in my dealing with the people.  
21      But at the same time, viewing them as fried human beings  
22      who I felt quite a lot of sympathy with.

23       And, you know, I think it is possible to have those  
24      two conflicting emotions in one person. I think that,  
25      as we sort of fast-forward that into Basra in 2003, post

1 the war-fighting phase, I think there's an understanding  
2 that -- well, certainly I understood that we were  
3 dealing with either criminals or suspected criminals in  
4 terms of detainees and soldiers in the terms of PWs.

5 So, you know, I think, again, it would have been  
6 useful if there had been a mechanism to properly charge  
7 and to hand detainees over to an authority that could  
8 properly deal with them, rather than a group of soldiers  
9 who, despite their best endeavours, were -- you know, it  
10 was a cottage industry, and we were doing the best that  
11 we could in spite of a lack of training and in spite of  
12 the ability to be able to process those individuals  
13 beyond what SO81 said.

14 DAME ANNE RAFFERTY: Helpful, thank you.

15 I've got one last question, which it may well be you  
16 have already dealt with, but just as an abundance of  
17 caution, I know you said -- it's {A/81/9} -- I doubt you  
18 need it on the screen -- in the past that your  
19 perspective -- "our perspective", you said:

20 "... was the looters deserved to be punished and  
21 should be locked up and due process ... but this didn't  
22 translate into killing people."

23 A. Correct.

24 DAME ANNE RAFFERTY: I just want you to pick up "punished"  
25 for me. What does that mean? Hence you will see why

1 I said you may have already dealt with this.

2 A. No, I understand the question.

3 I think, to use your expression with an earlier  
4 witness, you know, when I say do as you would be done  
5 by, what I don't mean is violence is visited upon  
6 people. What I mean is that if you are -- if you are  
7 caught looting, that a commensurate punishment is  
8 awarded for that crime, you know? And what everybody  
9 really wanted -- what I certainly wanted -- was an  
10 ability for the Royal Military Police to take them off  
11 our hands and to detain them for a period of time that  
12 had a salutary effect on the individuals and, more  
13 importantly, demonstrated to the rest of Basra society  
14 that --

15 DAME ANNE RAFFERTY: Preserving society was as important, in  
16 many ways, as the individual.

17 A. Exactly, yes.

18 DAME ANNE RAFFERTY: Thank you very much. I'm going to ask  
19 Ms Jackson to take over some questioning. You'll just  
20 get a little return visit from me at the end, but thank  
21 you, SO95.

22 Questions from MS JACKSON

23 MS JACKSON: Thank you very much, Dame Anne. And thank you,  
24 SO95.

25 If it's okay with you, I want to ask you first some



1 questions about detention at Camp Stephen generally, and  
2 then I'll have some questions about the death of  
3 Radhi Nama in particular.

4 Just so you know, long breaks are coming and so on,  
5 we'll aim to take the lunch break at 1 pm for around an  
6 hour. It may be that a convenient time to break comes  
7 a little bit either side of that, but we will be taking  
8 a break at some point, if that's okay, and finish your  
9 evidence off this afternoon.

10 A. Yes.

11 Q. Thank you.

12 So first, Opus, could I ask you to take up -- turn  
13 up, rather, {A/81/3}.

14 This is in your statement, SO95, and I'm looking at  
15 paragraph 7. I just wanted to ask you first some  
16 questions, just to clarify what your role was in  
17 particular at Camp Stephen in relation to detainees.

18 At paragraph 7 you describe your role in relation to  
19 detainees at Camp Stephen as "very limited", and then  
20 you carry on to set out -- apologies, I'm jumping ahead  
21 of myself.

22 So you describe your role as "very limited", and  
23 I just was hoping you could explain a little bit more as  
24 to whether you had any input whatsoever in the setting  
25 of process and procedure in relation to detainees at

1 Camp Stephen?

2 A. So I'll answer that question in two parts, if I may.

3 So, no, I didn't, or not that I recall. But in  
4 hindsight, and this goes back to an earlier answer that  
5 I gave with respect to our processes and procedures  
6 being naive, I think that, you know, in hindsight, we  
7 should have sat down -- well, we should have had  
8 probably a set of standard operating instructions from  
9 Battle Group -- I can't recall ever having seen them,  
10 that doesn't mean to say they didn't exist -- that we  
11 then applied in terms of the process of that, and that,  
12 as company second-in-command, I should have had  
13 oversight of it.

14 Q. Thank you --

15 A. And my --

16 Q. Carry on.

17 A. No, I was going to say my sense -- my sense is, and this  
18 sort of comes back to naivety and relative inexperience  
19 in 2003, is that I think the company sergeant major had  
20 taken on quite a lot of that, and at the time that felt  
21 to be right and proper, because I had no reason to, and  
22 have not had reason to since, feel that he wasn't, with  
23 respect to detainees, anything other than professional.

24 Q. Thank you, that's very helpful.

25 And you mentioned there that you couldn't recall

1 having a standard operating procedure. Maybe I can pick  
2 that up now, and if we can turn over the page, Opus, and  
3 look at paragraph 13 {A/81/4}. So this is your  
4 statement to us still, and you do say there:

5 "I couldn't say that there was a Standard Operating  
6 Procedure ... for processing detainees."

7 With that in mind, if we could just go up to just  
8 the previous page, to paragraph 10 of your statement  
9 {A/81/3}, you say here:

10 "I cannot remember the process and procedures for  
11 processing detainees ..."

12 And, as you've just told us there:

13 "... I suspect that it would have been dealt with by  
14 the CSM."

15 What I'm just hoping to understand -- and maybe you  
16 can explain a bit more for me -- is whether it's your  
17 evidence that there were process and procedures,  
18 however, you can't recall them, and they weren't written  
19 down, or is it more that there were not really processes  
20 and procedures? Where do we stand on the scale?

21 A. I'm sorry, this is going to be a really -- the worst  
22 kind of answer, but I sense it's a bit of both. So  
23 I think there was -- there would have been some form of  
24 procedure. I can't -- I just -- you know, having been  
25 in the Army for 20-odd years now, I just can't --

1 you know, we love a good procedure. I just can't  
2 believe that there wouldn't have been a procedure  
3 for it.

4 How good that procedure was and how well assured it  
5 was is open to point. And so that's what I mean about,  
6 you know, yes, but no. So I'm sure there was  
7 a procedure. I don't recall what it was. Was it  
8 adequate? In hindsight, probably not.

9 Q. Thank you. No, that's very helpful. And I'm just going  
10 to draw out a distinction that was following off a point  
11 raised on behalf of the families by Ms Al Qurnawi  
12 yesterday to another witness, and that distinction that  
13 she drew out was a distinction between kind of what  
14 happened in terms of the processing and arrival of  
15 detainees and what might happen in the event of an  
16 incident or death. I appreciate that I'm -- the answer  
17 you have given is relatively limited on how far I can  
18 push this, but do you have any differentiation that you  
19 can draw if we look first at whether there were  
20 processes in relation to the reporting of incidents and  
21 deaths in the event that something bad did happen?

22 A. I'm going to -- there must have been. And, you know,  
23 I'm -- what I can recall, and I can't remember who it  
24 was, I can remember being in the ops room and one of  
25 the -- I think it might have been SO98 coming in and

1 saying, "The detainee that we have got has just died",  
2 and thinking, you know, one, "Crumbs, I wasn't expecting  
3 that", and two, if you'd excuse me, "Oh shit". Because  
4 that's the last thing that anybody wanted, both for  
5 the individual and for ourselves.

6 Then I'm pretty sure what we would have done then is  
7 to have reported that up the chain of command. Because,  
8 you know, irrespective -- and it sort of goes back to  
9 what SO81 said, you know, irrespective of how much  
10 training you do or don't have, you know that people  
11 dying in custody is not a good thing, and it is not  
12 something you wish to happen. And especially in  
13 the case of Mr Nama, who was simply in for questioning,  
14 that is really ... you know, there is no justice in  
15 that. I'm not saying we'd taken the law into our own  
16 hands, but I'm just saying, you know, he was in for  
17 a pretty minor thing and we needed to ask him some  
18 questions, and that, you know, nobody wanted him to die.

19 Sorry, I'm getting away from what you were asking.

20 So the -- you know, I'm pretty sure that our medic  
21 had a look at Mr Nama, I think probably to ascertain  
22 whether he was dead. I can't remember whether  
23 the regimental medical officer came down to look at him.  
24 I do recall that I think SO88 felt that the best thing  
25 to do was to take him to the international hospital and

1 to hand his body over to there. I think the rationale  
2 was in order to ensure that his body was placed under  
3 the correct supervisory care and put into a morgue,  
4 you know --

5 Q. Thank you --

6 A. -- we didn't have an ability to deal with him.

7 Q. I'm sorry to interrupt you. I don't want to cut across  
8 you, but we will come back to exactly what happened in  
9 Radhi Nama's case in a bit, if that's okay.

10 A. Of course.

11 Q. At the moment, I am just trying to get a clear picture  
12 of what things were in the overview picture, as it were,  
13 so what processes and procedures Camp Stephen had in  
14 place, and then we can come back to look at what  
15 happened with Radhi Nama.

16 A. Again, I can't -- I can't -- so just to be clear,  
17 I can't recall specific procedures. I think, as I said,  
18 you know, there must have been some, and, you know,  
19 I think I'd leave it at that.

20 Q. No, that's very helpful. Thank you very much.

21 And you did just mention reporting up the chain of  
22 command.

23 A. Mm-hm.

24 Q. Are you just able to clarify what that reporting chain  
25 would look like? Who would it be that you would report

1 to?

2 A. Yes, so the Battle Group Headquarters, which was  
3 the Battalion Headquarters, in effect, would -- was our  
4 immediate chain of command, so that -- they would have  
5 had -- I think they had four Companies under command,  
6 each with different sectors of Basra, and we, as  
7 the Companies, would report up to the Battle Group, and  
8 the Battle Group to the Brigade.

9 So the radio net is manned both at the Company level  
10 and the Battle Group level by a radio operator, ie  
11 the person what does most of the routine traffic, and  
12 the watch keeper, generally an officer or senior NCO who  
13 deals with and makes decisions on behalf of  
14 the commander, or fetches the commander if those  
15 decisions or issues are outwith their experience or  
16 ability to deal with.

17 So when I say "the Battle Group", I'm not  
18 necessarily saying that I radioed the commanding  
19 officer. What I mean is I radioed that operations room  
20 and imparted that information, which I imagine --  
21 I imagine would have made its way quickly to  
22 the commanding officer.

23 Q. Thank you, that's helpful.

24 And, again, just for clarity, if you are radioing up  
25 the chain of command, what are the circumstances, with

1 respect of detainees, that that would be appropriate or  
2 necessary, in your view? So would he be radioing up as  
3 soon as detainees arrived at Camp Stephen?

4 A. Yes, I imagine -- well, you know, something like that,  
5 when you know you need to track people, yes, that is  
6 something that you would get up. Now, if that is seen  
7 as routine business, it would go up in a situation  
8 report, or a SITREP, which we sort of tend to -- I can't  
9 remember how often we sent them, but, you know, once  
10 every hour, or on a significant change. Something like  
11 a death in custody would have been reported quickly,  
12 because that is out of the ordinary and has serious  
13 consequences.

14 Q. Thank you.

15 And do I understand correctly that it's your  
16 evidence that in terms of circumstances where there has  
17 been an incident with a detainee or a death in custody,  
18 it would only be to that chain of command that you would  
19 report, and you would not have to report to the RMP  
20 directly?

21 A. I don't think so, no, because you would -- you would  
22 report -- so I -- I can't remember if at that time we  
23 had RMP attached. I think we might have done. But the  
24 way it would work is you would send the initial report  
25 to Battle Group Headquarters. They would then compile



1 a subsequent report. You know, let's just call it an  
2 incident report, for want of a better term, an INCREP.  
3 So they would put an INCREP together. They would then  
4 send that to the Brigade, and that would go to  
5 the relevant cell in the Brigade, who would give advice  
6 or seek further information, and that G1  
7 discipline/policing element would then come through  
8 the Brigade, is my recollection of how it should work.

9 Q. Thank you, that's helpful.

10 And I'm just going to ask, following on from that  
11 discussion about the RMP, ask Opus if we can go back to  
12 page -- I know we're on page 3 already, but can we zoom  
13 in on paragraph 8, please {A/81/3}.

14 A. I'm zooming in.

15 Q. I think Opus should be able to help us here. Thank you,  
16 Opus.

17 So what you say there, just starting -- I think it's  
18 quite near the top, but the it's the third sentence  
19 which is the last one:

20 "If an operation were intelligence led, the specific  
21 purpose might be to apprehend and detain a specific  
22 individual, on other occasions and at other times a  
23 patrol might be on the ground and pick up someone  
24 looting and bring them back to camp to be processed to  
25 be processed by the RMP with the hope that they would be

1 arrested and face justice for looting (this rarely  
2 happened)."

3 Now, you've helpfully explained to Dame Anne quite  
4 a lot of the wider circumstances in relation to concerns  
5 about looting and the capacity on the ground to deal  
6 with that.

7 I was just picking up here on the reference to being  
8 processed by the RMP. Are you just able to explain that  
9 a bit more? Because it suggests potentially that  
10 the RMP were at the camp, on one reading of that  
11 sentence.

12 A. Yes. So my recollection is that as the operation  
13 progressed, ie that we were in Basra, we got attached  
14 RMP. I can't remember at what point they came, but  
15 again my recollection, and again, forgive me, because  
16 some time has passed, is that we would bring the people  
17 in, they would be processed by whatever process we had  
18 in place, and then the sort of -- I think that there was  
19 then a -- the RMP would then look at the evidence and  
20 then make a decision as to what -- to what happened to  
21 those individuals.

22 And again, I imagine that the amount of time that  
23 individuals were retained for was probably laid down in  
24 a procedure that you -- you know, I can't recall having  
25 people, and indeed the PW area was set up as -- it

1 wasn't suitable for keeping people for great lengths of  
2 time. So -- so, yes, that's what I meant by that, is  
3 that they would -- we'd come in, do the process, and  
4 then they'd -- then once we'd done our initial process  
5 of them into the -- into the PW cage, as it were, that  
6 there was an RMP element into that. But I can't  
7 remember how often and at what point that started.

8 Q. Thank you. And I think that answers the questions I was  
9 going to ask about paragraph 16, but if Opus could just  
10 pull that up as well {A/81/5}.

11 You say here:

12 "Once the detainees had been processed it would be  
13 up to [Battle Group Headquarters] and the  
14 Royal Military Police ... whether they were moved on or  
15 released. The decision came from [Battle Group  
16 Headquarters], but we had embedded RWPs with us who  
17 would also have a say in how to deal with looters and  
18 make decisions (in hindsight they should have been  
19 advising the chain of command at the time ...) -- "

20 THE VIRTUAL HEARING MANAGER: Apologies, Ms Jackson, it's  
21 Jamie Dalton here. I have been asked by the interpreter  
22 if you wouldn't mind slowing down, please.

23 MS JACKSON: I'm sorry. I had said I would and I haven't.  
24 I'll start that again. But hopefully, as the document  
25 is on the screen, she can see it. So:

1 "Once the detainees had been processed it would be  
2 up to [Battle Group Headquarters] and the  
3 Royal Military Police ... whether they were moved on or  
4 released. The decision came from [Battle Group  
5 Headquarters], but we had embedded RWPs with us who  
6 would also have a say in how to deal with looters and  
7 make decisions (in hindsight they should have been  
8 advising the chain of command at the time it felt like  
9 they were making decisions)."

10 So as I said, I think that follows on from what you  
11 were explaining about the RMP attachment, but I was  
12 hoping you could explain to me what that last bit in  
13 brackets meant in your evidence.

14 A. Yes, of course I can.

15 So in effect, you would get attached subject matter  
16 experts to your Company or your Battle Group  
17 Headquarters, be that a Royal Engineer or a Royal  
18 Military Police officer or a doctor, and ultimately, it  
19 is the commander who owns the risk and so therefore owns  
20 the decision to be made. The -- the order,  
21 the executive decision is vested in the commanding  
22 officer or in the OC, and I -- and, again, this is with  
23 the benefit of 20 years' more experience, is that  
24 I think we should have been getting the RMP to advise  
25 and then making decisions, rather than -- and this is my

1 own -- my own recollection of how I interacted with  
2 the RMP, not necessarily SO88's interaction with  
3 the RMP, is that I think I would have liked to have  
4 sought advice from them and then made decisions.

5 This is sort of when I'm -- this is when I had  
6 swapped roles, so that I was then a platoon commander,  
7 to have then had their advice as to what I was going to  
8 do and what I would suggest to the OC we should do with  
9 a detainee, rather than have them say. For instance --  
10 and it's amazing how things stick in your mind -- I can  
11 remember picking a man up at the oil refinery who was  
12 covered in oil, with a tin of oil in his hand, by a hole  
13 in the fence, and the RMP saying to me, "Sorry, that's  
14 just circumstantial evidence". And that's what I mean.

15 I think I would have pressed harder to have had that  
16 individual charged and taken to Battle Group  
17 Headquarters for onward -- for sort of onward  
18 processing. So that's what -- I hope that makes sense.  
19 Sorry, that was quite a long-winded answer, but I hope  
20 -- I hope that makes sense.

21 Q. No, that's incredibly helpful. Thank you for  
22 clarifying.

23 So I'd just like to ask some questions now focused  
24 on the conditions for detainees at Camp Stephen, if  
25 that's okay, and what happened when they were there.

1           So just firstly, if I could take you to paragraph 14  
2           of your statement, which is at {A/81/4} of the document.  
3           You refer there to the EPW area. And rather than me  
4           read this out, I wonder if it's just worth taking  
5           a second to remind yourself what you said there.

6           (Pause)

7           A. Yes.

8           Q. Thank you.

9           And I don't think we need to look at it, but you  
10          were describing in paragraph 11 of your statement, just  
11          a little bit before that, a holding area where detainees  
12          would be held on arrival at Camp Stephen. Just firstly,  
13          is that holding area the same as the EPW area that  
14          you're talking about at paragraph 14?

15          A. Yes, I believe they are, yes, one and the same place.

16          Q. Thank you very much.

17          And Opus, am I able to just ask you to turn up  
18          {A/4/13}, please.

19          Now, SO95, just for some context, we have in this  
20          exhibit, we've got 17 photographs taken in and around  
21          Camp Stephen. Yesterday, on Day 1 of our evidence,  
22          the team was greatly assisted by witnesses who talked us  
23          through the pack of photographs. Having done that  
24          exercise, hopefully we can short-circuit it a little  
25          bit. But if you would like to look through the entire

1 pack of photographs, then I'm very happy to take you  
2 through all of them. But perhaps if I start by taking  
3 you to a couple that we think are the most relevant and,  
4 over the lunch break, if you've got any views on  
5 anything else, I can ask you to take a look and come  
6 back to me. Is that okay?

7 A. Of course.

8 Q. So on this photograph, you might just be able to make  
9 out at the back in the centre -- the back of  
10 the photograph -- in the centre of the photograph,  
11 the back of that field that we can see, someone has  
12 drawn on an arrow and has written "EPW" by that arrow,  
13 and we understand that's someone indicating a spot that  
14 the EPW area was located. Are you able to have a look  
15 at this photo and tell me if you can point out where  
16 the EPW area you were describing in paragraph 14 was?

17 A. So I think -- so if you look at the tree which is front  
18 and centre of that photograph, and then look 3 o'clock,  
19 there looks like there's a road there. I think that  
20 road is the main road exiting out of the camp, and  
21 therefore that does suggest that the EPW cage is as  
22 I recalled it, on the left-hand side as you exit  
23 the camp, as it's drawn on there. So that is my  
24 recollection of where it is, yes.

25 But I -- I clearly remember, and I don't know if

1 it's because it's obscured by the tree, but I'm sure  
2 that there was some form of shading over it and a tent,  
3 but as I said, I can't see it in that picture.

4 Q. No. Thank you, SO95.

5 I'm just going to ask Opus if you could bring up  
6 the page before, {A/4/12}.

7 And just in relation to your comment about a tent,  
8 it might be that this picture is a bit clearer.

9 I wonder if that helps your recollection?

10 A. Mm.

11 Q. It might not.

12 A. I mean, yes, so I can -- I can now clearly see, again  
13 using the tree as a reference point, at 1 o'clock there  
14 is a gap. That looks to me to be the exit. And then --  
15 but on the wall -- so if you -- so using -- if we go  
16 12 o'clock of the tree, there's a slab that the EPW cage  
17 appears to have been in front of. If you look, there is  
18 a -- it looks like there is -- at the last quarter of  
19 the wall, it looks like there is a line that runs down  
20 it, and then it looks like there's then an outline of  
21 something over the top of that wall. I think that could  
22 be the -- that could be the camouflage net.

23 Q. Okay, thank you. No, that's very helpful.

24 DAME ANNE RAFFERTY: I've got my hand up because I'd like to  
25 interrupt.



1 MS JACKSON: Oh, I'm so sorry, Dame Anne. Back to you.

2 DAME ANNE RAFFERTY: No, no, not at all.

3 SO95, I'm struggling a bit, because I am inept, with

4 your last bit. So could you bear to do it again for me?

5 A. Of course, ma'am, yes.

6 DAME ANNE RAFFERTY: Start with 12 o'clock of the tree, and

7 then I got lost. I've got the tree.

8 A. If you go 12 o'clock of the tree and then go -- there's

9 a wall behind the tree at 12 o'clock. If you follow

10 the top of the wall -- okay, let me -- I'll use

11 a different reference point.

12 DAME ANNE RAFFERTY: I'm standing where the cameraman is,

13 and I'm going to throw a ball over the tree so that will

14 land at 12 o'clock?

15 A. Yes, so --

16 DAME ANNE RAFFERTY: Or am I throwing the ball so it stands

17 this side of the tree?

18 A. Ma'am, I'll use a different reference point.

19 DAME ANNE RAFFERTY: Can you use an idiot's reference point

20 and then we'll get somewhere.

21 A. Go to the road, follow the road down, and there's

22 a yellow box.

23 DAME ANNE RAFFERTY: Yes.

24 A. At the base of the yellow box it looks like there's

25 a bit of white paving that moves off into the far

1 distance to what looks like a row of toilets.

2 DAME ANNE RAFFERTY: Yes, got it.

3 A. See where the wall intersects that?

4 DAME ANNE RAFFERTY: Yes.

5 A. Okay. Now move along the wall to the left --

6 DAME ANNE RAFFERTY: Yes.

7 A. -- about a centimetre, I suppose, on this here.

8 DAME ANNE RAFFERTY: Yes.

9 A. There's a black line that runs down --

10 DAME ANNE RAFFERTY: Got it.

11 A. -- the wall.

12 DAME ANNE RAFFERTY: Yes, got it.

13 A. Towards the base of the black line --

14 DAME ANNE RAFFERTY: Yes.

15 A. -- there is a faint mark on the wall that runs up sort

16 of roughly diagonally as a triangle. I think that's

17 possibly the cam net that I was referring to.

18 DAME ANNE RAFFERTY: Ah, got it. Got it. You obviously

19 have a second career as a teacher of twits. Well done.

20 Thank you.

21 A. Not at all, ma'am.

22 DAME ANNE RAFFERTY: Okay, thank you very much.

23 MS JACKSON: Thank you, Dame Anne, and thank you SO95.

24 So I'll leave the photos for now. As I said, if,

25 when you get the chance to have a look through the whole

1 exhibit, there is anything else you want to add, do come  
2 back to me.

3 Just one more question about the layout of  
4 the EPW area. A couple of other witnesses have  
5 suggested to us that there was an area outside of  
6 the camo tent with tables and chairs for asking some  
7 detainees some questions on arrival. Does that match  
8 your recollection?

9 A. Yes, it does. I think -- I think -- sorry, but I think  
10 there's a danger of conflating two things here. And,  
11 again, forgive me, because this is quite a lot of detail  
12 a long time afterwards.

13 I think there was an area that we used to use for  
14 people for what we called "walk-ins". So if somebody  
15 walked in with some information, where we would have  
16 people and we would talk to them and we'd, you know, in  
17 effect interview them with an interpreter. I think that  
18 was separate to the EPW area. So I think there were two  
19 areas. One for walk-ins, for people that we wanted to  
20 talk to who weren't under suspicion of anything, and  
21 then a detention area where we had people who were being  
22 detained because they were under suspicion of something.

23 Q. Thank you, that's a very helpful distinction.

24 And then just a couple of questions now, and then  
25 we'll take a lunch break, about what would happen when

1 detainees came into Camp Stephen, and these should be  
2 quite targeted, I hope, because we do have your full  
3 statement. But at paragraph 11 of your statement -- so  
4 Opus, just for reference, if we can bring up {A/81/4} --  
5 you probably don't need to see it to answer this  
6 question, but I'll pop it there anyway -- you were  
7 explaining to us that a medic would be called when  
8 detainees arrived at Camp Stephen. And I think I'm  
9 asking you particularly in your ops officer role here,  
10 because I understand that you would sometimes be in  
11 the watch room for that, how was it that the medic would  
12 be summoned on arrival of detainees?

13 A. That's a really good question. I -- I can't -- I can't  
14 remember. I'm really sorry.

15 Q. That's quite all right. Thank you anyway.

16 And then if, Opus, can we go across to paragraphs 20  
17 to 21 at page 5 {A/81/5}. And I will read these out,  
18 just because I think that will be helpful context for  
19 the questions. And Madam Interpreter, I will endeavour  
20 to do so slowly.

21 At paragraph 20:

22 "Detainees would sometimes be questioned at  
23 Camp Stephen. I think that the CSM was one tactical  
24 questioner and [redacted] was another."

25 I think that redaction is SO89.

1 "I think the routine followed was that they would be  
2 questioned and then moved on to [Battle Group  
3 Headquarters]. I can't comment on when they would be  
4 questioned but we were just trying to gather  
5 intelligence."

6 Paragraph 21:

7 "In terms of 'tactical questioning' the aim was to  
8 try to get initial information from the detainees while  
9 they were still under the 'shock of capture'. It was  
10 therefore a fairly limited process. There would have  
11 been a JSP (Joint Service Publication) outlining what  
12 could be done, but this has changed over time with  
13 the lessons of the last 20 years. At the time I think  
14 understanding was much more limited, but ultimately we  
15 were trying to extract as much information as possible  
16 while the detainees were still in a state of shock.  
17 I am aware that tactical questioning was carried out, by  
18 whoever the tactical questioners were."

19 So my first question to you relates to evidence you  
20 gave to Dame Anne earlier, and that relates to  
21 the distinction that you drew between prisoners of war  
22 and also those who were detained during a period of war,  
23 and the position after the war-fighting phase had ended.

24 So I was wondering, first, could you just  
25 contextualise these paragraphs for me. Are you talking

1 here about the May 2003 period that we're looking at?

2 A. Yes, thank you. So, yes, I mean, I think I must have  
3 got that wrong, you know. I -- I don't think ... When I  
4 say that, you know, I suppose, again, with hindsight,  
5 looking at it, you know, the answer that I gave  
6 Dame Anne I suppose is very much in retrospect of what  
7 I -- of what I now know, whereas the answer that I have  
8 given there I suspect is probably more in line with what  
9 we did then.

10 Now, I am surprised that I have conflated  
11 the detainees piece with the shock of capture, because  
12 I just -- it -- what that would suggest to me, and I'm  
13 making some assumptions here, is that we hadn't fully  
14 transitioned, therefore, from war-fighting to peace  
15 support in terms of how we dealt with detainees.

16 I -- yes, I'm -- you know, I'm surprised that I put  
17 that, but I clearly did, and it was the stuff that  
18 I gave most recently, too.

19 So, yes in terms of it being limited process. I'd  
20 question myself in terms of "shock of capture". I'm not  
21 really convinced about that. But I suppose it goes to  
22 that midpoint, doesn't it, in that paragraph 21, which  
23 is the lessons learned over the last 20 years.

24 I think people were -- well, I don't think it;  
25 people were questioned in order to gain information, and

1 that information would then have been fed up to build  
2 the intelligence picture.

3 Does that help? Sorry, that's not a very good  
4 answer.

5 Q. No, that is really helpful. And I do have some  
6 follow-up questions, and in doing so I would remind you  
7 of what Dame Anne has already made very clear, that we  
8 are here for investigative purposes, so this isn't meant  
9 to be me challenging you in an adversarial way, but we  
10 do need to clarify what your evidence is on this point.

11 So can I just be clear, firstly, then, putting aside  
12 what was happening in May 2003 specifically, in general,  
13 during your time at Camp Stephen, were you aware that  
14 tactical questioning was taking place at the camp?

15 A. So, yes, but the reason why I'm reticent, I -- I think  
16 probably calling it "tactical questioning" is under ...  
17 you know, and what a specific definition of "tactical  
18 questioning" would be is, I don't think it was tactical  
19 questioning, in hindsight. I think it was general  
20 questioning of people by our tactical questioners who,  
21 by dint of having done the course, were the subject  
22 matter experts in the camp, and so therefore they asked  
23 some questions of people that we had detained.

24 Q. Thank you. And you just said there something to do with  
25 what the tactical questioning definition would be. Are

1 you able to clarify for me what that definition is?

2 A. No, I --

3 Q. Not in terms of a matter of law, just in terms of your  
4 understanding.

5 A. So I would suggest that tactical questioning is  
6 something that you -- you do, which is a quick initial  
7 questioning of an individual to gain information, or  
8 information that would decay over time.

9 So for instance, if you had captured an enemy  
10 soldier at the front, you'd get him back to the tactical  
11 questioner for as much information to be extracted from  
12 that individual as possible to assist the next phase of  
13 the operation, before that then -- that individual then  
14 goes back for further processing, and that is in  
15 a fairly fluid war-fighting setting.

16 In a situation where the flow of the pattern of  
17 life, if you will, is not moving as quickly, whilst you  
18 might question somebody, there's not necessarily that --  
19 there's not necessarily that tactical urgency that you  
20 might have on the battlefield. That's not to say that  
21 covers all examples, but it is -- you know, I would say  
22 that you've probably got more time to question people,  
23 and therefore it's perhaps a slightly less frenetic  
24 activity.

25 But again, you know, we didn't really have



1 the capability and wherewithal to conduct anything other  
2 than, you know, cursory questioning in our -- in our  
3 location.

4 Q. Thank you, that's helpful.

5 And in a second I'll summarise to you what SO98 said  
6 to us yesterday about tactical questioning, because it  
7 might be that that helpfully accords with what you just  
8 suggested.

9 But just before I do, I wanted to clarify that  
10 the tactical questioning that you're talking about now,  
11 that you have described as getting a bit more  
12 information, maybe away from the scene of capture, if  
13 I'm not mischaracterising your explanation.

14 In your view, did individuals need to be trained in  
15 order to conduct that type of questioning?

16 A. Yes, and I think so, and the why is twofold. One is  
17 getting information out of people, and reliable  
18 information out of people, is a skill. And two,  
19 actually, it's part -- and I say I would imagine -- this  
20 is, again, in hindsight, it is part of the assurance  
21 process that somebody who is qualified to ask  
22 the questions of the individual is asking those  
23 questions, because then it assures that process.

24 Q. Thank you, that's helpful.

25 So I said I'd refer back to what SO98 told us

1 yesterday, and I'm paraphrasing here, because we don't  
2 yet have the transcripts available to circulate, but he  
3 described a distinction between questioning of tactical  
4 importance in order to get basic information from  
5 a detainee and get an appreciation of whether they  
6 needed to be detained further, on one hand. And put  
7 "tactical questioning" as a kind of in inverted commas  
8 phrase, and more of a term of art phrase as something  
9 that was used to denote a much more -- I think he used  
10 the word "rough" form of questioning.

11 Does that distinction assist you at all?

12 A. Just say again the bit about "art", please.

13 Q. Sorry, I said as a term of art, as in SO98 considered  
14 that there was something called tactical questioning  
15 that was a term of art, and it was a specific thing that  
16 individuals might need to be -- that individuals who  
17 conducted it would need to be trained for. And this  
18 form of tactical questioning, as a phrase and as  
19 a practice, was a more aggressive and rough form of  
20 questioning that was quite different to the asking  
21 questions of tactical importance that he also referred  
22 to.

23 A. I think -- yes, I think SO98's put that really well,  
24 actually. So I think, you know, the tactical  
25 questioning bit, as he describes it, is -- you know,

1 that is where you are in the moment, having captured  
2 somebody, asking, you know, for information, preserving  
3 shock of capture, etc, again, which is why people need  
4 to be trained. And then asking questions of tactical  
5 importance, which is sort of what I was alluding to, not  
6 as eloquently as SO98, in terms of getting information  
7 when the tactical situation was perhaps less frenetic.

8 Q. Thank you.

9 And just a small number of questions still on this  
10 topic and then we'll get some lunch, but you referred  
11 a moment ago to information being taken through  
12 the questioning that would happen at Camp Stephen that  
13 would be intelligence-related information. I was hoping  
14 you could just clarify what you meant by that for me.

15 A. Of course I can. So what I mean -- and I'm not sort of  
16 trying to be smart here -- is that information and  
17 intelligence are slightly different things, insofar as  
18 intelligence is collated and assessed information that  
19 then helps to form the intelligence picture, right?  
20 Information is just that, it's raw knowledge that has  
21 come straight off the -- from people or situations.

22 And so therefore what you're looking to try to do is  
23 to build your intelligence picture to increase your  
24 knowledge and understanding of the matter in which  
25 you're operating. And therefore, by talking to people

1 on patrols, you're taking information that then  
2 hopefully you corroborate and turn into intelligence.  
3 From people that you've be detained, you're again taking  
4 information, again to try to form it into intelligence.

5 And that and the assessments should then get passed  
6 up to the Battle Group Headquarters to, again, collate  
7 information across the whole Battle Group area of  
8 operations, so that you are getting the best picture you  
9 can of what's going on in your patch, and therefore  
10 react -- to react accordingly.

11 Does that help?

12 Q. No, no, that's very helpful, thank you.

13 Just in terms of then specifically the type of  
14 questioning that would happen at Camp Stephen, is it  
15 your understanding then that if detainees were being  
16 held at Camp Stephen, they would be asked questions for  
17 the purposes of trying to establish intelligence beyond  
18 simply information?

19 A. Yes, I think -- I think so. Because, you know, if you  
20 -- I think our view probably was if you got them there,  
21 you might as well ask them some questions in order to be  
22 able to try and better understand your environment.

23 Q. Thank you.

24 And what I think will be the final question, but  
25 I'll check with the team just before leaving this topic.

1 Following on from that, if there was a civilian being  
2 held at Camp Stephen, was there any differentiation in  
3 terms of the type of questions that could be asked for  
4 the purposes of information or intelligence, depending  
5 on the status of that civilian. So whether they were  
6 a detainee, whether they were a looter who had been  
7 picked up at the -- you know, out of sight, with some  
8 led on their donkey. Was there any kind of mapping of  
9 the reason why someone was at Camp Stephen to the type  
10 of questions that they could be asked?

11 A. I -- I don't know. I think there would have been to  
12 some extent, but, one, that is "think", not "know".  
13 And, two, whilst I think there may have been some of  
14 that level of sophistication, I also suspect that some  
15 of the questions were not merely nuanced enough in terms  
16 of, you know, what we now know was probably taking place  
17 on the ground in the -- in the sort of period between,  
18 you know, the end of combat operations and us handing  
19 over to the Queen's Lancashires.

20 Yes. I'd like to tell you that it was highly  
21 nuanced, but I doubt -- I doubt it was. I think --  
22 I think, again, people had the right idea how nuanced  
23 that was. I don't know, and you're probably better off  
24 speaking to -- well, yes, the -- the company IO would  
25 give you a better understanding of what -- of what that

1 was.

2 Q. Thank you. No, that's incredibly helpful.

3 Just -- I did want to say I am conscious that I'm  
4 asking you, and that your role at the time was  
5 second-in-command in the -- and as ops officer, and we  
6 will be speaking to SO89 tomorrow. It was more because  
7 these were paragraphs within your statement that you've  
8 given to us, and I just wanted to ensure that we could  
9 clarify what your own evidence was. I'm not trying to  
10 ask you to give evidence beyond what your expertise was,  
11 as it were. I hope that's clear.

12 A. Yes.

13 Q. I don't have any further questions on this topic. Can  
14 I just check, firstly, with the team, whether anyone  
15 does? Thank you.

16 Well, I'll pass back to Dame Anne now, in case she  
17 has any more questions.

18 DAME ANNE RAFFERTY: No, but thank you. And thank you,  
19 SO95.

20 I think a break for lunch now -- oh, right, yes?

21 MR HAMILTON: Thank you very much for allowing me  
22 the opportunity. There was one matter that's arisen  
23 from Ms Jackson's line of questioning there.

24 DAME ANNE RAFFERTY: Can I get you to pause. Can I just get  
25 you to pause. Not to be discourteous, but what we would

1 generally do is pick this up at the end of the witness's  
2 complete evidence. So if it suits you, can you bear it  
3 in mind so we can make a note of it, and you've got  
4 a note of it, and when we come at the end to  
5 representatives having the opportunity to ask if we will  
6 ask something, we'll do it then. Does that bother you?

7 MR HAMILTON: No, it doesn't bother me, Dame Anne. I just  
8 thought it would have been -- you know, just to  
9 highlight it just now. But I can certainly -- I've made  
10 a note of that, and we can come back to it at the end of  
11 questioning. Thank you very much.

12 DAME ANNE RAFFERTY: I am ever adaptable. Tell me what it  
13 is. Tell me what it is and let's see how we go. Come  
14 on, let's have it.

15 MR HAMILTON: Okay. It was during SO95's evidence there,  
16 Ms Jackson asked questions with regard to the detainees  
17 being questioned, and it reflects to paragraph 20 of  
18 SO95's statement, I think it was {A/81/5}, where  
19 the detainees were questioned by the CSM and one other,  
20 which was redacted, and she referred to that  
21 being "SO89". I wanted to confirm if that was indeed  
22 SO89 or it's thought to be SO89.

23 MS JACKSON: Apologies, I can help on that. And thank you  
24 very much, Mr Hamilton, for raising that.

25 For context, we had hoped that the redactions would

1 come back with ciphers applied. As Dame Anne has  
2 already indicated at the start of the hearing,  
3 the redactions process has been a lengthy one, and one  
4 that's out of our hands, so apologies for that. I can  
5 confirm that is SO89. And SO89, I understand, is one of  
6 your clients.

7 MR HAMILTON: That is correct.

8 MS JACKSON: We will be speaking to him tomorrow. But  
9 please do rest assured that, as for all other witnesses,  
10 we will give SO89 the full opportunity to consider  
11 matters that are being put to him during the course of  
12 his evidence, and so I hope that that doesn't cause any  
13 scope for concern for him.

14 MR HAMILTON: No, that's lovely. Thanks. I just wanted to  
15 confirm that. Thank you.

16 MS JACKSON: Thank you, Mr Hamilton.

17 DAME ANNE RAFFERTY: Good of you to persevere. Apt to ask  
18 it now. Thank you.

19 MR HAMILTON: Thank you, Dame Anne.

20 DAME ANNE RAFFERTY: No, not at all.

21 So let's call it 1.10 now. Shall we all come back  
22 for a 2.10 prompt start? Can we do that? Good.  
23 Silence is consent.

24 Thank you all very much. I'll see you at 2.10.

25 (1.11 pm)



1 (The short adjournment)

2 (2.10 am)

3 THE VIRTUAL HEARING MANAGER: We have everybody back,  
4 Dame Anne.

5 DAME ANNE RAFFERTY: Good, I'm very pleased to hear it.  
6 Thank you very much, Jamie.

7 MS JACKSON: Thank you.

8 So just before we kick off this afternoon.

9 Mr Hamilton, are you there with us?

10 MR BERLOW: Hello, it's Mr Berlow taking back over again.

11 MS JACKSON: Hello, Mr Berlow. I just wanted to come back  
12 to you, because just before we broke for lunch

13 Mr Hamilton wanted to clarify --

14 MR BERLOW: Yes, I'm aware of that.

15 MS JACKSON: Thank you. And I have a slight apology to  
16 make. I misread my cipher list.

17 MR BERLOW: Right.

18 MS JACKSON: It's actually SO90 who was the witness that was  
19 ciphered. That was entirely my fault.

20 MR BERLOW: Yes, that's right. We didn't think it was SO89,  
21 because his role was completely different to --

22 MS JACKSON: No, you're quite right. Full apologies, that  
23 was entirely my fault.

24 MR BERLOW: That's fine.

25 MS JACKSON: Sorry if it has caused any confusion over

1 the lunch break. I can clarify that.

2 MR BERLOW: Right, thank you. Thank you to Mr Hamilton for  
3 bringing that up.

4 MS JACKSON: Yes, and I.

5 Okay. So SO95, are you still with us?

6 A. Yes, I am.

7 Q. Hi again. I hope you had a good lunch.

8 So as indicated before we broke, I would like to ask  
9 you some questions, if possible, about the death of  
10 Radhi Nama in particular. And to help with that, Opus,  
11 would I be able to ask you to bring up {A/81/6}, please.

12 And we should be back to your statement again, SO95.

13 And I'm looking at paragraphs 28 and 29, just for  
14 reference really, because I understand your evidence is  
15 that even though planning patrols would be part of your  
16 role as second-in-command in relation to this particular  
17 search operation, it wasn't you who conducted  
18 the briefing about the operation and you weren't on  
19 the operation itself. Have I got that right?

20 A. That's correct.

21 Q. Brilliant. That said, I am hoping you might be able to  
22 help me out with the log position and what was going to  
23 and from the search operation.

24 So just firstly -- and again, if this is asking you  
25 to go beyond your experience, then please do say, but

1 I'm hoping, because of your role as ops officer at the  
2 time, you might be well placed to help me with this.

3 I was hoping you could just give us a bit of an  
4 overview on how the communications worked and how they  
5 were recorded. So first of all, are you able to explain  
6 how radio messages were recorded at Camp Stephen?

7 A. Yes. So they'd have been recorded in the way that all  
8 radio messages are recorded. There'd have been  
9 a logbook which would have logged the incoming and  
10 outgoing messages.

11 Q. Thank you. I think in your statement in 2012 -- we  
12 don't need to go to it unless that's going to be helpful  
13 -- you explain that there were normally two sets of logs  
14 being kept in an ops room, one being the radio log and  
15 one being the watch keeper log. I don't know if you're  
16 able to explain that further?

17 A. That's correct, yes. So the radio operator log, he'd  
18 log -- or they would log all the traffic pretty much  
19 verbatim. And the watch keeper logged more of  
20 a synopsis.

21 Q. Thank you. And in terms of the channels of  
22 communication, are you able to contextualise for us  
23 where those messages were coming from that were being  
24 recorded by the ops room?

25 A. Yes, so the -- every patrol that went out on the ground

1 would have taken a radio with it, and the -- each patrol  
2 would have had a call sign, and they would have radioed  
3 back into us with their call sign. So, you know, for  
4 instance, 10A would be 1 Platoon's commander, and that  
5 would then go into the log. And then we would, as  
6 I explained earlier, report upwards information both on  
7 a sort of scheduled basis to our higher headquarters,  
8 and also anything that was unusual or that we required  
9 clarification on.

10 Q. Thank you. And the call signs that you referred to  
11 there --

12 A. Mm-hm.

13 Q. -- I understand that you said that that would be --  
14 sorry, what was the word you just used? A platoon ...

15 A. Platoon commander.

16 Q. Platoon commander. But I think -- would a call sign  
17 ever be an individual, or would it always be in relation  
18 to a unit on the ground, sorry?

19 A. So yes and no. So the -- use 10 as an example. So 10  
20 would be the first platoon, and 10A would be the platoon  
21 commander. So 0 would have been our call sign, ie  
22 the ops room, and 0A would have been SO88's call sign as  
23 the commander. So individuals and organisations have  
24 call signs.

25 Q. Thank you, that's really helpful. And you just referred

1 there to reporting up the chain of command, and I think  
2 also earlier you referred to SITREPs being used. Are  
3 you just able to give a bit more of an explanation as to  
4 how SITREPs were used in that context?

5 A. Yes, so we would -- so you'd basically bundle up  
6 information. So if you were sending a SITREP on a -- on  
7 an habitual basis, ie it's just an update really, or an  
8 UPREP of what's going on in your area of operations. I  
9 think we probably sent one up every two hours,  
10 potentially; it may not have been as precise as that.  
11 And then any time that something happens that is  
12 different or out of the ordinary, you would send  
13 a situation report which updates what's going on.

14 The other report that you might routinely send is  
15 a thing called a contact report. So if you have  
16 a contact, that being, you know, a shooting or a contact  
17 with the enemy, then you'd send a contact report to  
18 the higher quarters as well, which basically explains  
19 what's happening and what you're doing about it.

20 Q. Thank you, that's really helpful. And would you also  
21 receive SITREPs from call signs on the ground?

22 A. Yes.

23 Q. Thank you. And do you recall how regularly they might  
24 come in? I don't know if it's helpful, I think in 2012  
25 you suggested that might be every 20 minutes or so, in

1 order to get the ops room updated.

2 A. Yes, that would be about right, depending on --  
3 depending on what's going on on the ground at the time.  
4 Certainly more frequent. If something is happening  
5 that's a fast-developing situation it might be slightly  
6 less frequent, which also plays into issues in terms of  
7 the ability to gain and maintain communications, bearing  
8 in mind that the radio systems that we were using were  
9 not -- were not 100%. You know, you weren't always in  
10 radio contact, because sometimes you'd be in  
11 a communications black spot.

12 Q. Thank you.

13 Now, before I ask the next run of questions, I just  
14 need to explain something to you, which I hope you'll be  
15 sympathetic to, which is rooted in the difficulty of  
16 trying to conduct an investigation into events 20 years  
17 after they took place, and the difficulty in question  
18 here is actually managing to get copies of the relative  
19 -- the relevant logs in question, and this has popped up  
20 a bit already in the course of these hearings. And  
21 the unfortunate upshot of that is that while we continue  
22 to try to overturn every stone, I don't currently have  
23 a copy of the logs to show you.

24 What I do have to show you, which you hopefully will  
25 be familiar with, is your own previous statements, and

1 I hope, therefore, that we can maybe do this a bit  
2 manually by reference to those previous statements, if  
3 that's okay, and apologies for that.

4 So you should have, I think, in your disclosure  
5 bundle that you were sent before giving your statement,  
6 your 2003 statement. I don't think I need to take you  
7 to the specific page for this, but you said in that  
8 statement that you took over the role of watch keeper at  
9 0800 hours?

10 A. Yes.

11 Q. Is that something that you're able to go by for  
12 the purposes of are our investigations?

13 A. Yes, I think -- I think that is -- that sounds feasible,  
14 yes.

15 Q. Thank you. And if you do have that bundle to hand, if  
16 you could go to page 14 of it.

17 For those who are also on this call, of course you  
18 won't be able to see projected copies of this disclosure  
19 bundle because it's unredacted, but I will read out  
20 relevant sections for the purposes of the transcript and  
21 so everyone can follow.

22 A. Yes, I'm on page 14 now.

23 Q. Page 14, excellent, thank you.

24 And in this statement -- so you say -- and I can  
25 read this out publicly, if I don't read it from my

1 screen. This is your statement that was given in 2017  
2 to the Service Police Legacy Investigations, and what is  
3 explained in this section of the statement is:

4 "The investigating officer from SPLI has asked me to  
5 review exhibit ██████18 ..."

6 Which, just pausing there, if we go up to  
7 the previous page, it's explaining -- apologies, it's  
8 quite an unwieldy document. Yes, so if we go to  
9 page 12, ██████18 is described to be a certified true copy  
10 of the C Company 1 Black Watch radio operator's logs  
11 consisting of six pages.

12 So just pausing there and then going back to  
13 page 14. So we've got:

14 "The ... officer from SPLI asked me to review [that  
15 exhibit] ..."

16 le the logs.

17 "... and read out verbatim the entries from 0800 up  
18 to the C/S ..."

19 The call sign.

20 "... returning from the operation on 8 May 2003. As  
21 such, I can state the following ..."

22 So just pausing there, before we read out  
23 the relevant bits. My understanding of this statement  
24 is that essentially you were asked to pick out and  
25 translate the relevant bits from those logs. So what we



1 should now be going on to is a fairly accurate summary  
2 that you at one stage were happy with. Would you agree  
3 with that?

4 A. Yes.

5 Q. Fabulous.

6 And then, rather than reading out all of this,  
7 I just wonder if I could leave you with a minute to  
8 familiarise yourself with what the contents of that are,  
9 just for the purposes of the questions that will follow,  
10 if that's okay.

11 DAME ANNE RAFFERTY: While SO95 does that, can you just give  
12 me again from paragraph what up to paragraph what, so  
13 I'm keeping up with him.

14 MS JACKSON: Of the disclosure bundle?

15 DAME ANNE RAFFERTY: Of {A/81/6}.

16 MS JACKSON: Oh, we're not on A/81/6 at the moment,  
17 Dame Anne. We're in the disclosure bundle.

18 DAME ANNE RAFFERTY: Well, it's exactly the same as is on  
19 the screen {A/81/6}.

20 MS JACKSON: Apologies, so we're not -- this isn't being  
21 projected on the screen at the moment, Dame Anne,  
22 because we're in the unredacted --

23 DAME ANNE RAFFERTY: No, that's why I'm just  
24 triple-checking.

25 MS JACKSON: No, of course. So we're within the disclosure

1 bundle at page 14.

2 DAME ANNE RAFFERTY: Right, okay, thank you.

3 MS JACKSON: Thank you, Opus.

4 (Pause)

5 A. Okay, I've read that.

6 Q. Thank you very much, SO95.

7 Having had the chance to do so, I wonder if you  
8 could just walk us through then your involvement in what  
9 was taking place during the search operation by  
10 reference to the logs, as appropriate.

11 A. Okay, so there are a number of things going on here. So  
12 for the people that can't see it, there's a timestamp,  
13 and then a "To" and "From", and the "To" and "From" are  
14 different call signs. And I think it shows me, in  
15 effect, coming on to be the watch keeper at 0800,  
16 starting off with a radio check, which is in effect to  
17 confirm communications between myself and the 30 call  
18 signs that appear to be on the ground, and from memory  
19 that would ring true.

20 There is -- there are a number of bits of what  
21 I would call standard traffic. You know, people leaving  
22 -- leaving the base, coming back to the base, and  
23 nothing to do with the operation. Most of the things to  
24 do with the operation are to do with the 30 call sign.  
25 So it appears that 30 left the location, ie that being

1 Camp Stephen, at about 0816. There is a call sign 33E,  
2 which -- I'm not sure who that is. That's possibly  
3 the company sergeant major, or it might be one of  
4 the platoon involved.

5 So it then talks through that the -- it talks  
6 through the -- the call sign gives a grid square of  
7 a building, that a call sign has entered the building  
8 and is continuing with the search. This is about 0840.  
9 That would make sense in terms of transit time. If 30  
10 had left our location at Camp Stephen at about 8.16 to  
11 be on task at about 8.14 in Al Hayaniya, it would be  
12 reasonable.

13 It details what's found in the building being  
14 a holster and some empty cases, which means empty  
15 ammunition cases, some ancillaries belonging to small  
16 arms and a small arms belt. So what that means is that  
17 that would be equipment for cleaning and maintaining  
18 a weapon, most likely possibly some magazines -- in  
19 fact, it says there's a 762 magazine as well, a small  
20 arms belt 762 and a magazine for a pistol.

21 Then at 8.45, it talks about "leaving to take RMP  
22 back to your location". My assessment would be that is  
23 probably referring to -- if you just bear with me,  
24 I will come to the cipher for that. That is probably  
25 referring to cipher SO111.

1           Then furthermore, it talks about, the same call sign  
2           -- this is still call sign 33, the 30 call signs -- they  
3           found a computer. Can they lift the computer? And my  
4           response is affirmative.

5           And then a little bit later, about five minutes  
6           after that, just a reminder that they need to issue  
7           a receipt to the owner of the computer.

8           Then they're talking about finishing on task and  
9           making their way back to the location, being -- being  
10          Camp Stephen.

11          Then follows an additional update where they --  
12          they've said they've finished on task, but they're going  
13          to search an outhouse.

14          They send something -- some other detail at Blue 7.  
15          Blue 7 is a spot, a reference to a place in Basra,  
16          probably a road junction, that there are four grenades  
17          in a school, three of which have exploded, and there's  
18          a request for the EOD to destroy that.

19          That appears to be 3-3 potentially on the move,  
20          coming back in. It appears that there is a gap of time  
21          of about an hour between 8.59, where they're talking  
22          about the computer, and the -- and the return of 33  
23          coming back in past Blue 7. I'm sorry, I can't tell you  
24          exactly where that is, but let's assume that it's some  
25          way between Al Hayaniya and Camp Stephen.

1           It would appear that that ... That's quite a long  
2 time to have been out of contact, radio contact. And  
3 I can't -- and I say in the original I can't account for  
4 the lack of communications.

5           I do -- in the -- in the bundle, it says that  
6 the exhibit [REDACTED]18 was a photocopy, and I say in my  
7 evidence I wonder if there's a page missing between  
8 those two entries. It's not normal for there to be no  
9 radio communication between a person on the ground and  
10 an ops room for that period of time.

11 Q. Thank you --

12 A. I think that's pretty much it. Sorry.

13 Q. No, I interrupted you. Thank you, that's incredibly  
14 helpful.

15           Just one question, just a clarificatory question.  
16 The call sign 33, you explained earlier that that might  
17 be an individual, it might be a platoon. Is it possible  
18 for you to tell from these logs?

19 A. No. 33 would normally be -- 33 just as two numbers  
20 would normally be the company sergeant major. But --  
21 and without sort of going back into it, the -- so a fire  
22 support platoon would have three platoons in it, but  
23 they are distinct from the platoons you would normally  
24 find in a rifle company. In fact, I think we had four  
25 -- possibly four platoons. Yes, mortars, recce,

1 anti-tanks. No, three. So 33E would be -- 33E is  
2 probably a call sign from the anti-tanks. 33 is  
3 possibly the company sergeant major.

4 Q. Thank you, that's incredibly helpful. And you did just  
5 pick up on your comment that follows from that that,  
6 that you wondered whether there might be a page missing.  
7 Obviously, due to the fact that we can't even get  
8 the original copy, or the copy of the logs, I can't push  
9 that any further today.

10 I would, however, like to just contextualise that  
11 a little bit. And just firstly, before this next set of  
12 questions, I just wanted to make clear that I do have  
13 paragraph 33 of your statement to us in mind. We don't  
14 need to go to it, Opus, but you do say in that that  
15 given the length of time that has now passed, you can't  
16 remember how you became aware of Radhi Nama's detention  
17 and transfer to Camp Stephen. So although I do have  
18 that in mind, I would still like to ask these questions,  
19 if that's okay. And if your answer is that you're not  
20 able to remember, then it is what it is.

21 So just firstly, in your 2003 statement. So if we  
22 go back to page 4 of your initial disclosure bundle. So  
23 we're in your statement of 9 May 2003. So just firstly,  
24 9 May 2003 was one day after (sic) 8 May. You say at  
25 page 4 -- so I'm looking four paragraphs up from

1 the bottom -- sorry, I'm not -- oh, let's start there,  
2 actually -- and you say there:

3 "Shortly after this, between 0900 hours and  
4 0910 hours, the task was collapsed."

5 Is it helpful at this point to go back to your  
6 summary of the radio logs, or do you still have those in  
7 mind?

8 A. Yes, I've still got them -- I've still got them in mind.

9 Q. So just firstly there, "the task was collapsed". What  
10 does that mean?

11 A. That means that the task's been finished, or they've  
12 brought people -- they're bringing people back in off  
13 the ground back to our location.

14 Q. Thank you.

15 And then you carry on:

16 "At this stage, I was not aware that anybody had  
17 been detained at the scene ..."

18 A. Correct.

19 Q. "... and was being brought back to our location."

20 It then carries on:

21 "I was aware that call sign 33 had taken a route  
22 which took them past an area known to have previously  
23 been looted and he detained two Iraqis on suspicion of  
24 looting."

25 I don't know if that's easily related back or if

1 you'd like to go back to the logs?

2 A. Well, it does somewhat fill in the gap between 0859 and  
3 0955. So if he -- if the call sign -- if 33 collapsed  
4 the task between about 09 and 0915, that would make  
5 sense, because at 0859 we say he's going to -- he's  
6 going to search an outhouse. Give that, say, what,  
7 10/15 minutes to have a look at that location, collapse  
8 the task, bring people in off the ground, and then he  
9 moves back through Basra, past Blue 7 where we talk  
10 about hand grenades, and then there's something about  
11 the looting that would account for a transit time of  
12 about half an hour or 40 minutes.

13 Q. Thank you.

14 And then just to that last bit on page:

15 "Call sign 33 returned to C Company about  
16 0930 hours."

17 A. Yes.

18 Q. "Some time after they returned I was informed that an  
19 Iraqi male, believed to be the father of the rape  
20 suspect, had been detained and brought back to our  
21 location."

22 A. Yes.

23 Q. So it seems like there -- and again, correct me if I'm  
24 wrong -- after call sign 33 returned to C Company at  
25 about 0930 hours, we're then moving outside the logs,



1 and you're informing the RMP that you were informed some  
2 time after that. Do you think that's a fair reading?

3 A. I don't think we are, actually. Let me just go back to  
4 the log, sorry. And there's a nuance here in terms of  
5 the call signs, so let me -- sorry --

6 Q. Of course, back to --

7 A. Okay, so I'm back to 14. Interesting. Okay.

8 Yes, no, I can't account for that, so that's a bit  
9 odd. Because I thought what it might be is that --  
10 I don't know -- to the -- where I'm sort of struggling  
11 slightly is that you've got 33E and 33, who are two  
12 separate call signs, and I wonder whether the -- whether  
13 the half past 9 is actually referring to 33, because 33  
14 -- well, 33E, because 33E and 34 come in off the ground  
15 at about 0818 and 0829. 33 remains on the ground for  
16 some considerable time. So I -- I wonder if there's  
17 some confusion there, because otherwise the times don't  
18 match up. And I'm sorry, without sort of drawing  
19 a timeline and having a look at it in a bit more detail,  
20 it's a bit difficult to say. But that -- that would be  
21 my reading of that in light of any other information.

22 Q. That's helpful, thank you.

23 That said, the bit I'm more interested in even,  
24 which is not to say that that's not incredibly helpful,  
25 is the fact that this is a statement given the day after

1 these events took place, and it seems to be that in that  
2 statement your account to the RMP was that it was only  
3 after the call sign returned that you understood that  
4 Radhi Nama, or who we believe to be Radhi Nama, had been  
5 "detained and brought back to our location".

6 A. Yes, I believe that's correct.

7 Q. That's helpful.

8 So moving slightly away from the timeline, but just  
9 the headline, would it be fair that your evidence, at  
10 least at that time, was that it was not reported in to  
11 the ops room during the course of the operation that an  
12 individual was being detained?

13 A. It certainly doesn't appear to have been, no.

14 Q. Thank you. And we have your evidence about  
15 the difficulties of communication, and I've picked up  
16 paragraphs 30 to 31 of your statement which talk about  
17 the radio communications. So we do have that in mind  
18 with that line of questioning, but we're just trying to  
19 understand what was the kind of gold standard of what  
20 was hoped might happen, and then maybe what evidence  
21 we've got that we can piece together in terms of what  
22 actually did happen. Thank you for that.

23 I'm just checking one point with my team.

24 (Pause)

25 Apologies, if you'll just bear with me.

1 (Pause)

2 Okay, thank you. Wonderful.

3 So I'd like to ask some questions now about how you  
4 heard about the death of Radhi Nama. Because if  
5 I understand your evidence correctly, you were in  
6 the ops room when this was taking place -- when  
7 the search operation was taking place. Then the first  
8 you were aware of Radhi Nama really was when you were  
9 informed of his death at a later stage. Have I got that  
10 correct?

11 A. No, so I think -- I think I'd have been aware of him --  
12 so they'd returned at 0930:

13 "Some time after they returned I was informed that  
14 an Iraqi male ..."

15 Yes, so I'd have been aware of him at Camp Stephen  
16 prior to his death.

17 Q. Apologies, that was my slight misphrasing there.

18 The next involvement that you had, I should say,  
19 after becoming aware that he was at Camp Stephen, was  
20 when you were informed of his death. And maybe I can  
21 take you to the page --

22 A. Yes, I've got it in front of me, sorry, which says:

23 "At about 1110 to 1115 hours I was informed that  
24 the detainee from the search had collapsed due to  
25 the heat and a medic had been tasked to treat him.

1        However, at about 1118 hours ..."

2            Wait, I will give you the -- I think it's SO98.

3            "... came into the ops room and informed the OC and  
4        me that the detainee had in fact died. I then radioed  
5        Battle Group Main, call sign 0, for advice on what  
6        action to take."

7        Q. Thank you.

8            Then if I can just get you to have a look at page 11  
9        of that bundle as well, the disclosure bundle, just to  
10       complete the picture. I understand that you had  
11       corrected your evidence to the services police, in that  
12       you had thought it was the medic who came to inform you  
13       of the death, but in fact you confirm that it was SO98  
14       who did so. So is that the picture of what your  
15       involvement was?

16       A. Yes, I mean, in my mind, it's unclear, because I've just  
17       got this really vivid picture of it being the medic, but  
18       it -- but that is something that I'd said after --  
19       afterwards. And this was the evidence that I'd given to  
20       the RMP I think you said the day after the event took  
21       place, so therefore I'm more inclined to believe that it  
22       was SO98. In fact, I'm almost certain that it was SO98  
23       that gave me that information.

24       Q. Thank you. No, that's very helpful, SO95. And we did  
25       hear from SO98 yesterday, who also had no recollection

1 directly of these events, and his evidence was that if  
2 you, SO95, said that's what happened, then it probably  
3 did as well. So that's the evidence that we've had so  
4 far in the course of these hearings.

5 I'd just like to get you to have a look at  
6 paragraph 36 of your statement to us.

7 So Opus, that's {A/81/7}.

8 While that's coming up, I'll start reading it out.

9 You say:

10 "In terms of how I viewed the news from ...."

11 And that's SO98.

12 "... given my knowledge of him, nothing in his  
13 demeanour raised any suspicions that there had been any  
14 untoward behaviour. I knew [SO98] well and believed him  
15 to be honest and believe that if he had felt there was  
16 a concern that someone had been beating up a prisoner,  
17 he would have asked me to go and check on the prisoner.  
18 I trusted him at the time to be honest with me and  
19 I still trust him."

20 And then just to complete it:

21 "If [I] had said that there was an issue I would  
22 have checked, but I had the impression he was as shocked  
23 by what had happened as I was."

24 DAME ANNE RAFFERTY: "If he had said", not, "If I had said".

25 MS JACKSON: Did I get that wrong, apologies.

1 DAME ANNE RAFFERTY: Yes, you said "If I had said".

2 MS JACKSON: "If he had said that there was an issue I would  
3 have checked, but I had the impression he was as shocked  
4 by what had happened as I was."

5 On that, that first sentence about SO98's demeanour,  
6 I wonder if you could just explain that a bit more and  
7 why it was that you didn't have cause for concern?

8 A. Yes, so I -- SO98 and SO81 are sort of cut from similar  
9 cloth, and you will have heard how SO81 described things  
10 in terms of, you know, just doing the right thing. SO98  
11 is of a similar disposition. And I think I go on to say  
12 in the evidence that I've given you, which you might  
13 come to later on, that I recall SO98 -- at least I think  
14 it was SO98, I'm wondering after hearing SO81 this  
15 morning whether it might have been him, but I think it  
16 was SO98 -- did raise with me at some point a concern  
17 about a detainee being kicked, which sounds very similar  
18 to the evidence that SO81 gave this morning.

19 Which is why I put in there about SO98's demeanour  
20 in that he was the sort of person who, if he felt there  
21 was an issue, he would have said to me, "I think there  
22 is an issue that you need to be aware of", by which  
23 I mean, if he had seen the body, which I think he did,  
24 and there had been marks on the body, or things that  
25 were wrong with the body, he would have said something

1 to the effect of, "The body is showing signs that it's  
2 been badly beaten, you need to come and have a look at  
3 this". And he didn't. And so therefore, given that,  
4 there were -- I mean, clearly there were alarm bells  
5 ringing because this man had just died, but there were  
6 no alarm bells ringing in as far as I felt that somebody  
7 had had some impact on him being killed, ie had beaten  
8 him up, or had in any other way maltreated him, and had  
9 SO98 thought that, he would have said it.

10 Does that help?

11 Q. No, that's incredibly helpful. Thank you, SO95.

12 So moving on now to some questions about what  
13 happened after that news reached you, and just looking  
14 at the next paragraph there of your statement,  
15 paragraph 37, you say at paragraph 37:

16 "As soon as I heard the news from [SO98] I called  
17 this in straight away. I did not check on Mr Nama.  
18 I reported the death to [Battalion Headquarters] and  
19 the medic took a look at them. He was then transported  
20 to the international hospital in Basra. I can't  
21 remember which call sign took him, but it wasn't me."

22 Just firstly for context, at this point in time,  
23 were you currently in the ops room, do you recall?

24 A. Yes, I would have been.

25 Q. So when it says "the medic took a look at them", are you

1 able to explain how the medic was called in order to  
2 take a look at "them", or presumably "him", I think,  
3 Mr Nama?

4 A. Yes, so -- and forgive me, because I can't recall  
5 the fine detail. Camp Stephen wasn't very big, I mean,  
6 I think there are about three or four buildings, and  
7 the -- so if we had wanted to go and get the medic, we'd  
8 literally have sent a runner to go and get the medic,  
9 and he would have come in, been briefed in the ops room,  
10 and then gone to wherever he was required.

11 Q. Thank you.

12 If I can just get you to look back to your  
13 disclosure bundle and go to page 5 of that, which should  
14 be in your 2003 statement, and just second up from  
15 the bottom there, and second kind of line up from the  
16 second paragraph up from the bottom, you say in that  
17 statement:

18 "I then radioed Battle Group Main, CS 0, for advice  
19 on what action to take."

20 A. Mm-hm.

21 Q. With reference to that 2003 statement, is that something  
22 that you still think is likely to have been the case in  
23 your evidence to us today?

24 A. Yes. I mean, both -- both that line and the line that  
25 was in the paragraph that you've just read out that was



1 on the screen are one and the same thing, they're just  
2 using slightly different language. So "Battle Group  
3 Main, [call sign] 0, for advice on what action to take",  
4 and when I say I'd call it in, that's in effect the same  
5 thing.

6 Q. Thank you. If we just look at paragraph 8 of that same  
7 bundle, and let me just find where we are in  
8 the document. Yes, so we should be the fourth paragraph  
9 down, and it starts:

10 "I can confirm that I stated in my previous  
11 statement that I radioed Battle Group Main for advice on  
12 what action to take."

13 This time you go a little bit further and say:

14 "The advice sought would be that evidence to take  
15 where the body should go to [etc]. I did inform the  
16 Battalion ops room of the death of Radhi Nama [as  
17 read]."

18 Then we don't need that final sentence.

19 Obviously this is evidence given a little bit later,  
20 I think in 2012, but is this evidence that you still  
21 feel confident giving to us today?

22 A. Yes, I think it is. You know, it -- it's the sort of  
23 thing that you would do in the event or in the sort of  
24 thing we're talking about.

25 Q. Thank you. So we're particularly interested to try and

1 understand what the advice that you were given might  
2 have been.

3 A. I can't remember. I'm sorry, I can't remember.

4 Q. That's quite all right. I was anticipating that answer,  
5 but thank you anyway.

6 In that case, just a couple more questions then  
7 about the events following Mr Nama's death, and  
8 the first couple of questions I've got for you relate to  
9 how the family were informed about his death, and  
10 I wonder if I could bring up paragraph 44 of your  
11 statement.

12 Opus, that's {A/81/8}, but it runs over to page 9,  
13 so maybe if we can split those so we can get it all on  
14 the page, that would be great {A/81/9}.

15 Just while that's being brought up, what you say  
16 here is:

17 "I know that Radhi Nama's family were informed of  
18 his death. I remember [SO98, that redaction is]  
19 (the OC) talking to his interpreter and writing a letter  
20 to the family to tell them he had died. He wanted to  
21 explain where his body and to express his condolences.  
22 [SO88] used the translator to translate the letter and  
23 to make sure the phraseology was correct and culturally  
24 competent. I think that [SO88] then delivered  
25 the letter to the house. I don't know whether it was

1 handed over or just put through the letterbox."

2 And then we can pause there.

3 So just before we go into a couple more questions  
4 about that, firstly, do you recall if you saw the letter  
5 itself?

6 A. No, but I can remember it -- I can remember it being  
7 written, I can remember the discussion about it with  
8 SO88 and the interpreter, and I think SO88 explaining to  
9 the interpreter what it was he wanted to say, and then  
10 the interpreter then phrasing that in Arabic, and  
11 writing it I think in Arabic.

12 Q. Thank you, SO95.

13 I'm just going to ask Opus, please, if you could  
14 just bring up {A/29/3}.

15 SO95, I hear what you're saying about not actually  
16 having seen this letter before, so I'm not asking you to  
17 confirm if this is the one that you were talking about  
18 in terms. But we did hear from SO88 yesterday who was  
19 able to confirm to us that this was a letter that he  
20 instructed to be written following Mr Nama's death.

21 Just before asking you just a very small number of  
22 questions about this letter, SO88 told us yesterday that  
23 he -- and I hope I'm not mischaracterising his evidence  
24 -- introduced an element of ambiguity out of compassion  
25 as he didn't feel it was appropriate for it to be him or

1 those at Camp Stephen to tell the family of Mr Nama that  
2 Mr Nama had died.

3 So with that in mind, just if -- apologies, let me  
4 just bring my own copy up so I can zoom in as well. But  
5 if we just have a look at the contents of that letter  
6 that's on the screen, what it says here is:

7 "This letter is to let you know that Radhi Nama was  
8 brought by the British Forces on the eighth of this  
9 month for questioning. The questions were related to  
10 his son, Mohammed Radhi Nama whom they believe has done  
11 illegal activities [Illegible phrase]. Unfortunately,  
12 Mr Radhi Nama suffered a heart shock. He was  
13 immediately transferred to the old Military Hospital.  
14 For more information and to find out about his health  
15 condition you need to contact the Military Hospital.  
16 The questioning was stopped when Mr Radhi Nama suffered  
17 this sudden heart shock. The British Forces have  
18 treated him in a good way according to the British Rules  
19 for Treatment of Detainees. For more information about  
20 the way he was treated by the British Forces you need to  
21 can you see that the British Military Police located at  
22 the end of the road where the 'Radio and TV' Building  
23 is, in Al Asha'ar."

24 So having seen that letter, and going back to your  
25 statement, I won't put it up on the screen just so you

1 can keep the letter there for the moment. But at  
2 paragraph 45 of your statement to the IFI, to us, you  
3 said that part of the thinking behind the letter was  
4 that:

5 "... we felt we needed to let them know that he had  
6 died ..."

7 I just wonder if you had any further comment on what  
8 the intent was behind the letter based on your  
9 discussions at the time, in light of now having seen  
10 the content of that letter, and having heard what SO88  
11 had to say about what his intent was for the letter?

12 A. Well, I think I'd defer to SO88, because he wrote  
13 the letter and he -- and it was his intent to inform  
14 the family, and I can well believe that he injected some  
15 ambiguity to protect the family. And I should take you  
16 back to what I said about SO88 earlier on, in terms of  
17 his style of leadership and compassion etc. So I would  
18 defer to him.

19 What I have given you in my statement was my best  
20 recollection of the time. SO88's evidence in this  
21 instance is almost certainly more reliable, because it  
22 was him that wrote the letter with the interpreter, and  
23 I was on the periphery of that, I wasn't in the heart of  
24 writing it.

25 Q. Thank you very much, SO95, that's very helpful.

1 Just one final question from me about the aftermath  
2 more generally of Radhi Nama's death, and this will take  
3 us a little bit further than just the aftermath of that  
4 death in particular as well.

5 But if I can get Opus to pull up {A/81/11}, and  
6 we're looking at paragraph 50. Apologies.

7 So I'll just read out the first section of this.

8 I don't think we need the whole paragraph. You're  
9 talking here about the response in Camp Stephen  
10 following Radhi Nama's death, as I understand it, and  
11 what you say is:

12 "Following previous death in the cage, I think there  
13 must have been some change to how detainees were dealt  
14 with. I can't imagine that Radhi Nama's death would  
15 have happened and it would have been business as usual."

16 There's a redaction there. I believe that's SO88,  
17 but I will just double-check that.

18 "... would have said that we needed to make sure  
19 that it didn't happen again. However, I do think that  
20 we didn't feel that we had done anything wrong in  
21 relation to Radhi Nama and his death had been bad luck  
22 and so any changes would not have been a root and branch  
23 overhaul. I don't think anyone felt that we had done  
24 anything untoward and so there was no need to have any  
25 major change."

1 Then you go on to give your hindsight opinion.

2 Just pausing there, though. A week later -- and  
3 I know your evidence is that you didn't have anything to  
4 do with it. A week later, on 13 May, we know that  
5 Mousa Ali also passed away, sadly, either at or shortly  
6 after having been taken away from Camp Stephen. Taking  
7 in mind that this is your view of how matters were dealt  
8 with following the death of Radhi Nama at Camp Stephen,  
9 I was wondering if you would also be able to comment on  
10 what the atmosphere was following the death of  
11 Mousa Ali, even if you didn't have direct involvement  
12 with those events.

13 A. Not -- not really, no. I mean, I can -- I can give you  
14 a speculation on what I -- what I feel it would have  
15 been, but I can't remember it exactly. I can imagine  
16 probably similar sort of disappointment and shock, but  
17 I can't -- you know, that is -- that is very much --  
18 that's a very imprecise answer, because I -- I can't  
19 really give you any more detail than that. I generally  
20 can't remember much more about it.

21 Q. Thank you. If it's okay, I'll just push that a little  
22 bit further, because this paragraph 50 and your  
23 recollection of the atmosphere in Camp Stephen and  
24 the response following the death of Radhi Nama, this is,  
25 I think I'm right in saying, something new that you've

1 introduced in your evidence to these investigations,  
2 it's not something that's been taken from previous  
3 statements?

4 A. No, so -- but, you know, with respect, the 88 questions  
5 that came from the IFI asked different questions to  
6 the ones that I had previously been asked, and so  
7 therefore there will be some disparity in terms of  
8 the evidence, because, you know, I've answered different  
9 questions from different people at different times.

10 That said, you know, my supposition, from what  
11 I recollect and what I know of SO88, is I would be  
12 surprised if something of that magnitude having  
13 happened, we didn't have a look at what we were doing to  
14 make sure that it didn't happen again. What I --  
15 you know, what that was, I'm afraid I can't -- I can't  
16 tell you. And if it's not written down, then I'm afraid  
17 there's no other way of addressing that other than  
18 speaking to other witnesses.

19 So I'm sorry, I feel like I should be able to answer  
20 that question better, but I can't really give you  
21 anything else.

22 Q. Thank you, SO95. No, that's incredibly helpful. And  
23 just to be clear, my reason for asking wasn't in order  
24 to try and trip you up in relation to a past account,  
25 and I'm fully aware that the questions the IFI asked



1 don't necessarily correlate with previous  
2 investigations; that's largely why we asked them.

3 I'm more interested in why it is that you have been  
4 able to feel able to remember with this degree of  
5 clarity the response in relation to Radhi Nama's death,  
6 and yet when it comes to the response in relation to  
7 Mr Ali's death, which, even if by only a week, is more  
8 contemporaneous, your recollection is a lot more  
9 speculative?

10 A. Because I was directly involved in the Radhi Nama  
11 incident and I -- I would probably offer that I think  
12 that Radhi Nama was an old man and therefore that --  
13 you know, there was a -- one, the proximity to it, and  
14 two, the -- two, the consequence of it, I think to some  
15 -- to my mind, you know, that was a -- it was the first  
16 time that it happened. I think I was, as I say,  
17 involved in it, and therefore the direct involvement of  
18 it I think is a thing that has kept it sort of stuck in  
19 my mind.

20 I'm not -- I'm not diminishing the other death, it's  
21 just that my -- you know, the direct involvement with it  
22 was greater, which is why I think I've probably got  
23 a better memory of it than the other one, and  
24 I genuinely can't really remember a great deal about  
25 the other death.

1 Q. No, that's incredibly helpful.

2 And just to finish that off then, it sounds to me  
3 like what you're saying is we don't have a basis to read  
4 across from the fact that in this -- in relation to  
5 Radhi Nama's death there was a feeling that we hadn't  
6 done anything wrong and his death had been bad luck?

7 A. Mm-hm.

8 Q. We don't have any reason to read across the contrary in  
9 the response to Mousa Ali's death by virtue of your  
10 silence on that.

11 A. No. No, don't, you know? I don't infer anything from  
12 it.

13 Q. Thank you. No, that's incredibly helpful. Thank you,  
14 SO95. I don't have any further that I wanted to ask  
15 you. Let me just check with my team for one moment.  
16 I don't think there's anything else we need to ask. In  
17 that case, thank you very much, SO95.

18 Dame Anne, I don't know if you had anything you  
19 wanted to follow up with?

20 DAME ANNE RAFFERTY: No, thank you.

21 MS JACKSON: Thank you.

22 In that case, I'll just check with  
23 the representatives in turn if there's anything that you  
24 would like Dame Anne to ask.

25 Perhaps can I first go to the Millennium Hotel. Do

1 you have any questions, Ms Al Qurnawi?

2 (Pause)

3 MS AL QURNAWI: Yes, we have a few questions, if we may.

4 MS JACKSON: Thank you.

5 MS AL QURNAWI: Just give me a second to ... (Pause)

6 Sorry, the first question is a question from

7 Mrs Afaf Nama: in the case of Radhi Nama, he was not

8 a looter as we heard. He was taken in for questioning

9 about the whereabouts of his son, Mohammed Radhi Nama.

10 Why then he was taken in the same way that they did with

11 looters, for example the transportation of Radhi Nama in

12 the hot Warriors, especially given he is an old man, and

13 since there was no indication that Radhi Nama was lying

14 or responsible for his son's alleged activities,

15 whatever those activities were?

16 That's question number one, and specifically from

17 Mrs Afaf.

18 DAME ANNE RAFFERTY: How many more questions?

19 MS AL QURNAWI: Sorry?

20 DAME ANNE RAFFERTY: How many more questions would you like

21 him to think about?

22 MS AL QURNAWI: That's the first question. Shall we say

23 the other two?

24 DAME ANNE RAFFERTY: Yes, please.

25 MS AL QURNAWI: The second question: would the medical

1 person who would check detainees on arrival at  
2 Camp Stephen be a doctor, or a nurse or a paramedic?  
3 Plus, would there be a record of such medical check kept  
4 in Camp Stephen?

5 This is the question number two.

6 DAME ANNE RAFFERTY: Okay, thank you.

7 MS AL QURNAWI: The last question: SO95 mentioned rape.

8 Rape is a criminal offence under Iraqi law. How come  
9 the Army was involved in this? Who asked them to  
10 apprehend Radhi Nama's son, and what would they have  
11 done if they had arrested Mohammed Radhi Nama? During  
12 that time, as probably we know as locals in Iraq, some  
13 people were reporting crimes to the security forces in  
14 order to get their enemies into trouble. So how would  
15 this type of serious crime be investigated by the Army?  
16 What evidence would the Army need before they are trying  
17 to arrest somebody?

18 DAME ANNE RAFFERTY: Thank you.

19 MS AL QURNAWI: Thank you.

20 DAME ANNE RAFFERTY: Right, let me take this step by step.

21 We'll take the last one first.

22 MS AL QURNAWI: Okay.

23 DAME ANNE RAFFERTY: SO95 --

24 A. Okay. Sorry, my Lady.

25 DAME ANNE RAFFERTY: No, wait please. Wait please.

1 The question that one of Radhi Nama's daughters would  
2 like posed is, essentially, rape being on the criminal  
3 register in Iraq, what is the Army doing investigating  
4 an allegation of it against Radhi Nama's son?

5 The question to you: are you capable of answering  
6 that? And if not, please say so.

7 A. I can give you a view on that. Whether that -- well,  
8 I'll give you a view, so -- and it's a really good  
9 question. Yes, it is a criminal offence. Why the Army?  
10 I think at that stage there was no police force, and  
11 therefore, as I recall, we had evidence to suggest, or  
12 intelligence, rather, to suggest that Radhi Nama's son  
13 was implicated in the crime of rape, and therefore we  
14 were -- because that address -- their address in  
15 Al Hayaniya sat in our area of operations, we were  
16 tasked to effect an "arrest", I'd say in inverted  
17 commas.

18 From there, that would almost certainly have gone to  
19 be dealt with by the Royal Military Police rather than  
20 us. We -- other than effecting the arrest, we would not  
21 have been involved in the -- in the gathering of  
22 evidence and the judicial process, which I -- I think  
23 would have been conducted by the Royal Military Police  
24 and the interim -- what am I trying to say --  
25 the interim authority.

1 That's my view --

2 DAME ANNE RAFFERTY: Thank you.

3 A. -- to the best of my knowledge.

4 DAME ANNE RAFFERTY: This is a straightforward one. I think  
5 it's a matter of record, because we can look it up, if  
6 necessary. The medic checking an individual on arrival.

7 What the question is looking for is medical  
8 qualification. So is this a nurse, is it a doctor,  
9 is it a paramedic? Please don't feel under any  
10 pressure. Do you know the answer?

11 A. Again, I can -- I can give you my opinion, which,  
12 you know, is that --

13 DAME ANNE RAFFERTY: Tell us how you would have viewed  
14 the ranking in that regard of the company medic.

15 A. Right, so the company medic would have been -- is about  
16 equivalent to a paramedic.

17 DAME ANNE RAFFERTY: Thank you.

18 A. He's a combat med technician.

19 DAME ANNE RAFFERTY: Thank you very much indeed.

20 And finally --

21 A. Sorry, and there was a question, ma'am, about record.

22 DAME ANNE RAFFERTY: Oh, yes, you're quite right, yes.

23 A. So the answer is I don't know. I would like to --

24 I would like to have thought that it would have been  
25 recorded and that those documents could be -- could be

1 found. The honest answer is I don't know, I'm afraid.

2 DAME ANNE RAFFERTY: We can find that out. I didn't ask  
3 you, because I knew we would find that out. Thank you.

4 And the final question, the first posed in time,  
5 which I'm content to let you think about, because you've  
6 skirted it in earlier evidence.

7 Given that Mr Radhi Nama was not suggested to be  
8 a looter, why was it that his level of transport to  
9 Camp Stephen equated, in discomfort and other  
10 unattractive nouns, to that which would have been  
11 afforded to people who genuinely were, or legitimately  
12 suspected to be, looters? Do you know the answer to  
13 that?

14 A. Yes, I do, and it's -- and it's not -- it's not  
15 necessarily the answer that people would want, but it's  
16 true. The transport we had was the transport we had,  
17 whether for our own troops, for people that we just,  
18 you know, wanted to bring to our location, irrespective  
19 of crime or not. And so there was no -- there was no  
20 malice in what we had done, it was just that was -- that  
21 was the -- that was the available transport at the time.

22 And, you know, as I said in earlier evidence,  
23 you know, in hindsight, had we had better, more  
24 appropriate transport, that would have been right. And  
25 I -- I agree with Ms Nama that, you know, transporting

1 him in the back of a Warrior, if that's what we did  
2 transport him back in, is not ideal, and, you know --

3 DAME ANNE RAFFERTY: Thank you.

4 A. -- that's the answer.

5 DAME ANNE RAFFERTY: Let me pause there before we revert to  
6 asking other representatives to see whether any member  
7 of the team wants to intervene or add anything in  
8 respect of those three questions I've decided to pose.

9 MS JACKSON: No additions from me, Dame Anne. But perhaps  
10 it might be worth just reassuring the family that we do  
11 have other witnesses who are likely to be able to give  
12 evidence on some of those matters, in particular  
13 the medical questions, and we have yet to hear from  
14 them.

15 DAME ANNE RAFFERTY: Okay.

16 Thank you to our friends and colleagues in Basra for  
17 those. Back to your circuit of the representatives,  
18 Natasha.

19 MS JACKSON: Thank you, Dame Anne.

20 So Mr Cherry, you are with us, do you have any  
21 questions that you would like to put?

22 MR CHERRY: Dame Anne, it may assist, in that this witness  
23 having been a patrol and platoon commander on  
24 the ground. There has been the questions about  
25 the dimensions of the stream --



1 DAME ANNE RAFFERTY: Yes.

2 MR CHERRY: -- and at page {A/81/4}, paragraph 79, he gives  
3 what he believes are the dimensions of the stream.

4 DAME ANNE RAFFERTY: Yes.

5 MR CHERRY: And furthermore, the witness who had suggested  
6 that the stream was possibly 20 metres wide and would go  
7 over your head, this witness could possibly assist you  
8 in saying if there was any water of that magnitude in  
9 the whole Company area.

10 MS JACKSON: I'll just jump in here, because we were doing  
11 questions in relation to the evidence that SO95 has  
12 already given. Mr Judd does have a small number of  
13 questions to put to SO95 in relation to matters relating  
14 to wetting, so I wonder if that question is still live  
15 at the end of that.

16 MR CHERRY: Shall I hold then?

17 MS JACKSON: If you wouldn't mind holding. Apologies if  
18 there was a lack of clarity about that. Thank you.

19 Were there any questions on the evidence that SO95  
20 has given?

21 MR CHERRY: I've got one other suggestion, but it, again,  
22 relates to wetting, so I'll save it to the end.

23 MS JACKSON: I'm grateful.

24 And Mr Berlow?

25 MR BERLOW: I have no points of clarification.

1 MS JACKSON: Thank you very much.

2 And then I believe it's Ms Vyvyan-Robinson from GLD,  
3 and it might be Mr Foley, or it might be no one.

4 MR FOLEY: There's no questions from me. Just to thank SO95  
5 for the lengthy evidence session.

6 MS JACKSON: I'm grateful for that, Mr Foley.

7 So if I could briefly then pass back to Mr Judd for  
8 those limited questions on wetting. Thank you.

9 Questions from MR JUDD

10 MR JUDD: Thank you, SO95. I hope I won't detain you for  
11 too long. I just wanted to ask a couple of questions  
12 which might contextualise the evidence you've already  
13 helpfully given us from paragraph 63 of your witness  
14 statement onwards.

15 Opus, could we just put up {A/81/13}, please. Thank  
16 you.

17 Now SO95, at the bottom here of paragraph 71, when  
18 asked about the practice of wetting, you are only able  
19 to recall a rumour that somebody in the Irish Guards had  
20 thrown someone into the river, and you think this was  
21 subsequently dealt with but you don't recall whether it  
22 was on TELIC 1 or subsequently. I just wondered if we  
23 could unpick this slightly.

24 First of all, in light of the other evidence that  
25 you may have heard, are there any other comments you may

1 have on this rumour, the practice, any reports of  
2 wetting more generally?

3 A. Yes, so let's -- let's address that specific thing in  
4 71. I think that's well documented, that there was a --  
5 somebody was thrown into the canal, and that that had  
6 been investigated, and, as I say, I can't remember which  
7 TELIC that was on.

8 As to the wider practice of wetting, like SO81,  
9 the terminology, that terminology I'd never heard used  
10 before until I started to put the evidence together for  
11 this Inquiry, this specific Inquiry that I'm sitting on  
12 today.

13 So, you know, as to wetting as a practice, I'd never  
14 heard of it. You know, it doesn't take the brains of an  
15 Archbishop to work out what it probably means, but I had  
16 not heard the terminology until I started putting  
17 evidence together for this specific investigation.

18 Q. I see. Just to be clear, when you say this is  
19 a well-documented incident that has been investigated,  
20 can you identify that incident for us?

21 A. No. But in that, I can remember it being on the news.

22 Q. Understood, thank you.

23 A. Sorry, you know, I can't give you much more detail on  
24 that.

25 Q. No, that's very helpful.

1 I just want to also qualify what you mean with  
2 the words "subsequently dealt with". Again, you may  
3 have answered that by telling us --

4 A. Well, again, when I say "subsequently dealt with", what  
5 I mean is that, from what I can recall from the news  
6 report, that incident had been dealt with I think either  
7 by the RMP or a subsequent investigation.

8 Q. Thank you.

9 And without identifying them by name, can you recall  
10 who it was who passed that rumour on to you? Again,  
11 I appreciate you --

12 A. No, I -- I'm pretty sure that I saw that on the news.

13 I have got my -- in my mind's eye, I have got a picture  
14 that was on the news of a serviceman with a -- with  
15 a looter, I think it was on a bridge in Basra, and  
16 that's where it came from.

17 Q. Thank you.

18 A. So that is not somebody who in the Black Watch  
19 Battle Group or in 7 Armoured Brigade told me of  
20 a rumour of something that had happened, that is  
21 something I had subsequently discovered, and, as I say,  
22 I'm, well, 99.9% certain that it was on the news.

23 Q. Thank you.

24 Just going to skip ahead to this stream outside  
25 Camp Stephen. Again, you've already helpfully answered

1 questions on this at paragraph 79 onwards of your  
2 witness statement, which is over the page on {A/81/14}.

3 A. Yes.

4 Q. I wonder if we could just turn up a couple of photos and  
5 sketches to see whether or not that description there is  
6 the one you would still give.

7 The first one, if I may, Opus, is at {A/2/2}, so  
8 page 2.

9 Could you identify where in the photo --

10 A. Yes. So if you -- right, so if you look to  
11 the right-hand image, okay? The right-hand image as we  
12 look at this page, there looks to be, about  
13 2 centimetres up, a compound. At the top, sort of -- if  
14 we call it the northwest of the compound, the three  
15 A-shaped buildings?

16 Q. Yes.

17 A. Do you follow me? Now, that's not Camp Stephen. If you  
18 look to -- if you look to the left-hand of the two  
19 images, there is a compound which is sort of roughly  
20 quadrilateral, and then there is a Y-shaped track that  
21 runs up, probably south -- as these pictures are  
22 orientated, southeast to northwest with a building in  
23 the middle of it, and then two buildings slightly  
24 further to the north and west. That is Camp Stephen.

25 If you look on the Y-shaped junction, at sort of

1 the bottom of the Y, there's a roundabout. And if you  
2 follow the track down, out, onto the flat ground in  
3 front of the camp --

4 Q. Yes.

5 A. -- you'll see that there's a dark area. That, to me,  
6 looks like the ditch.

7 Now, looking at the wall, which probably was about  
8 2 feet in -- in thickness, I would suggest, therefore,  
9 that my evidence is slightly wrong and that is probably  
10 -- that is probably twice the width of the wall, so,  
11 what, about 4-foot. But everything else that I've said  
12 about it remains, in that it wasn't deep, fast-flowing,  
13 full of water, it was more like a -- it was more like  
14 a drainage ditch, a nullah, if you'll excuse  
15 the expression.

16 The image to the right, that -- that is -- that --  
17 I don't -- I don't recall that being Camp Stephen. So  
18 the only thing I can think of -- well, no, I can't.

19 I can't -- I can't see that that right-hand image is  
20 Camp Stephen.

21 Q. I see. That's helpful.

22 I'll just take you, if I may, to the photos of  
23 the camp.

24 A. Yes.

25 Q. So Opus, if we could pull up {A/4/5}, please. You will

1 have seen this photo before, and certainly this morning.

2 I'll just wait for it to appear.

3 Now, you may have been present, SO95, when I was  
4 taking SO81 through this, but if it helps, again, what  
5 we're looking at here, as I understand it, is the top of  
6 the compound where the watch tower was, looking towards  
7 that wall and the stream which you've just helpfully  
8 identified, and it runs from roughly 80% of the way up  
9 the screen on the left-hand side, behind the watch tower  
10 there, and then between the armoured vehicles, the top  
11 of which are just visible over the top of the wall of  
12 the compound.

13 A. Mm-hm.

14 Q. And then between the wall in the middle distance there.

15 Is that the stream that you're describing?

16 A. Yes. To help orientate it further, if you look toward  
17 the far left -- so there's a -- where the left-hand edge  
18 of the tower is, there's a camouflage net, yes? There's  
19 a line -- a ridge, a line of buildings that runs from  
20 right to left, and then at the left-hand edge of  
21 the image, where the apex roofs end, there is a large  
22 building, a grain silo, okay?

23 DAME ANNE RAFFERTY: Yes.

24 A. The other side of that is the Shatt Al-Arab.

25 The ditch that you've identified, which is -- you

1 can see in the middle ground between the wall and  
2 the grey buildings, it was denoted by the line of  
3 green -- flowed from, and I say flowed in the loosest  
4 sense, from us into the -- into the Shatt Al-Arab, which  
5 is some distance up on the left-hand edge of this  
6 picture. That ditch was -- I mean, it is a ditch, it's  
7 not a fast-flowing stream. I don't recall it being full  
8 of water. And by -- by May, things were drying up  
9 anyway, and so there would have been even -- there would  
10 have been even less water than there would have been  
11 earlier with on in the year.

12 Q. I see. Well, if it was drying up, are you able to  
13 estimate how dry it got? How low did the water get in  
14 that ditch?

15 A. Well, I don't -- I really don't recall it being much  
16 more than a trickle, and at times I would have said it  
17 was probably dry. But you'll have to forgive me.  
18 I mean, I'm -- I'm -- you know, this is my recollection  
19 after 20 years, of a body of water I haven't seen in  
20 20 years.

21 Q. Thank you. That's nonetheless very helpful.

22 I'll just skip back, if I may. If we could bring up  
23 -- well, you may recall, it was at paragraph 71 of your  
24 statement, you mentioned having heard of somebody in  
25 the Irish Guards throwing somebody into the canal, and



1 it was widely reported and you had it in your mind's  
2 eye. I just wanted to check whether that is a certain  
3 report.

4 So Opus, could we pull up document {A/54/1}, please.

5 Thank you.

6 Now, SO95, this is a report from the -- or  
7 a publication from the Basra Rose, and at the bottom  
8 there we've got a highlighted section after some  
9 redactions, and it begins:

10 "On capturing ..."

11 I wonder, would you mind having a quick read of  
12 that.

13 A. I -- yes, hang on. Sorry, I'll have to zoom in using my  
14 -- by bringing the computer closer to me.

15 Q. I wonder if Opus could help us by zooming in to  
16 the bottom half of the screen there. Thank you, that's  
17 helpful, Opus.

18 A. Yes, so that is -- that is -- is that the Queen's  
19 Lancashire Regiment Journal that I'm looking at there?

20 Q. I will have to check that. I don't want to say that  
21 without being double sure. But the date of this, this  
22 is 20 July 2003.

23 A. Yes, no, that's not -- that's -- that's not what I'm --  
24 that's not what I'm referring to. I've not seen that  
25 before.

1 MR CHERRY: If it assists, Mr Judd, that is the  
2 QLR magazine.

3 MR JUDD: Yes, I thought so. I just didn't want to confirm  
4 that before checking it.

5 SO95, that's still nonetheless helpful. I just  
6 wanted to double-check what that incident was that you  
7 had in your mind, and it appears it's not this one.

8 A. No, it's not.

9 MR JUDD: Thank you. In that case, then, you've been very"  
10 helpful, SO95, and I don't think I have any more  
11 questions for you.

12 A. Thank you.

13 DAME ANNE RAFFERTY: Let's just do a tour round  
14 the representatives, because we know that Mr Cherry has  
15 something that he'd like us to contribute, so we could  
16 usefully start with him.

17 Are you primed and ready, Mr Cherry?

18 MR CHERRY: Yes, Dame Anne. In fact, it is exactly this  
19 paragraph that I was going to seek some -- they could  
20 probably assist with.

21 SO95 is perfectly correct that it was seen on  
22 the news, because this relates to the Irish Guards 2006  
23 court martial that you'll be familiar with, Dame Anne.  
24 And although he thinks that it was not the 1 Black Watch  
25 Battle Group, it actually involved, as you will be

1 aware, Dame Anne, the company attached from  
2 the 1 Irish Guards who were attached to the Black Watch  
3 Battle Group. And I wonder if he can now recollect that  
4 the direction from the commanding officer about not  
5 throwing people into water came after the report of  
6 the death of Mr Ali after the Irish Guards had thrown  
7 and forced him into the water. That might prompt his  
8 recollection.

9 DAME ANNE RAFFERTY: And is that, insofar as you understand  
10 it, Mr Cherry, post the court martial?

11 MR CHERRY: No, the -- you'll remember that some witnesses,  
12 Dame Anne, had talked about they can remember  
13 the commanding officer coming round and saying, "We're  
14 not to force people into water". It was after it became  
15 knowledge that Mr Ali had gone into the water. It came  
16 to the knowledge, I think, of the unit about three or  
17 four days later, and it was after that point that  
18 directions were given: this is not to happen.

19 DAME ANNE RAFFERTY: So your view, your narrative for  
20 a question would be: incident occurs. Shortly  
21 afterwards steps are taken. Considerably later there is  
22 a court martial.

23 MR CHERRY: That's correct, ma'am.

24 DAME ANNE RAFFERTY: What would you suggest we might  
25 usefully ask SO95?

1 MR CHERRY: The only thing I would suggest is, because he  
2 having been a platoon commander on the ground, he might  
3 have recollected later in his tour that this was then  
4 the direction that followed.

5 DAME ANNE RAFFERTY: All right.

6 Now, SO95, you don't need me to repeat clear  
7 English. Do you know the answer to that? Is your  
8 memory now jogged?

9 A. No, I don't. I genuinely don't remember that direction.  
10 But I mean, it's self-evident that you don't throw  
11 people into large bodies of water. You know, that's not  
12 a good idea. It's not morally right and it's not a good  
13 idea on any level. So, yes, I mean ...

14 DAME ANNE RAFFERTY: Thank you.

15 A. I have to say I'm surprised what Mr Cherry's just said,  
16 in terms of it being a part of the Black Watch -- I'm  
17 not disputing it, it's just that wasn't my recollection,  
18 but thank you for clearing it up.

19 DAME ANNE RAFFERTY: Thank you.

20 Mr Cherry, was that -- I wonder if there was  
21 anything else you'd like to ask us, if we'd ask?

22 MR CHERRY: It was only, Dame Anne, a previous witness had  
23 talked about a body of water in this Company area that  
24 was possibly 20 metres wide and --

25 DAME ANNE RAFFERTY: That's where you started, yes,

1 20 metres wide.

2 MR CHERRY: And he might -- having been a platoon commander  
3 in the area on the ground, he might recollect whether  
4 there was or was not such a body.

5 DAME ANNE RAFFERTY: Okay, leave this with me.

6 So SO95, can you think of anywhere in and around  
7 Camp Stephen which would fit the description of: body of  
8 water, 20 metres approx wide?

9 A. The Shatt Al-Basra, ma'am.

10 DAME ANNE RAFFERTY: Thank you.

11 Thank you, Mr Cherry.

12 MR CHERRY: Thank you, ma'am. That was my questions.

13 DAME ANNE RAFFERTY: Let me reassure myself that that was  
14 all you wanted to suggest we ask.

15 MR CHERRY: That was what I anticipated would be the answer  
16 as well. Thank you very much, Dame Anne.

17 DAME ANNE RAFFERTY: Right.

18 Okay, Mr Judd, off you go round the balance of  
19 the representatives, if you would.

20 MR JUDD: Yes, thank you. I'll just go to them all in order  
21 again.

22 I just wondered, in light of those questions, is  
23 there anything that Ms Al Qurnawi and others in  
24 the Grand Millennium Hotel would like to put through  
25 the counsel team?

1 I'll take the silence as a no.

2 Ms Vyvyan-Robinson, any questions you'd like to put  
3 through counsel?

4 MS AL QURNAWI: No, we have -- no, we have no questions,  
5 thank you.

6 MR JUDD: Thank you for confirming, Ms Al Qurnawi.

7 Mr Foley?

8 MR FOLEY: No, nothing from me.

9 MR JUDD: Thank you.

10 And Mr Berlow?

11 MR BERLOW: No. Just to confirm, the Shatt Al-Basra, that's  
12 a canal, isn't it?

13 DAME ANNE RAFFERTY: It is, yes.

14 MR BERLOW: Yes, I thought so.

15 DAME ANNE RAFFERTY: It's known as the Shatt Al-Basra Canal.

16 MR BERLOW: Yes, thank you.

17 MR JUDD: Sorry. To clarify, Dame Anne, in paragraph 67 of  
18 SO95's evidence, he confirms that the Shatt Al-Basra is  
19 indeed -- it is the canal referred to.

20 DAME ANNE RAFFERTY: That's exactly right.

21 What we technically didn't have is a response from  
22 Ms Vyvyan-Robinson, because we didn't hear whether she  
23 had any question. You asked but we didn't get  
24 a response.

25 I'll just double-check. Perhaps she's no longer

1 with us on the call.

2 MR JUDD: No. I was taking silence after a few beats as no  
3 questions.

4 DAME ANNE RAFFERTY: All right. Good, thank you.

5 So that, I think, completes the evidence of SO95.

6 Am I right?

7 SO95, still with us?

8 A. Yes, ma'am.

9 DAME ANNE RAFFERTY: Right, two things to say first. Just

10 remind me, [REDACTED]

11 [REDACTED]

12 A. [REDACTED] ma'am.

13 DAME ANNE RAFFERTY: [REDACTED] right.

14 And secondly, I want to thank you for all the help  
15 you've given us, and the help you've given us over so  
16 long and for so long today. We're very grateful. And  
17 I know that you have abandoned a day of annual leave to  
18 come back to help us, so may I also mark that. We and  
19 everybody involved in this Inquiry has cause to be  
20 grateful for that level of dedication. Thank you.

21 A. Ma'am, thank you.

22 Could I just say a couple of things?

23 DAME ANNE RAFFERTY: What are they?

24 A. I really wanted to echo SO81's sentiments with respect  
25 to --

1 DAME ANNE RAFFERTY: His final comments?

2 A. Yes, with respect to the families.

3 DAME ANNE RAFFERTY: You say it again. You say.

4 A. Yes, so I'm really sorry for the loss that the two  
5 families have experienced, and particularly the Namas,  
6 because I remember that very well. And I know me saying  
7 that won't help them, but I do hope that they get some  
8 closure from this Inquiry and that they can -- they can  
9 move on, and really that's all I've got to say. Thank  
10 you.

11 DAME ANNE RAFFERTY: Thank you. And on their behalf, thank  
12 you.

13 Right, we'll let you go. Thank you again.

14 A. Thanks, ma'am.

15 (The witness withdrew)

16 DAME ANNE RAFFERTY: I think we'll have a little break now  
17 before we head for our final witness of the day. Let me  
18 just ask Ms Jackson, how long do you think we should  
19 retire to our break-out rooms for?

20 MS JACKSON: I think for the purposes of the interpreter and  
21 transcriber, we should take 15 minutes, if that's okay.

22 DAME ANNE RAFFERTY: All right. So if we see it as 3.34  
23 now, let's call it 3.35, that would be 3.40 we'd come  
24 back.

25 MS JACKSON: 3.50, I think Dame Anne.



1 DAME ANNE RAFFERTY: Yes, 10 to, thank you. Ten to. Thank  
2 you very much.

3 (3.34 pm)

4 (A short break)

5 (3.50 pm)

6 DAME ANNE RAFFERTY: Thank you. So we turn to the last  
7 witness of today, and Ms Bailey is going to call him.

8 SO87 (called)

9 Introduction by MS BAILEY

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

11 SO87, I hope you can see and hear me?

12 A. Yes, I've got you.

13 Q. Thank you very much. Just as a reminder before we  
14 start, I'd be grateful if you could speak as slowly and  
15 clearly as you're able, and I will try and do the same  
16 for the benefit of the interpreter and those tuning in  
17 from Basra.

18 A. Yes, that is okay.

19 Q. Thank you very much.

20 So I understand, SO87, that you are dialling in  
21 using a mobile phone; is that correct?

22 A. That's right, yes.

23 Q. That means, SO87, you won't see, I don't think,  
24 the documents that Opus 2 will be able to bring up onto  
25 the screen for the benefit of other people attending

1 the hearing, but I will read out the content of those  
2 documents before I pose any questions to you based on  
3 those documents, and I hope that arrangement is  
4 suitable?

5 A. Yes, that would be great.

6 Q. Thank you very much, SO87.

7 So can I just confirm at the outset that you are  
8 the witness who is ciphered SO87? I understand that  
9 means that on the list of ciphered witnesses that you  
10 have, that would make you witness number 7; is that  
11 correct?

12 A. That's right, yes.

13 Q. And SO87, you received a disclosure bundle before being  
14 invited to provide evidence for these particular  
15 investigations, and that bundle consisted of previous  
16 statements that you've made in connection with matters  
17 under investigation. Those four previous statements  
18 were dated 8 May 2003, 20 June 2015, 14 December 2016  
19 and 14 December 2016. It's correct, isn't it, that you  
20 had that bundle before you provided evidence to these  
21 investigations?

22 A. Yes, with that, I'll deal with Mr Cherry over that and  
23 see what we need to say.

24 Q. Sorry, I didn't quite catch that, SO87. Could you  
25 repeat that?

1 A. We'll just have to speak to Mr Cherry about that and see  
2 what I have to say --

3 Q. Well -- sorry, I cut across you then.

4 A. Basically, because [REDACTED] I'm on the road  
5 in Europe. This is why I'm joining you with a -- on  
6 a mobile phone. Obviously, yes, I've been dealing with  
7 Mr Cherry and I've seen some of the witness statements,  
8 but I don't think I received the bundle yet, because I'm  
9 on the road in [REDACTED] at the minute.

10 Q. Okay, SO87. Well, to the extent that I take you to  
11 those documents, I will read out the content of those  
12 documents for you. But what I just need to confirm,  
13 SO87, is that for these investigations, and based on  
14 the previous statements that you've given, with  
15 Mr Lewis Cherry, you've produced two statements?

16 A. Yes.

17 Q. If I could ask Opus to turn up {A/72/1}.

18 What Opus have turned up here is the first page of  
19 your first statement.

20 A. Yes.

21 Q. And if you could turn to {A/72/9}, Opus.

22 That's the final page of your first statement.

23 A. Yes.

24 Q. And it's dated 4 November 2022. Is this ringing bells  
25 as your first statement?

1 A. Yes, that's -- that's fine. I've done that, yes.

2 Q. Fabulous.

3 And the second short supplementary statement is at  
4 {A/73/1}, please, Opus. And the final page is on  
5 {A/73/2}.

6 This is another statement dated 8 January 2023?

7 A. Yes, that's it.

8 MS BAILEY: Thank you very much, SO87.

9 I'll pass you back over to Dame Anne for the initial  
10 questions.

11 Questions from DAME ANNE RAFFERTY

12 DAME ANNE RAFFERTY: Good afternoon, SO87.

13 A. Afternoon, ma'am.

14 DAME ANNE RAFFERTY: Can you see and hear clearly?

15 A. Yes, I can see and hear you clearly.

16 DAME ANNE RAFFERTY: At any time -- and I don't think it  
17 will happen -- if something's not plain to you or you're  
18 disconcerted, you just say so.

19 A. Okay, thank you.

20 DAME ANNE RAFFERTY: Let me reassure you before we get  
21 going, (a) I don't think we'll keep you long, and (b),  
22 the one thing I really want you to understand is that  
23 this whole exercise is so that I can understand better,  
24 because I've heard from witnesses.

25 A. Right, that's fine.

1 DAME ANNE RAFFERTY: It isn't something designed to push and  
2 pull you, there are no traps going to be laid, no one is  
3 here to catch you out. So this is a fairly warm and  
4 welcoming exercise in seeing what you can remember and  
5 help us with where you can. Does that --

6 A. Right.

7 DAME ANNE RAFFERTY: -- all make sense to you?

8 A. Yes, that's fine, ma'am. Thank you.

9 DAME ANNE RAFFERTY: It's a pleasure.

10 I don't want you to feel at any time that because  
11 you've been asked a question, you've got to come up with  
12 an answer to it. You can say at any stage, "I don't  
13 know", "I can't remember", "It doesn't make any sense to  
14 me", or anything like it. Are we all right on that?

15 A. Yes, that's fine, ma'am, thank you.

16 DAME ANNE RAFFERTY: Thank you.

17 Just to begin with, give me in a very brief outline  
18 of your career in the military. I don't need to know  
19 what colour uniform you wore in what year and which  
20 train you caught to Catterick. I just want, in  
21 a paragraph maybe, where you started and where you  
22 finished.

23 A. Okay, so I joined the Guards Depot in Pirbright, Surrey,  
24 in 1988 as a recruit. After that, I went to London to  
25 do the Brigade of Guards on the London circuit. After

1 that, Northern Ireland a numerous amount of times.

2 After that one, sort of Germany, Berlin, [REDACTED]

3 [REDACTED] Then it was Kosovo, [REDACTED] Iraq, Afghanistan,

4 and then out of the Army.

5 DAME ANNE RAFFERTY: And left the Army -- do you remember  
6 which year, SO87, you went?

7 A. 2010.

8 DAME ANNE RAFFERTY: Thank you.

9 And in 2003, which you know is when we're interested  
10 in, out there in Basra, what was your job? What was  
11 your role?

12 A. I was attached to C Company 1 Black Watch from the  
13 Irish Guards, and we were to add up the numbers in  
14 the Black Watch Mortar Platoon. So we were a section of  
15 mortars with the Black Watch Mortar Platoon.

16 DAME ANNE RAFFERTY: Right.

17 I'm going to ask you a little bit now about  
18 Camp Stephen itself. I'm going to use a posh word, but  
19 I'll translate it for you. I want you, if you can, to  
20 describe for me the culture. "Culture" is the posh  
21 word. The question is: what did you make of it as  
22 a place to be and work?

23 A. Like I've always said, it was just a normal infantry  
24 company sort of culture. You had your -- your company  
25 commander, ops officer, company sergeant majors, then

1 the platoon commanders, and downwards to myself,  
2 the ordinary guardsmen on the ground, or, as  
3 the Black Watch guys say, the Jocks.

4 DAME ANNE RAFFERTY: What was your rank by the time you'd  
5 got there, SO87?

6 A. So I was a lance sergeant, which is a full corporal.

7 DAME ANNE RAFFERTY: Yes, thank you. And in Camp Stephen,  
8 how was discipline and good order maintained?

9 A. The company sergeant major is a typical sergeant major  
10 and he kept the discipline and good order going. But  
11 our section commander as well, which is [redacted],  
12 which you might have heard of, he kept --

13 MS JACKSON: Can we cut the stream, please.

14 I'm so sorry to interrupt. SO87, we're using  
15 ciphers in order to refer to any members of the British  
16 military, and we have a safeguard in place so that  
17 the public stream is cut before anything is broadcast,  
18 just to make sure that no one's name inadvertently goes  
19 out. So what I was doing there was just cutting  
20 the stream to make sure that that doesn't happen.

21 THE VIRTUAL HEARING MANAGER: I can confirm the stream has  
22 been cut and I will start it again at your instruction.

23 DAME ANNE RAFFERTY: Before you do, let me just say to SO87,  
24 you aren't the first person to have used a name, so  
25 please don't beat yourself up about it, and we've got

1 things in place to deal with it.

2 A. Yes.

3 MS JACKSON: Thank you. Apologies for cutting across.

4 Thank you, Jamie, if you can start the stream again  
5 and let us know when we're ready to go.

6 And sorry again, SO87.

7 THE VIRTUAL HEARING MANAGER: Yes, the stream has now  
8 started again. Thank you.

9 DAME ANNE RAFFERTY: So SO87, let's see what you make of how  
10 order and discipline was maintained at Camp Stephen.

11 I think your view is company sergeant major ran  
12 the outfit. Was he backed up by someone in another  
13 rank?

14 A. You had -- you had I think it's SO81 who was our platoon  
15 2IC.

16 DAME ANNE RAFFERTY: Got it.

17 A. And then SO95 was the team commander towards the end of  
18 the operation. So obviously law and order all went  
19 through those guys.

20 DAME ANNE RAFFERTY: And how would you describe the level of  
21 order and discipline? It might have been good?  
22 Inadequate?

23 A. Yes, it was good. It was good order there.

24 DAME ANNE RAFFERTY: Did you know where you stood?

25 A. Yes, ma'am, yes. Definitely.



1 DAME ANNE RAFFERTY: Yes, okay.

2 And you'd been in, as you now have told us, a lot of  
3 other military environments. So if you compare Stephen  
4 with them, where does it sit in terms of how it was run,  
5 how effective, how disciplined? How tight was it?

6 A. It was well run. It was well run, ma'am, with  
7 discipline, and it was tight. You know, it was a good  
8 -- it was a good environment. Obviously the situation  
9 we were in wasn't very nice.

10 DAME ANNE RAFFERTY: No.

11 A. But just as a professional soldier, you get on with it.

12 DAME ANNE RAFFERTY: You do the job for which you're  
13 trained.

14 A. That's it, ma'am, yes.

15 DAME ANNE RAFFERTY: Okay, thank you.

16 And when the war ended and the soldiers went into  
17 post-war treatment, did you see or feel any change in  
18 the atmosphere of Stephen, or was it unchanged?

19 A. It was -- it was sort of -- yes, it was sort of the same  
20 really. Like SO95 said, you sort of went into  
21 a policing sort of role. And then he reflected on  
22 training that we'd done for Northern Ireland, so it was  
23 sort of like a Northern Ireland scenario where you're  
24 trying to look after the infrastructure of water etc  
25 like that, you know, keep the locals happy, because

1 obviously they went through a lot before we even turned  
2 up, didn't they?

3 DAME ANNE RAFFERTY: Okay.

4 And the soldiers generally, did they have much  
5 interaction with the civilians? What sort of  
6 interactions would they have? In terms of was it pretty  
7 convivial, was it pretty affable, pretty aggressive, it  
8 depended on who it was? Give us a little feel for that.

9 A. Well, like SO95 said, that once there was children come  
10 round from the school and they were sort of  
11 demonstrating about not having enough things to be able  
12 to learn. That was one.

13 And then we had some cases where we had to go and  
14 just police water being given out to sort of the locals,  
15 which was all -- it was quite stressy that day, because  
16 they were getting quite irate because they weren't  
17 getting enough water.

18 DAME ANNE RAFFERTY: Yes.

19 A. To do with interacting, that's the sort of thing we had  
20 to deal with.

21 DAME ANNE RAFFERTY: Yes. Day in day out, I would imagine.

22 A. Yes.

23 DAME ANNE RAFFERTY: Yes. And were the soldiers encouraged  
24 to use some good old-fashioned initiative when they were  
25 trying to maintain law and order, or was it regimented?

1 A. It was quite well run by the officers in command,  
2 keeping an eye on the guys, that they didn't make any  
3 mistakes and stuff like that. But those fancy words  
4 that you used, I'll put them into layman's terms.  
5 You know, the guys were trying to be as professional as  
6 they could with a difficult situation.

7 DAME ANNE RAFFERTY: Yes. I'm a great fun of you  
8 translating posh words into easily understandable words.

9 You keep doing it. I can hear kind of [REDACTED]  
10 [REDACTED] in your voice?

11 A. [REDACTED] ma'am.

12 DAME ANNE RAFFERTY: There's a man who can translate posh  
13 words then. Good.

14 So staying with the post-war phase, SO87, I think  
15 you told us before in your written stuff that the change  
16 in the rules of engagement and how you had to operate  
17 kicked in, and you hadn't previously experienced that  
18 sort of change from level A to level B in your previous  
19 deployments; is that right?

20 A. Yes, it was like SO95 said, one minute you're  
21 war-fighting, and the next minute you're expected to be  
22 policing an area, you know? And most of the training  
23 was normally done on war-fighting, because obviously we  
24 were going into a war.

25 DAME ANNE RAFFERTY: And you were, after all, soldiers.

1 A. That's it, ma'am, yes.

2 DAME ANNE RAFFERTY: So let me just ask you one thing  
3 arising from that, because you've also told us that you  
4 knew that there was a transition from the war-fighting  
5 and their rules to what you've called "card Alpha".  
6 Could you just tell me what card Alpha was?

7 A. Card Alpha is a set of rules that the British Army have  
8 brought out for, let's say, Northern Ireland, and it's  
9 when and if you're allowed to do certain things on  
10 the card Alpha. Obviously when you were in Iraq then,  
11 you sort of adhered to card Alpha.

12 DAME ANNE RAFFERTY: And generally very widely known and  
13 used and talked about by the soldiers, by the troops,  
14 card Alpha? Very familiar?

15 A. That's it, ma'am, yes.

16 DAME ANNE RAFFERTY: Okay.

17 But I think you have also said, in other comments  
18 to us, that nothing actually in your training prepared  
19 you for the aftermath of the war. So keep that in your  
20 head.

21 A. Yes.

22 DAME ANNE RAFFERTY: Did you feel well prepared for what you  
23 had to do in Basra, particularly because there had been  
24 this change, you were going into post-war, you were in  
25 the aftermath, which you've spoken about. Nothing in

1 your training prepped you for it. Can you give me  
2 a feel for how that left you? Did you feel out of  
3 control, just doing your best, unaffected, just  
4 conscious of it? Do you understand what I'm asking you  
5 to help me with?

6 A. I do, ma'am, yes. Well, some Northern Ireland  
7 situations, and also Kosovo situations, and then coming  
8 to Iraq, obviously, because you're a professional  
9 soldier, you've already got some type of training there  
10 from previous deployments. So you were obviously being  
11 professional. Again, you were doing your best to deal  
12 with the situation and do it to the best of your  
13 ability.

14 DAME ANNE RAFFERTY: So you'd draw on your sort of mental  
15 library of training and wheel it forward to deal with  
16 what came; is that the picture I'm hearing?

17 A. That's right, ma'am, yes.

18 DAME ANNE RAFFERTY: Okay.

19 So was that the position for everybody? Everybody  
20 of your rank and below, and perhaps a bit above, were  
21 confronted with the same thing? You can't train for  
22 that kind of experience, you've got to do what you have  
23 been trained to do generally?

24 A. It was, as we say in the British Army, flexibility at  
25 all levels.

1 DAME ANNE RAFFERTY: Yes, thank you.

2 A. So you're sort of trained and practised on lots of  
3 scenarios so that you can deal with them.

4 DAME ANNE RAFFERTY: Yes.

5 And I think you've also said that you were briefed  
6 if a task involved protecting the infrastructure,  
7 because you talked about that, and particularly  
8 the water supplies. So what did that training catch?  
9 I can see that you'd find out where the water supplies  
10 were and perhaps where the grain store was and where  
11 the hospital was, but what was the briefing? Was it  
12 about how to interact with the civilians, or with  
13 suspected looters? You must have had those day in, day  
14 out.

15 A. Well, I'm just trying to think of the best way to say  
16 it.

17 You do -- you do prisoner of war training as part of  
18 a Plaque 1 soldier on what to do, what not to do, and  
19 everything gets sent to the company sergeant major to do  
20 with the dealing of prisoners of war, looters, etc. So  
21 you have got some understanding there of what to do and  
22 what not to do. But the company sergeant major does  
23 a certain course, when he gets his rank of  
24 company sergeant major, on how to deal with prisoners of  
25 war, you know, looters, etc. So you go into that

1 training then from your past or previous deployments.

2 DAME ANNE RAFFERTY: Understood.

3 As you've dealt with it for me -- as you've touched  
4 on it for me, the distinction between handling a PW and  
5 handling a civilian? Difference, rather?

6 A. Well, I -- I dealt with it because I've done quite a few  
7 tours in Northern Ireland, and you're sort of doing  
8 a police role in Northern Ireland.

9 DAME ANNE RAFFERTY: Yes.

10 A. So obviously I put those rules, hen, using card Alpha  
11 into my head, so I'm dealing with what not to do and  
12 what to do with, you know, PWs or looters. So, yes,  
13 nearly everything went up to the company sergeant major  
14 as soon as we got somebody, so then obviously he dealt  
15 with it with his team.

16 DAME ANNE RAFFERTY: Before it got up to him, though, I'm  
17 hearing from you -- you tell me if I'm wrong -- that  
18 you'd been there, done it, seen it, deployed it, so what  
19 you had to do was just remember previous military  
20 experiences and replicate the sensible approach you'd  
21 used there; is that it?

22 A. That's it, ma'am, yes.

23 DAME ANNE RAFFERTY: Right, thank you.

24 I'm going to pause there now and I'm going to ask  
25 Ms Bailey to ask you some questions, but you're not shot

1 of me completely, I'll come back to you just very, very  
2 briefly at the end when we think you've finished your  
3 evidence. Thank you very much so far.

4 A. Thank you, ma'am.

5 DAME ANNE RAFFERTY: Ms Bailey.

6 Questions from MS BAILEY

7 MS BAILEY: Thank you, Dame Anne.

8 Just to double-check, SO87, can you hear me clearly?

9 A. Yes, I can hear fine, thank you.

10 Q. Thank you, SO87.

11 Just to follow on from the question Dame Anne just  
12 posed, if I may, just to seek a little more  
13 clarification, if you're able -- it may be that you  
14 can't assist with this -- you may have heard earlier  
15 SO95 describing a distinction between a prisoner of war  
16 on the one hand and a detained person or a civilian on  
17 the other, and it sounds as though you are drawing  
18 a similar distinction between prisoners of war and  
19 looters. Did you receive any practical training about  
20 that distinction, or did you just apply that as a matter  
21 of common sense yourself?

22 A. I would say, doing the best I could, is, applied it  
23 myself from previous Northern Ireland tours and such  
24 like that, you know?

25 Q. Absolutely. Understood.



1           And do you think that there ought to have been  
2           a distinction, both in terms of training that you feel  
3           you ought to have received and in practice? Did you  
4           think it was right to apply a distinction?

5       A. Well, yes, because one minute you were fighting a war,  
6           next minute you're dealing with looters, etc. So, yes,  
7           it would be better --

8       Q. Understood.

9       A. -- because (inaudible) --

10      Q. Thank you.

11      A. Thank you.

12      Q. Sorry, I didn't mean to cut across you there. Were you  
13           going to say something further?

14      A. No, that's fine.

15      Q. Understood.

16           If I could just ask you a question about notifying  
17           the camp if a prisoner or a civilian was being detained.  
18           At paragraph 20 of your witness statement -- your first  
19           witness statement, which I'll just ask Opus to pull up  
20           quickly.

21           It's {A/72/3}, please, Opus. If we could zoom in on  
22           paragraph 20, please, just above the redacted section at  
23           the bottom of the page. If we could zoom in again,  
24           because I can see that SO87 is -- can you see it, SO87,  
25           on your mobile?

1 A. Yes. Yes.

2 Q. Oh, well done. That's helpful. Thank you.

3 I'm just looking at one section in this paragraph

4 after the -- it's the second sentence where it says:

5 "Any prisoner being brought back to the camp would  
6 be notified to the operations room over the radio."

7 What I'm hoping you might be able to help with --

8 although, again, SO87, it may be that you don't know

9 the answer to this question -- is whether it would be

10 normal practice for the operations room to be notified

11 before the prisoner came back to camp, or was it

12 the case that at that some point the operations room

13 needed to be notified, but it didn't have to be before?

14 A. Well, being 20 years ago, nearly, to the date, it's very

15 vague in my mind.

16 Q. Sure.

17 A. But I would say they would get on the net to SO95 in his

18 ops room, tell him that they were bringing male, female,

19 whatever, back to the camp so that they knew that they

20 would have a looter, PW or whatever in our vehicle and

21 we were bringing him back -- them back.

22 Q. So would you try and furnish someone in SO95's position

23 with as much information as possible about the detainee,

24 or was it just headline points like --

25 A. Yes, just headline -- just headline points so that they

1 knew someone was coming with us in the back of  
2 the Warrior, as it's already been said in previous  
3 witness statements.

4 Q. Understood. That's very helpful. Thank you.

5 If we could turn over the page, please, Opus, to  
6 {A/72/4} and zoom in again, please, to paragraph 26, so  
7 a little bit further down the page.

8 In this paragraph, SO87, you say:

9 "I cannot say how detainees were guarded at the camp  
10 and give details of the guarding and guard duties.

11 Prior to this incident I did not have any knowledge of  
12 this so I cannot say what procedures and practices were  
13 in place for providing food or water to the detainees."

14 What I was wondering if you could can assist with  
15 finishing, and obviously I'm asking this question in  
16 the context of that first sentence where you say you  
17 really can't assist with the details of guarding and  
18 guard duties more generally, but are you able to assist  
19 with whether it was common for detainees to be guarded  
20 inside the EPW cage, that is the area that other  
21 witnesses have described as the camouflage tent?

22 A. I wouldn't be able to comment, because I don't remember  
23 enough. And also, straight thing that comes to mind is  
24 that's up to the company sergeant major and his platoon,  
25 let's call it, from headquarters of the Company.

1 Q. Understood. Thank you.

2 Opus, could we turn over the page again, please, and  
3 zoom in to paragraph 33 on this page {A/72/5}.

4 In this paragraph, SO87, you describe your  
5 experience of different guard duties. I'm going to read  
6 one excerpt from this paragraph that begins:

7 "Formal guard duties would have the guard orders  
8 read out by the guard NCO on every occasion to  
9 the persons conducting the duty. This is a normal and  
10 routine infantry practice in barracks and camps  
11 worldwide. Less formal handovers would take place on  
12 operations and when in the field, but would still be  
13 a guard duty."

14 What I was wondering is, in the context of your own  
15 experiences guarding in different contexts -- so in this  
16 paragraph you refer to guards guarding in the UK,  
17 Northern Ireland, Kosovo and Iraq -- was the guard duty  
18 that occurred in Camp Stephen more along the informal  
19 end of the spectrum, if I can put it that way, SO87?

20 A. Yes, it would come underneath card Alpha that I've  
21 already touched on with the Dame. And then, every time  
22 an NCO would relieve you onto a guard position, you  
23 would be given out an informal set of orders, ie you  
24 relate to card Alpha if opening fire, etc. However,  
25 the company sergeant major, in his EPW cage, is

1 a completely different thing and I wouldn't know  
2 anything about that.

3 Q. Understood. So if I could just clarify, in a sort of  
4 post-conflict context, would the handover be an informal  
5 handover?

6 A. You would have an NCO with you when you were changing --  
7 changing guards' positions, yes, but it would be  
8 informal. You wouldn't have the ... yes.

9 Q. And what kind of information would you share at that  
10 handover?

11 A. Your -- your arc of fire, your procedure to let people  
12 into the front gates, card Alpha rules of engagement and  
13 things like that. The most I can remember, sorry.

14 Q. That's fine. That's very helpful. Thank you very much.

15 Okay, last couple of questions, SO87. I'm just  
16 going to ask you some questions now about your  
17 recollection of incidents on 8 May 2003 and involving  
18 the death of Radhi Nama.

19 Opus 2, if I could ask, again, to the next page,  
20 please, and to zoom in on paragraph 36 {A/72/6}. If we  
21 could zoom in twice again, as we've done before. That's  
22 fantastic. Thank you.

23 Right, SO87, this, in fairness to you, sets out your  
24 recollection of those events, and as you've just  
25 referred to, we're nearly at, to the day, 20 years

1 later. In this paragraph you say:

2 "I have been asked to comment on the detainee's  
3 condition on my arrival. Although I have made two  
4 statements, one in 2003 and a later one in 2015, both  
5 say different things about what I saw and did. I cannot  
6 now truthfully recollect what happened and I'm not able  
7 to say which is the correct version. I can only say  
8 that the 2003 statement was made closer to the incident  
9 and I would therefore rely upon it."

10 Does that still ring true for you now, SO87? Do you  
11 still feel that the 2003 statement is the statement you  
12 would rely on?

13 A. Yes, the 2003, being the closer statement to the day  
14 that it happened, is better to be used.

15 Q. Understood.

16 And in fact, that statement was taken on 8 May 2003,  
17 ie the date on which the event took place --

18 A. Yes.

19 Q. -- so it was on the day it actually occurred.

20 Now, what I intend to do, although entirely in  
21 the context of this paragraph, SO87, being that you now  
22 feel that you cannot truthfully recollect what happened,  
23 is to just ask you a few questions about that 2003  
24 statement, and if it is the case that you cannot assist  
25 any further because of the fact you cannot recall,

1 please do say so, but I hope it's okay for me to just  
2 pose a quick couple of questions for you on that  
3 statement now.

4 A. Yes, that's fine.

5 Q. Thank you.

6 So this is a statement that is not going to be put  
7 up on the Opus platform, but it is a statement that, as  
8 confirmed earlier, you were provided a copy with through  
9 Mr Cherry. What I'm going to do is I'm just going to  
10 read out certain excerpts from that statement now.

11 It says:

12 "On Thursday, 8 May 2003, at a time I can't  
13 remember, I was outside sorting out my armour vehicle  
14 when an EPW had been brought into C Coy lines following  
15 a search of a house. The man, whose name I don't know,  
16 was put inside EPW cage together with a few other  
17 prisoners already in the cage."

18 That man, obviously, for the purposes of context, is  
19 Radhi Nama; is that correct?

20 A. I believe so, yes.

21 Q. Thank you.

22 It then goes on to say:

23 "These men were later released."

24 Those are the few other prisoners who were brought  
25 into the cage:

1 "The Company Sergeant Major ..."

2 That is SO101:

3 "... came up to me and Corporal SO102 ..."

4 Just pausing there, I can see you're referring to  
5 the cipher list.

6 A. Yes. 102, was that?

7 Q. SO101 was the first witness, and then SO102 was  
8 the second.

9 A. Yes, I've got it. Thank you.

10 Q. "... and asked us if we could look after the EPW.

11 The man was sitting in the corner of the EPW cage ..."

12 That is the man who you've just said you presumed  
13 was Radhi Nama:

14 "... as the intel men gathered some intelligence."

15 Now, if we just pause on those two sentences. Are  
16 you able to assist with the description of the man when  
17 he was sitting in the corner of the EPW cage?

18 A. Not after 20 years, no, I can't remember, sorry.

19 Q. That's perfectly fine.

20 And then:

21 "... the intel men gathered some intelligence."

22 Are you able to assist with who the intel men were?

23 A. No, sorry --

24 Q. Without naming names, but ...

25 A. Very vague. Very vague for me after 20 years, sorry.



1 Q. Very vague for you after 20 years. I think I spoke over  
2 you then.

3 A. Yes, it's very vague for me. I can't remember after  
4 20 years, sorry.

5 Q. That's perfectly fine. You don't need to apologise to  
6 me, SO87.

7 So you cannot assist with whether that was an  
8 intelligence officer?

9 A. No, sorry.

10 Q. I'll then continue reading from the statement, SO87. It  
11 says:

12 "The man asked for some water as he said he wasn't  
13 too well."

14 And then I was wondering, are you able to assist  
15 with how you were able to understand that he was asking  
16 for water?

17 A. Well, like I keep on saying, this is all very vague to  
18 me. It's like 20 years ago now, you know, and my  
19 memory's not the best any more. I'm very sorry I can't  
20 help.

21 Q. I understand, SO87. I only have a few more questions.  
22 I will take you through just the final three sentences  
23 of the statement, just on the off-chance that there's an  
24 element in this statement that you are able to assist  
25 with, if that's okay.

1 A. Yes. Okay, thank you.

2 Q. It then goes on to say:

3 "I could see he was acting a bit strange. From  
4 there, the man slumped down on the floor, so we put him  
5 in the three-quarter prone position as we thought this  
6 was the best thing to do."

7 Are you able to assist with who the "we" in that  
8 sentence are? Who "we put him in the quarter prone  
9 position" are?

10 A. Like I said before, sorry, but I can't recollect because  
11 my memory's not very good any more.

12 MS BAILEY: Understood. That's perfectly fine.

13 I don't have any more questions about that 2003  
14 statement, SO87. I'll just pause there. Thank you very  
15 much for answering those questions.

16 Does the team have any questions that they'd like to  
17 ask arising from either that or any other elements of  
18 SO87's witness evidence?

19 (Pause)

20 I think that's a no.

21 Dame Anne, do you have any questions arising from  
22 that?

23 DAME ANNE RAFFERTY: No, thank you.

24 MS BAILEY: In which case, I assume I'll do the rounds then  
25 of the other attendees, perhaps starting with

1 the Grand Millennium Hotel and Ms Al Qurnawi. I wonder  
2 if there are any questions from Basra.

3 MS AL QURNAWI: No, we don't have any questions.

4 MS BAILEY: We may need the assistance of an interpreter on  
5 that one.

6 DAME ANNE RAFFERTY: Or our little button.

7 MS AL QURNAWI: So I've answered in Arabic in preparation  
8 for tomorrow, to see how it works.

9 THE VIRTUAL HEARING MANAGER: Ms Bailey, it's Jamie Dalton  
10 here. Can you confirm that you have selected  
11 the English translation on the interpretation, if you're  
12 not hearing the interpreter.

13 MS BAILEY: I have selected the English channel, Jamie.

14 THE INTERPRETER: Can you hear me, madam, now?  
15 Madam Zainab said that, "No, we don't have any  
16 questions".

17 MS BAILEY: Thank you very much. That's very helpful.

18 DAME ANNE RAFFERTY: We heard you. Thank you.

19 MS AL QURNAWI: Thank you, madam.

20 MS BAILEY: Mr Berlow, any questions?

21 MR BERLOW: No, no questions.

22 MS BAILEY: Mr Foley?

23 MR FOLEY: No, no questions from me.

24 MS BAILEY: Thank you very much.

25 I think Ms Vyvyan-Robinson has dropped off the call.

1 I can't see her.

2 So that leaves Mr Cherry. Any questions from you?

3 MR CHERRY: None from me at all. Thank you, Ms Bailey.

4 MS BAILEY: Thank you very much, Mr Cherry.

5 Thank you very much, SO87. I'll pass you back over  
6 to Dame Anne.

7 A. Thank you.

8 DAME ANNE RAFFERTY: Right, thank you. SO87, I told you,  
9 you wouldn't be shot of me entirely, I'd come back.

10 I want to add my thanks to you. It's quite an  
11 achievement, when you're away [REDACTED] and  
12 you've got a job to do, to make it your business to  
13 arrange things so you can help. I know all that, and  
14 I want to underline, we'd have been grateful to you if  
15 you'd just sat in your front room at home and done all  
16 this, but we're even more grateful to you because of  
17 the efforts you've made to help us. So will you let me  
18 thank you doubly, please.

19 A. Okay. Thank you, ma'am.

20 DAME ANNE RAFFERTY: And you've got a drive ahead for later  
21 today, or tomorrow?

22 A. Next week, it is, now. [REDACTED]

23 DAME ANNE RAFFERTY: Gosh. And how long will your drive be?

24 A. [REDACTED] in

25 [REDACTED]

1 DAME ANNE RAFFERTY: And how long will you be there before  
2 you [REDACTED]

3 A. So, [REDACTED]  
4 down.

5 DAME ANNE RAFFERTY: It's quite tough, isn't it? It's quite  
6 tough, that. But I suppose you're used to it by now,  
7 aren't you?

8 A. That's it, ma'am. Yes, that's it. [REDACTED]

9 DAME ANNE RAFFERTY: Yes. And you're not a complainer, are  
10 you?

11 A. No, ma'am, no.

12 DAME ANNE RAFFERTY: No, thought not.

13 Well, thank you again for coming. We don't need to  
14 keep you now, we can let you go, you and your phone.  
15 You've done very well on your phone with manipulating  
16 your screen. Thank you.

17 A. Thank you, ma'am.

18 (The witness withdrew)

19 DAME ANNE RAFFERTY: So, end of proceedings for today,  
20 I think. 10 o'clock tomorrow? Good.

21 Before we all part, I know that tomorrow we expect  
22 to hear from Mr Radhi Nama's daughters, so I have  
23 a question to think about overnight for our friends and  
24 colleagues in Basra. I'd merely like to know, before  
25 they give evidence tomorrow, how each of them would like

1 me to address them, and they tell us and that's what we  
2 shall do. Family name, first name, appellation. Just  
3 give us the information and we will do what they prefer.

4 So thank you all. 10 o'clock tomorrow.

5 (4.32 pm)

6 (The hearing adjourned until 10.00 am on Thursday,  
7 13 April 2023)

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