

OPUS2

August 7, 2023
Day 4

Iraq Fatality Investigations

1 Monday, 7 August 2023

2 (9.00 am)

3 Introductory remarks by DAME ANNE RAFFERTY

4 DAME ANNE RAFFERTY: Good morning. Since my formal

5 appointment in August 2022, I have presided over

6 the Investigations into the deaths of Mr Radhi Nama and

7 Mr Mousa Ali in May 2003 at the British Forces military

8 base known as Camp Stephen. I have also been conducting

9 the second part of the Investigation into the death of

10 Ahmed Jabbar Kareem Ali, the first part finished by

11 Sir George Newman in September 2016.

12 Let me begin by thanking all witnesses and their

13 representatives for providing evidence and for attending

14 these public hearings. Your support and your

15 cooperation has continued to play its own part as

16 the team and I try to move effectively toward concluding

17 these Investigations. I cannot overstate the importance

18 of the commitment you have given to these

19 Investigations, and without you it would have been very

20 different.

21 I also thank the family and friends of Mr Nama and

22 of Mr Ali. Whilst they are not joining us today, their

23 evidence at my first public hearings was moving.

24 I understand their legal representatives, Ms Al Qurnawi

25 and Mr Turner, are attending on their behalves, keeping

1 a watching brief.

2 The Investigations. Those who were at the public
3 hearings in April will already be familiar with
4 the Investigations, but it bears repeating. I am
5 investigating, terms of reference 4 November 2020,
6 the deaths of two Iraqi civilians, Radhi Nama and
7 Mousa Ali, who both died shortly after their May 2003
8 capture and detention at Camp Stephen, a British
9 military base in Basra. Given the factual similarity
10 between the two incidents and some overlap in personnel
11 involved, and that the deaths were within a week of each
12 other, I am investigating and reporting on them
13 together.

14 As I explained in a directions hearing on
15 3 November 2022 and in the public hearings of
16 April 2023, I am also asked to investigate and conclude
17 the report into the death of Ahmed Jabbar Kareem Ali.
18 In part 1 of that Investigation, Sir George Newman
19 reached the sad conclusion that Mr Ali died by drowning
20 in the Shatt Al-Basra Canal after being forced to enter
21 the water by British soldiers on 8 May 2003. That is
22 the same date on which Radhi Nama died at Camp Stephen.

23 Part 2 of the Investigation arises out of evidence
24 of the practice of "wetting" civilians to deter looters
25 by forcing them into bodies of water. I have to

1 determine whether there were such a "wetting" practice.
2 I decided to conduct part 2 of the Ali Investigation
3 alongside my Investigation into Radhi Nama and
4 Mousa Ali's deaths, and I explained why in my
5 3 November 2022 directions hearing, which adopt those
6 set out by Baroness Hallett in her outline statement on
7 3 November 2021.

8 Hearings. I am very grateful to those witnessess
9 who have provided witness evidence, and, in some cases,
10 supplementary witness statements, about these deaths.
11 I want to make something very clear before we begin.
12 These are not adversarial proceedings, they are
13 inquisitorial. Their purpose is that I hear from
14 witnesses in person so I can fully understand their
15 evidence and their recollection. I am interested in
16 what individuals remember and have to say; I am not
17 trying to catch people out or to challenge the finer
18 detail of their recollections. There will be no
19 cross-examination and all the questions will come from
20 the team or from me. These hearings will lend colour to
21 the written accounts which I gratefully received, and
22 they add colour to the events in question. I found my
23 April public hearings very useful and I hope today's
24 will be similarly helpful.

25 Participants have access to the bundle I will use

1 throughout today's hearing. I might, from time to time,
2 or the team might, refer a witness to documents other
3 than their own statements in the bundle, but we will
4 make sure they can consider and comment on that
5 material.

6 I repeat: I want to hear and clarify individuals'
7 best recollections, not trip them up. I have, from the
8 beginning, been very alive to events in play being, by
9 now, more than 20 years ago, memories and recollections
10 might be weakened by the passage of time and that is
11 understandable. I am also acutely conscious that both
12 for those who lost loved ones and those who served in
13 the British military, revisiting historic events can be
14 troubling and, for some, traumatic. Participating in
15 these hearings asks something of every single person
16 here, especially those whose evidence is founded in what
17 they lived through in tough times. The team and I have
18 always aimed to be considerate and understanding, and
19 that is the pattern for today's hearing, too.

20 These are the second public hearings for taking
21 evidence in the Investigation. Witness availability
22 means I might take some discrete evidence later in
23 hearings for that purpose. The team will aim to update
24 participants and the public on any future hearings.

25 Let me, again, thank everyone who has worked hard

1 with the team along the way, and those are not mere
2 words, they are born of genuine gratitude. I appreciate
3 the time each of you -- witnesses, legal
4 representatives, family, friends alike -- have given to
5 helping.

6 Anonymity. Natasha Jackson will, in a moment, set
7 out the procedure we will follow and she will field any
8 questions from anyone here. Let me pre-empt just one
9 point she will cover in detail: anonymity. I made
10 a general order protecting from publication the name of
11 any British military personnel involved in my
12 Investigations. All specific applications for anonymity
13 by witnesses have been granted. All witnesses attending
14 today are protected by public anonymity.

15 The team and I take anonymity very seriously. We
16 shall use ciphers, not names, and broadcasting
17 safeguards prevent accidental streaming of confidential
18 or anonymised material. That said, in the unlikely
19 event that anonymised names are used publicly, may
20 I remind all present that both my specific and general
21 anonymity order remain in force. I do not expect
22 the names of any British military personnel to be
23 published without my express permission.

24 Thank you all.

25 Ms Jackson.

1 Housekeeping

2 MS JACKSON: Thank you, Dame Anne.

3 So as Dame Anne said, just to run through some
4 practicalities for the day. Firstly, I just wanted to
5 double-check, do we have a representative from QC Law in
6 the meeting room now? I think I can see ...

7 MS AL QURNAWI: Yes, I am here.

8 MS JACKSON: Wonderful, thank you. Sorry, we realised we
9 could not spot you, I just wanted to check. Thank you,
10 Ms Al Qurnawi, and Mr Turner.

11 Can I just check that we have Ms Rahman-Cook from
12 GLD here?

13 MS RAHMAN-COOK: Good morning.

14 MS JACKSON: Good morning.

15 And I think we have Mr Cherry? I can see you,
16 Mr Cherry.

17 MR CHERRY: Good morning, yes.

18 MS JACKSON: And do we have someone from Maddox Legal here
19 as well?

20 MR BERLOW: It is Matthew Berlow here.

21 MS JACKSON: Hello, Mr Berlow. Thank you very much. And
22 I think we are expecting someone from Reid Black to be
23 joining us later this afternoon. So I think that is
24 everyone we are expecting. Thank you.

25 So just on our intended running order today, before

1 going into some of the practicalities of how we will
2 take the evidence, I think we are expecting to first
3 hear the evidence of SO114 and then from SO84, and then,
4 probably after lunch, we will be hearing from SO115.
5 And Ms Rahman-Cook, I think those are all witnesses who
6 are represented by GLD, am I right about that?
7 Excellent. And then we will be hearing from SO100 last
8 in the day.

9 We will be taking a lunch break at a convenient
10 moment, which we will aim to take around 1 to 2, but we
11 might shift that, depending on when it makes most sense
12 in the course of the questioning. And the Inspector,
13 Dame Anne, is willing to sit here later than the end of
14 the court day, which we normally end at 4.30, if we need
15 to, in order to is complete evidence from the witnesses,
16 but we are not expecting that to be the case today.

17 So in terms of how we are going to run things, our
18 preference for the smooth running of these hearings --
19 and some of you were here with us for our first attempt
20 at this back in April, but our preference is for all
21 witnesses to remain in the hearing room with their
22 cameras and microphones off until called to give
23 evidence. But, that said, witnesses are not required to
24 attend when not giving evidence. That does help us run
25 things smoothly, because we do not have to fix

1 a timetable depending on when people are expecting to
2 give evidence. But there is no need, and provided any
3 witnesses are in contact with their representatives,
4 then it is not a problem if you are in the room all day
5 or not.

6 These are, of course, public hearings and have been
7 advertised as such, so there are members of the public
8 and press who may be attending, and a transcript will be
9 taken that will be published on the website in due
10 course.

11 There have been instructions sent out to witnesses
12 and representatives, but I will just run over the key
13 points again, on how we are expecting this to run. So,
14 firstly, cameras. We would ask that everyone can keep
15 their microphones off unless they are giving evidence or
16 addressing the hearing. Representatives, you are
17 invited to turn your cameras off when we start
18 the evidence, unless it is your client giving evidence,
19 in which case you are welcome to keep them on, but
20 witnesses are requested to turn their cameras and
21 microphones on when called to give evidence.

22 We do not have any applications today for witnesses
23 to give evidence with additional protections, so we do
24 not need to deal with that, but it is of course an
25 invitation to have your camera on while giving evidence,

1 it is not an imposition. That said, it is incredibly
2 helpful to us and to the Inspector if we are able to see
3 the person when they are giving evidence rather than
4 talking to a blank screen, so we would invite you to
5 bear that in mind when making that choice.

6 In terms of the questions that are going to be
7 asked, as Dame Anne has emphasised already, these are
8 not adversarial proceedings and the hearings are
9 intended to be relatively informal and those who were in
10 the hearings that we conducted in April I hope will have
11 seen this first-hand. The questions will be asked by
12 the Inspector primarily, with assistance from
13 the counsel to the Inquiry team. Representatives will
14 have the opportunity to invite the Inspector to ask
15 witnesses questions after the Inquiry team has completed
16 its own questioning, and we will check with each of you
17 in turn as to whether you have any questions that you
18 would like to be put to each witness after the questions
19 have been concluded. While there are no strictures, we
20 will come to the witness who is giving evidence own
21 representative last to make sure that you've got
22 the opportunity to follow any questions that have come
23 before when seeing if there's anything you would like to
24 put.

25 Where the Inspector or the Inquiry team would like a

1 witness to look at a document which is in
2 the Inspector's hearing bundle, which is the bundle
3 hosted on the Opus 2 platform and that hopefully you
4 will have access to, the magic of Opus 2 will be able to
5 conjure this document up on the screen, so it will be
6 presented to the witness and the relevant sections can
7 be identified. But the projection, I understand, is
8 only something that those who are in our section of
9 the live stream, as it were, so those who are
10 participating in the Inquiry, can see the documents
11 being projected. So the members of the public who are
12 viewing on the live stream will not be able to see those
13 protected documents, and there are a couple of reasons
14 as to why that is the case, but any documents that will
15 be published, will be published with the report at
16 the conclusion of the Investigations.

17 There are also individual initial disclosure bundles
18 that I believe all witnesses giving evidence to us today
19 have received in advance, and those were provided to you
20 in come cases some time back now for the purposes of
21 producing statements to the Investigation. These are
22 not hosted on the Opus 2 platform -- that is because of
23 reasons of redaction and publication -- so we ask and
24 hope that all witnesses do have their own initial
25 disclosure bundle to hand in case questions are being

1 put that relates to that material.

2 In terms of anonymity and confidentiality, Dame Anne
3 has introduced this topic, which is of course an
4 important one, and as Dame Anne explained, there are
5 anonymity orders restricting the publication of
6 witnesses' names in respects of all witnesses
7 participating in these public hearings today, and
8 a general anonymity order is in play to prevent
9 the public naming of military witnesses whose names have
10 come up in the course of these Investigations. So,
11 unless an explanation is given to the contrary,
12 the names of individual British military witnesses are
13 not to be named in the press or otherwise.

14 Ciphers have been applied to all witnesses, all
15 military witnesses and all of the witnesses giving
16 evidence today, and witnesses and representatives should
17 have a list of ciphers that will be used for
18 the hearings today, and we do ask that representatives
19 and witnesses do have that cipher list to hand during
20 these hearings and refer to ciphers of individuals who
21 appear on the list instead of giving their name.

22 If there is a name that a witness wants to give and
23 they do not have a cipher for that individual, rather
24 than saying that name, we would invite you to disclose
25 the name in writing to your representative outside

1 the hearings and that can then be communicated to
2 the Inquiry team. That was something that happened in
3 April and we think that worked effectively, so we would
4 invite you to do that.

5 We do have various safeguards in place to prevent
6 the accidental public streaming of an anonymised name,
7 so we have a delay on the stream that is being broadcast
8 and we are able to cut the link in the event of
9 a slip-up, which, again, we were able to use
10 effectively, thankfully not on very many occasions at
11 all, in April. But, again, in the unlikely event that
12 there are any slip-ups today, these will be redacted
13 from the public transcripts of the hearing, and will be
14 subject to the anonymity orders in any event, but we
15 would ask that anyone who has a concern who's in this
16 call about an accidental disclosure, please do just
17 interrupt and invite the stream to be cut so we can make
18 sure we've used all the protection mechanisms in place.

19 Similarly, the public hearing bundles that we are
20 using that are being projected on the screen have been
21 redacted so that it would be possible for publication,
22 so there shouldn't be any questions that are asked on
23 the basis of those redacted bundles that should raise
24 issues of sensitivity or concerns about anonymity.

25 I think those are all of the nuts and bolts in terms

1 of how we are going to run things today.

2 Just before we move on to taking evidence, are there
3 any questions, queries, requests that we should be aware
4 of from the representatives? Brilliant, I will take
5 silence as a "no".

6 And as I said at the start, I think we are intending
7 to start with evidence from SO114 today, and I will pass
8 over to Mr Judd, who will be introducing that witness's
9 evidence. Thank you.

10 SO114 (called)

11 Introduction by MR JUDD

12 MR JUDD: Yes, thank you, Ms Jackson.

13 SO114, can I check that you can hear and see me
14 okay?

15 A. Yes, I can see and hear you.

16 Q. Thank you.

17 Sorry, it is a little bit impersonal using these
18 ciphers, but obviously it is a useful mechanism of
19 maintaining anonymity. I hope, firstly, you have
20 a cipher list in front of you. Could you just confirm
21 that you are indeed SO114, as identified on that cipher
22 list, please?

23 A. I am, and I do have the list in front of me.

24 Q. Thank you.

25 You should have received a disclosure bundle in

1 advance of these hearings. Do you have that in front of
2 you and open?

3 A. I've got it, yes.

4 Q. And likewise, with the Opus platform that has the key
5 documents on it?

6 A. I've got the Opus platform, yes.

7 Q. Thank you.

8 In that disclosure bundle, it should have contained
9 six witness statements including the statement you've
10 made to these Investigations. Have you had a chance to
11 read through those six statements and is there anything
12 you would like to confirm or clarify in those statements
13 before we proceed this morning?

14 A. No, I have read them and there's nothing I think I need
15 to clarify.

16 MR JUDD: Thank you. I'm very grateful.

17 Dame Anne will have some questions for you, and
18 I think you will be then coming back to me for a few
19 questions this morning. So if that is the case then,
20 Dame Anne, I will hand over to you.

21 Questions from DAME ANNE RAFFERTY

22 DAME ANNE RAFFERTY: Thank you, Mr Judd.

23 Good morning, SO114. Can you hear me?

24 A. I can.

25 DAME ANNE RAFFERTY: Can you see me?

1 A. I can, yes. Do you want me to turn my camera on?

2 DAME ANNE RAFFERTY: Oh, yes, please.

3 Ah, good morning.

4 A. Good morning.

5 DAME ANNE RAFFERTY: First of all, thank you for coming,

6 thank you for all the help you have given us, and I know

7 that you have made a particular sacrifice, abandoning

8 family on a Scottish Bank Holiday and coming to help us.

9 So the thanks are redoubled, and we apologise to them

10 for taking you away for the day. Most grateful.

11 I wonder if you could start, SO114, just by giving

12 us in a paragraph your military career. Just give us an

13 outline of it, if you would.

14 A. I joined the Black Watch in April, oh, gosh, 1983 and

15 did a number of junior jobs in the battalion. I was

16 the adjutant to the Battalion company commander,

17 second-in-command, and again, as is normal, interspersed

18 that with a number of staff jobs in and around the MoD,

19 and I took over as the commanding officer of Black Watch

20 in December 2000.

21 DAME ANNE RAFFERTY: Thank you. And by the time we reach

22 2003, an outline of your role, if you had to explain it

23 to someone who knew nothing, as CO of 1 Black Watch?

24 A. So, the First Battalion of the Black Watch is an

25 infantry regiment, an infantry battalion of about 600

1 people. When we went to Iraq, we had transformed
2 ourselves into something called a Battle Group, and
3 a Battle Group is when you mix up tanks, artillery,
4 engineers, infantry all together. So I had taken under
5 command two tank squadrons and an engineer squadron, as
6 well as having my three remaining infantry companies
7 with me, and I was commanding that organisation, which
8 was about 1,200 men, when we went into Basra on 6 of --
9 6 April.

10 DAME ANNE RAFFERTY: Understood. Understood, thank you.

11 So C Company, which, as you know, is our focus
12 today. In May 2003, who was in charge of what?

13 A. Well, the chain of command was from me down to
14 the company commander, and he had with him three
15 platoons, the mortar platoon, the anti-tank platoon and
16 the recce platoon.

17 DAME ANNE RAFFERTY: Just help me a little bit with
18 training, with instructions given. I think you had
19 training on detention of individuals and on prisoner
20 handling and on the law on armed combat, please tell me
21 if I am wrong, but not on rules of engagement or
22 maintaining law and order and prevention of looting, or
23 use and dangers of water in detention, or use of
24 restraint techniques, and so forth. Shall we split it
25 up so that you can try and help me?

1 So, training and instruction. You had some on
2 detention of individuals and prisoner handling and what
3 we could call LOAC, Law of Armed Conflict. Did you have
4 any on Rules of Engagement?

5 A. Yes, I think that would have been bundled into
6 the Law of Armed Conflict training. But what we -- what
7 was difficult was how and when the Rules of Engagement
8 changed after the entry into Basra.

9 DAME ANNE RAFFERTY: Yes. What was difficult about it?

10 A. Well, I don't believe, initially at any rate, there was
11 a specific order to change to a specific different set
12 of Rules of Engagement --

13 DAME ANNE RAFFERTY: And when --

14 A. Well, I'm sure it followed, but I can't remember
15 precisely when.

16 DAME ANNE RAFFERTY: Ah, I see. So your recollection is it
17 did follow, but the position of when is not there at
18 the moment; passage of time?

19 A. Not in my memory, but I'm sure it's recorded somewhere.

20 DAME ANNE RAFFERTY: Yes, right.

21 And maintaining law and order and preventing
22 looting, any specific training on that?

23 A. Not on looting, no.

24 DAME ANNE RAFFERTY: What about maintaining law and order?

25 A. Not for this operation. I mean -- no, not -- I don't

1 think we had any training on that for this operation.

2 DAME ANNE RAFFERTY: Would you have expected any?

3 A. No, because we were concentrating our training on going
4 into a war-fighting situation, so we hadn't anticipated
5 that we would end up trying to maintain law and order in
6 Basra.

7 DAME ANNE RAFFERTY: Thank you.

8 Any training on the use or the dangers of the use of
9 water during a period of detention? Any mention of it?

10 Any training?

11 A. I don't think -- there was certainly no training, and
12 I'm pretty sure there was no mention of it.

13 DAME ANNE RAFFERTY: Restraint techniques, any training on
14 those?

15 A. There certainly was some on how to take prisoners
16 initially, and so things like the use of hooding was --
17 was specifically trained.

18 DAME ANNE RAFFERTY: So hooding was an accepted and
19 acceptable method of proceeding?

20 A. It was the recommended way of doing things that we had
21 to do.

22 DAME ANNE RAFFERTY: Thank you.

23 And once someone was in detention, any training on
24 the processing of detainees and, for example, what
25 requirements were in place for them to be medically

1 examined? Can you remember that?

2 A. I have to say, I don't remember it, and I certainly
3 didn't take part in it personally.

4 DAME ANNE RAFFERTY: Okay.

5 You mentioned moments ago that you went there in
6 the expectation of doing a particular job of
7 a particular description, and you ended up there during
8 the post-war, let's call it, peace-keeping phases.

9 The circumstances, I imagine you would say, clearly
10 changed whilst you were there in Iraq. I wonder, in
11 that context as you have just sketched for us, do you
12 want to make any comment on the adequacy of
13 the pre-deployment training in the context of matters as
14 they turned out?

15 A. Not really. I -- you may recall that the whole
16 operation was mounted at speed and pace and there was
17 simply not time to cover absolutely everything.

18 DAME ANNE RAFFERTY: Once you hit the post-war phase, in
19 a simple phrase, did you feel prepared for post-war
20 operation?

21 A. To some degree. I mean, I slightly question the use of
22 the "post-war" phrase. There is -- there was a sliding
23 scale from all-out war-fighting on 6 April until we
24 left, up until and including, and then of course it got
25 worse again after we left, where there was a constant

1 daily routine of shootings and other disturbances. So
2 although this -- it was a continuum, but it varied in
3 intensity.

4 DAME ANNE RAFFERTY: Was it not precisely linear, then? If
5 we can describe a continuum as linear; I don't know
6 whether we can or not. But was it not precisely linear?

7 A. No. So on 6 April we entered Basra with tanks firing
8 and people being killed. After that, life got easier,
9 but that's not to say we went straight into a black and
10 white peace-keeping rather than war-fighting, and,
11 you know, I've been looking back over notes and there
12 were reports of shootings on a daily basis. So this is
13 not a black and white move from one thing to another,
14 this is a grey, slow manoeuvring.

15 DAME ANNE RAFFERTY: Yes.

16 A. You asked -- sorry.

17 DAME ANNE RAFFERTY: No, please go on.

18 A. So you asked if I felt we were well prepared
19 for "peace-keeping", in inverted commas. I think, by
20 good chance, those of us in the Black Watch had been to
21 Kosovo in 2001 and so had -- a lot of people in
22 the Battalion had had relatively recent experience of
23 what, in Kosovo, by then, really was a peace-keeping
24 operation, and so there was experience, albeit not
25 recent, formally trained.

1 DAME ANNE RAFFERTY: Understood.

2 Please tell me if I'm wrong, but I think I'm hearing
3 from you that the move from active engagement to a less
4 aggressive stance -- "aggressive" in the proper sense of
5 the word without implications -- was not the falling off
6 the edge of a cliff; it was a more -- I'm trying to
7 think of the right word to use, it's not "modular", but
8 it was far more gradual. I think you described it in
9 colour tones: it was not black and white or white and
10 black but it moved through grey. Is that essentially
11 what you're telling us?

12 A. Yes, that's exactly what I'm telling you.

13 DAME ANNE RAFFERTY: That is helpful. Thank you very much,
14 SO114.

15 I want to stay with what training was offered, if
16 I may, for a moment. You've told us earlier -- it was
17 in your, if anyone wants to have a look at it, BMI
18 evidence, page 5, paragraph 6 -- about annual Army
19 individual training directives, which I think you
20 call "ITD", and these, as I understand it, were central
21 lectures, or lectures centrally delivered to all members
22 of the Battalion and perhaps then followed by practical
23 exercises.

24 May I pause there. Am I right in understanding that
25 you went only to the lectures. So if there were any

1 practical training, you weren't at that, you were
2 a lectures-only man?

3 A. Yes, but I think I need to -- so, ITDs happen routinely
4 on an annual basis. Prior to deployment to Iraq, when
5 we went to -- and, sorry, routinely, annually, they're
6 delivered not at main central lectures, they're
7 delivered in small groups.

8 DAME ANNE RAFFERTY: Small groups, not central. Right.

9 A. No, but hang on.

10 DAME ANNE RAFFERTY: Right.

11 A. When we went to Sennelager, prior to deployment to Iraq,
12 as a sort of -- to ensure that everyone was up to date
13 with their things, we did then have central lectures.
14 So, in a sense, it was an abnormal way of delivering
15 ITDs.

16 DAME ANNE RAFFERTY: I follow. I follow.

17 Was this training mandatory before an individual
18 could be deployed? So was it a precondition?

19 A. I suspect it. I can't remember, to be honest, but
20 I suspect it. But we wanted to make sure that everyone
21 had done it.

22 DAME ANNE RAFFERTY: Yes. And would all members of
23 C Company have been briefed or trained on LOAC, on
24 the Law of Armed Conflict?

25 A. Yes.

1 DAME ANNE RAFFERTY: Thank you.

2 Do you know -- you might not, do please tell me --
3 whether, if there were any practical exercises after
4 the lectures, were those voluntary, do you know?

5 A. No, for those taking part in them, they wouldn't have
6 been voluntary, but I --

7 DAME ANNE RAFFERTY: So if they were put in play, one went
8 on them?

9 A. Yes.

10 DAME ANNE RAFFERTY: Right, thank you.

11 May we, just before I ask Mr Judd to take over
12 questioning, return to hooding. Would you help me
13 a little with that, please, SO114. We know that troops
14 were taught to hood, and that came during their LOAC
15 training, were taught to hood prisoners. I wonder if
16 you could unpick for me what "prisoner" imports. Is it
17 a POW, is it a detainee, is it both? What does
18 "prisoner" encompass -- did it encompass?

19 A. So during the war-fighting phase, it would have
20 encompassed anybody who we happened to capture. After
21 we had got into Basra, it was applied to those we
22 captured as a result of deliberate operations, search
23 operations or such and such. I don't believe it applied
24 to looters. And anyway, looters were a -- a later
25 problem that developed later on in the term.

1 DAME ANNE RAFFERTY: And if I asked you what "detainees"
2 meant to you, what would you say? What did that
3 encompass?

4 A. Anybody who had been detained, stopped, arrested by
5 the Battle Group.

6 DAME ANNE RAFFERTY: Thank you.

7 And what did the training say about hooding? When
8 could one do it? How long did it last? How does one do
9 it? What was it?

10 A. To be honest, I don't remember. But I mean, I do
11 remember it was, you know, on arrest you hooded people.

12 DAME ANNE RAFFERTY: Yes. I would much rather you tell me
13 you can't remember than try, with the best of
14 intentions, to help by giving detail you really can't
15 remember.

16 And just finally from me, please, I just wonder,
17 when there was training about hooding, were Plasticuffs
18 ever mentioned, if you know?

19 A. I don't remember.

20 DAME ANNE RAFFERTY: All right, thank you.

21 I'm most grateful, SO114. I'm going to invite
22 Mr Judd to ask you a few questions now.

23 Questions from MR JUDD

24 MR JUDD: Yes, thank you.

25 SO114, I just have, first off, some clarificatory

1 questions from your evidence about structures at
2 Camp Stephen for detainees and looters. Before I start,
3 I do appreciate you didn't necessarily have daily
4 interaction with Camp Stephen.

5 The first question I have is -- and you told us in
6 your statement to these Investigations that you can't
7 accurately recall what's been termed the "EPW area" or
8 the "EPW cage".

9 I just wonder, firstly, Opus, if we could just turn
10 up {A/4/12}, please.

11 You should, SO114, I hope see some photos appear on
12 the screen on the Opus platform. There we go.

13 A. Yes.

14 Q. Now, I hope you can see what I can see, which is a photo
15 of some -- the inside of Camp Stephen. There's
16 a concrete wall running on the left hand side with
17 a small scrub-like tree in the middle?

18 A. Yes.

19 Q. Now, previous evidence has identified the EPW area as
20 being the structure against the wall to the left of
21 the blue Portaloos you can see in the background there,
22 right at the back of the photo. I hope you can make out
23 those blue Portaloos. They are next to what looks like
24 a yellow kiosk in the foreground. I just wondered,
25 firstly, whether this jogs your memory at all as to

1 the EPW area and its location?

2 A. No. I mean, I recognise the picture of the camp. I'm
3 not entirely sure I can quite -- I don't see a structure
4 near those Portaloos.

5 Q. No, I appreciate that. It's the area that's been
6 identified as where the EPW area was, and it would just
7 be helpful to clarify whether or not, when you attended
8 Camp Stephen, you were aware of a structure or an area
9 there that was used for holding detainees or not.

10 A. To be honest, I simply can't remember whether that was
11 where it was or not.

12 Q. I understand.

13 And when you attended Camp Stephen, were you aware
14 of the existence of an EPW area or a detainee area at
15 all?

16 A. Yes, I knew they had one, yes.

17 Q. And were you aware of its -- this may seem like a dim
18 question, but its function, so how detainees were held
19 there?

20 A. In what ... I'm not -- I'm not quite sure I follow
21 the question.

22 Q. Well, I'll come on to this. But you have mentioned that
23 certain practices were left to what's called "local
24 arrangements", by which I understand it was left to
25 commanders on the ground to work out how detainees

1 should be looked after, in this instance at
2 Camp Stephen. And is that the same situation as regards
3 the EPW area? It was something -- you were aware that
4 detainees were being held there, but the particular
5 mechanics of it didn't need to concern you; is that
6 right?

7 A. Yes, I was aware they were being held there, and no,
8 I didn't get involved in the specific mechanics. But
9 I think it's also worth saying we only held them at
10 places like Camp Stephen for the minimum possible time,
11 because we knew that we didn't really have adequate
12 places to keep them.

13 Q. I see. And the minimum period of time, would that vary
14 depending on the detainee and the circumstances, or --

15 A. No, it would -- it would vary depending on
16 the administrative ability to get them back either to
17 the Brigade Headquarters or moved on further down
18 the chain.

19 Q. Yes. And what were the factors -- again, at this
20 distance, what were the factors that would influence how
21 long those detainees would be held for?

22 A. The factors were that we were conducting an operation in
23 a busy town and not everybody had vehicles. We had very
24 few -- relatively few wheeled vehicles, so it would have
25 meant taking people in tracked vehicles distances. So

1 administrative restriction rather than anything else.

2 Q. Yes, thank you.

3 And bearing in mind again local arrangements, again,
4 in your witness statement to these Investigations, you
5 helpfully say you weren't necessarily sure what
6 the practices and procedures were in place for providing
7 water or food to those detainees as they would have been
8 under -- again, that term -- local arrangements.

9 Would you mind just clarifying exactly what you mean
10 by "local arrangements"? You have done to some degree
11 already, but it would be helpful if you could expand on
12 that.

13 A. So each company had its own -- was supplied from
14 Battalion Headquarters, from the Echelon, with food and
15 water and all those necessities, and those would have
16 been issued to detainees by the company provost staff in
17 exactly the same way as they were to soldiers.

18 Q. Okay. And would those local arrangements have covered
19 things like medical checks, paperwork, circumstances in
20 which detainees would have been questioned and so on?

21 A. Yes.

22 MR JUDD: Okay, thank you. I have no further questions on
23 Camp Stephen. So, unless Dame Anne has anything she
24 would like to clarify, I will hand over to Ms Jackson
25 for a moment.

1 Questions from MS JACKSON

2 MS JACKSON: Thank you very much.

3 Good morning, SO114. As Mr Judd said, I just have
4 a couple of questions now, and then I may have some more
5 later, about the specific cases that we're
6 investigating, but I just wanted to ask you a couple of
7 questions about the use of questioning and tactical
8 questioning at Camp Stephen.

9 So, firstly, Opus, could I ask you to turn up
10 {A/85.1/4}, and we should now be in your witness
11 statement, SO114, that was provided for this
12 Investigation.

13 Can we just zoom in on 3.6, please, Opus. Perfect,
14 thank you.

15 What it says there is:

16 "Detainees would normally be questioned only by
17 a trained questioner. No one else questioned
18 prisoners."

19 Then you go on to say:

20 "'Tactical questioning' was a specialised technique
21 used to gain information of immediate use in the
22 tactical situation."

23 And that you were not aware of "tactical
24 questioning" being used by members of C Company.

25 I am just going to ask, Opus, if you could pull up

1 {A/74/5}, please, and we're looking at paragraph 31 and
2 32 as well, which I think will be over the page.

3 SO114, I'm just going to show you what SO88 has said
4 about the use of questioning at Camp Stephen, and you
5 can see there that what it says, towards the end --
6 sorry, from the middle of paragraph 31 towards the end:

7 "Under the law of armed conflict questioning of
8 captured persons can only involve asking for name rank
9 number and religion, whereas questioning of detainees
10 could involve asking what they were doing or knowledge
11 of crime, however I do not believe this was set out
12 clearly at the time from higher directives and so
13 I believe we made common sense approaches to what could
14 be questioned."

15 Opus, if I could just get you to turn over the page
16 {A/74/56} so we can see 32 as well, just for the sake of
17 completion, SO114. It then says:

18 "I have been asked to comment on my knowledge of
19 Tactical questioning ... This refers to a particular
20 qualification that only be obtained by conducting
21 a specific course. I subsequently have been made aware
22 that it trains those conducting questioning how to
23 conduct more advanced questioning in an operational
24 environment."

25 And we can leave it there.

1 Just one more piece of information I'm going to show
2 you before asking a couple of questions, if that's okay.

3 Opus, could I get you to turn up {A/154/116} and
4 we're looking at pages 5 to 9. So lines 5 to 9, if
5 that's okay.

6 What I'm showing you now, SO114, is the oral
7 evidence that SO95 gave us at our last hearing, and you
8 can see there -- again, I'll just read it out:

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

15 If we could just go up a little bit, Opus, and get
16 the context of that document, so we can see lines 1 to
17 4.

18 You can see there that he's there talking about
19 information that can be corroborated and turned into
20 intelligence from people who have been detained.

21 So just taking you to some of the bits of evidence
22 that we've had about the use of tactical questioning,
23 can I just first -- and I'll pull your statement back up
24 -- Opus, that's {A/85.1/4}, and we're looking at 3.6.
25 In that paragraph of your statement, you use

1 the phrase "trained questioner". Can I just check,
2 firstly, is that tactical questioning that you're
3 referring to by use of that phrase?

4 A. Yes.

5 Q. Thank you. And you've heard the explanation of how
6 tactical questioning might be used, given by SO88. Can I
7 just ask you, are you able to comment on whether you
8 shared the view of whether a common sense approach was
9 being used, in terms of the calls on the ground, as to
10 whether questions should be put?

11 A. I don't know, but I think there's a difference between
12 if you have stopped someone in the street and asked them
13 a few questions, and tactical questioning, which are
14 very specific techniques. So I don't actually see that
15 there's a conflict between stopping someone and asking
16 them a few questions, but then detaining them and taking
17 them in and doing proper tactical questioning is
18 a different issue.

19 Q. Thank you, so -- and I think this follows from what
20 you're saying, but would a tactical questioner, ie
21 someone trained in tactical questioning, then always be
22 used in order to ask questions of detainees, even if
23 those were questions that were not of a tactical nature,
24 or could other soldiers ask questions that were more
25 general?

1 A. I think the analogy is a policeman stopping someone on
2 the street in London and asking them a few questions
3 versus someone being interviewed in a cell, and,
4 you know, they're both possible to do, and soldiers on
5 the street would ask people questions, I'm quite sure.
6 But only a tactical questioner would be asking someone
7 more searching and difficult questions, having done
8 the course based -- in one of the bases.

9 Q. That's very helpful. And just using that analogy then,
10 if we are in a context of the police cell type of
11 questioning, would soldiers without the tactical
12 questioning qualification be permitted to conduct that
13 more cell-type questioning of detainees at Camp Stephen?

14 A. No.

15 Q. Thank you. That's incredibly helpful.

16 Just a different type of question now, and if I can
17 ask Opus -- I think we're still on {A/85.1/4}, but if we
18 could look at the other -- the final sentence of 3.6
19 there. You say:

20 "Props were not to be used for questioning or
21 tactical questioning."

22 I am just going to ask, Opus, if you could please
23 pull up {A/66/12}, and we're looking at paragraphs 83 to
24 85.

25 SO114, we're going here to the statement of SO84,

1 and I'm not expecting that you'll be familiar with this
2 account, but, again, I'll just read out the key bits so
3 that you know what we're talking about.

4 What we have here is SO84's account which sets out:

5 "During the questioning by [Warrant Officer] 2 ..."

6 And then redacted, but I understand that that is
7 SO101.

8 "... he used a metal pole to prop up one of
9 the prisoners who fell down during the questioning. He
10 did not grievously hit him or any of them with the pole
11 but used it to prop up his head. I mean that I was not
12 aware that he assaulted anyone with it. He used
13 the pole by holding it at either end to prop up
14 the detainee so that it was held horizontally under his
15 chin. I was not exactly sure which way he approached
16 Mousa Ali ..."

17 So you can see that that is in the context of one of
18 our particular Investigations.

19 "... but [SO101] held the metal pole in his hands
20 and outstretched [it], placed it horizontally under the
21 chin of Mousa Al causing him to lift his head."

22 Then we've got a bit more context there. But if
23 I jump down to 84:

24 "[SO101] ordered him to raise his head and was
25 helping him in the process by use of the pole."

1 Then again dropping down to 85, we've got
2 a description of the pole there towards the end:

3 "The pole was like the poles which hold up
4 the cam net of the EPW cage. The pole was about a metre
5 long and had the diameter of a 50 pence piece."

6 We can leave it there.

7 Just firstly, in light of the comment that you made
8 in your witness statement about props not being used for
9 questioning or tactical questioning, are you able to
10 comment on this account of what took place, according to
11 SO84?

12 A. Not really. But before I do, could I just say that from
13 an anonymity point of view, you have not redacted
14 the rank of the individual involved and have therefore
15 effectively identified him.

16 Q. I'm grateful for that comment. As is explained in
17 the anonymity orders, and I hope has been clear, what is
18 not possible is the publication of the names of any
19 individuals, and that is the extent of the public
20 anonymity that this Investigation has granted.

21 A. It is nonetheless, from that document, very clear
22 exactly who it is.

23 Q. With that in mind, there is an anonymity order, and
24 the name of that individual will not be published.

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

1 SO114, thank you, we are very grateful for that sort
2 of attention and very grateful for the standpoint from
3 which you begin. We have got, we are pretty confident,
4 processes in place to protect that from leaching out.

5 I understand entirely the point you're making is
6 different: anyone who knows what's what knows
7 immediately who that was, I understand that. But may
8 I just reassure you that we have thought about it and
9 done what we can, and that there are provisions in place
10 to stop it going out into the public domain, but
11 I particularly want to thank you for the vigilance.

12 Ms Jackson, I interrupted you.

13 MS JACKSON: That's all right. Thank you.

14 If there are any concerns about the extent of any
15 anonymity orders as they apply, then please do put in
16 representations by your representative and they can be
17 addressed accordingly.

18 That to one side, are you able to comment on this
19 account in light of your witness evidence regarding
20 the use of props in questioning detainees?

21 A. Not in detail. I'm surprised -- I've not seen that
22 before, and I am surprised that it was taking place in
23 that way.

24 Q. Thank you. And taking this account at face value, would
25 that use of the prop described be something that is

1 permitted, in your view, or would have been permitted at
2 the time?

3 A. Well, the account, at face value, says that he wasn't in
4 any way harmed or caused difficulty, so I guess if it
5 was considered to be of help to look after him, then --
6 then it could have been okay, but -- but it's not --
7 it's not clear and, as I say, I'm surprised. I've not
8 seen this before and I don't -- I -- again, I think
9 the circumstances would dictate as to whether or not it
10 was being used appropriately, in other words, to help or
11 otherwise.

12 Q. I'm grateful.

13 So if we just go back to {A/85.1/4} and
14 paragraph 3.6. So it sounds like, the final line there:
15 "Props were not to be used for questioning or
16 tactical questioning."

17 That you are adding a qualification that it is
18 context dependent as to whether it was inappropriate.
19 Would that be a fair characterisation of your evidence?

20 A. Yes, I think so. I think that last statement, you know,
21 the prop wasn't being used to aid the questioning, it
22 was being used to look after the individual involved,
23 taken at face value.

24 MS JACKSON: Thank you. I understand that Mr Judd has some
25 more questions, so --

1 DAME ANNE RAFFERTY: I have, too.

2 MS JACKSON: Yes, I will pass back to Dame Anne.

3 DAME ANNE RAFFERTY: I have one follow-up question, if you
4 can bear with me, SO114. I want to make sure I've
5 understood what you are saying.

6 I imagined, as I was listening to you, that if
7 the question had been to you, "Were you standing there
8 watching this, would you have stopped it?", that you
9 would have said: that's inviting me to comment on
10 a snapshot reflected in this rhetoric; if I had been
11 there, I would have expected to see the events leading
12 up to it, I could have assessed the circumstances,
13 I could have seen any level of alleged discomfort,
14 I would know some of the personalities. I might then
15 have been able to make a judgment on a much more
16 informative whole, whereas what I'm being asked to do at
17 the moment is look at bald statements which do not give
18 me much in the way of context.

19 Now, you're not obliged, of course, to agree with
20 that analysis, but my question is: is that what you
21 would have said, or something similar, had you been
22 asked -- well, if you had been standing there, would you
23 have stopped it?

24 A. Yes, absolutely.

25 DAME ANNE RAFFERTY: Thank you.

1 Thank you, Ms Jackson.

2 So we're back to Mr Judd, I think.

3 Further questions from MR JUDD

4 MR JUDD: Yes, thank you.

5 Now, SO114, bearing in mind that you were receiving
6 feedback from all of the Black Watch companies, and so
7 had a perhaps broader view of what was happening in
8 the area than other witnesses in these Investigations,
9 could you, with that view, provide us with a colour
10 portrait of what was going on in Basra in terms of
11 looting immediately after the war-fighting phase ended,
12 please?

13 A. Yes, as I said earlier, it -- looting was something that
14 grew over time. So on 6 and 7 April, when we went into
15 Basra, there were one or two very specific buildings
16 that were stripped by looters which we deliberately and
17 consciously did nothing to stop, because we were more
18 concerned with securing infrastructure around about the
19 town, so water pumps, electricity stations, things like
20 that, hospitals.

21 Once that building I'm thinking about was -- I don't
22 know if you remember, there was an Oil-for-Food
23 Programme and one of the -- one of the buildings was
24 full of sugar, tea, flour and various other staples that
25 were part of that Food-for-Oil Programme, and that

1 building was completely stripped in the immediate
2 aftermath of our entry into Basra.

3 Looting then became pretty low level because, as
4 I said earlier, there was still a lot of shooting and
5 more violent activity going on. Over time, looting then
6 began to become more prevalent and, again, there were
7 one or two particular sites, and one I remember very
8 well was a site down at the south of Basra where metal
9 reinforcing bars for concrete were, and that became
10 a real focus for looters.

11 Q. And at what stage did it spill over? So if it was
12 immediately focused on a couple of buildings and then
13 became fairly low level, but then increased in
14 intensity, and an example of that might be the concrete
15 and the steel rod reinforcing factory or warehouse, but
16 at what point did it spill over from being low level to
17 being something which was a problem for troops on
18 the ground?

19 A. It's impossible to put a date on it. You know, we got
20 there at the beginning of April, I left at the end of
21 June. Somewhere in the middle of that, I guess. But
22 I mean, as I said earlier, this wasn't a black and white
23 turn the switch on thing, this was something that was
24 gradual.

25 Q. Thank you.

1 And you've said in your witness statements at
2 {A/85.1/12} -- it's at paragraph 7.2, I don't think we
3 necessarily need to turn it up, but you set out:

4 "... there was a huge level of frustration with
5 the lack of any sanctions for looters [that were] being
6 caught and the lack of any suitable holding facilities
7 [for those looters]."

8 Now, again, bearing in mind that you were receiving
9 information from all of the companies on the ground,
10 could you just help us by clarifying how you became
11 aware of those frustrations?

12 A. Yes. I mean, I think it's worth saying that the police
13 force had gone, there were no courts, there were no
14 jails, there was nothing, so that was the context in
15 which we were trying to deal with this problem.

16 I had, every night, an orders group, or an O group,
17 where the company commanders would come in and we would
18 discuss the issues that were going around. And I also
19 became aware of the frustration with my visits around
20 the various companies, you know, not daily, but as
21 I went round the various different companies.

22 Q. Were there any specific examples of the incidences of
23 looting or particular sections who interacted perhaps
24 more with the civilian population, or was it just
25 a general pervasive sense amongst all of the companies?

1 A. No, I mean, all the companies were doing pretty much the
2 same thing, which was looking after an area of Basra,
3 and of course those areas differed slightly, but not
4 significantly, so it was a general thing across the
5 piece.

6 Q. And in those circumstances, when you were presented with
7 those frustrations, did you feel that there was any
8 direction that you could give as to how to deal with
9 the scale of looting and holding facilities at all?

10 A. No, not really. It was -- you know, the options were
11 very limited.

12 Q. And were they limited because of the means you had
13 available to you, or because of the restrictions you had
14 operationally on what you could do on the ground?

15 A. I'm not entirely sure I think there's a distinction
16 between those two. We had a limited number of people.
17 I mean, by the time the Irish Guards companies were
18 under command, I don't know, maybe we were a thousand
19 people in a -- in a city of over a million, so -- with
20 no police force and no security system at all in place
21 other than us, so trying to do anything sensible with
22 looters was -- was very, very difficult.

23 Q. Now, at paragraph 7.10 of your statement to these
24 Investigations {A/85.1/14}, you confirm that you were
25 aware of troops transporting looters away from where

1 they had been detained and leaving them to walk back
2 home. Now, was this one of the practices that was
3 discussed at those O group meetings that you have
4 alluded to?

5 A. To be honest, I don't remember whether it was discussed
6 at the O groups or not, but it probably was, and -- and
7 certainly it was one of the things that I know we were
8 doing. The other thing that we would do was to hold
9 people for two or three hours and then let them go.

10 Q. Yes.

11 (Interruption)

12 A. Sorry, I had a call.

13 Q. Can you remember where those looters were being dropped?

14 A. No, because it -- no, I mean, I've no idea. It would
15 have varied depending on which company had picked them
16 up.

17 Q. There weren't any specific spots that troops became
18 aware of that were more or less aggravating for looters?

19 A. No. Well, not that I know of.

20 Q. Thank you. And can you recall how long this went on
21 for?

22 A. I don't think it was a regular thing that was happening
23 every day at all, and I don't think it probably took
24 place much before the end of the term.

25 Q. Was it something which developed organically, so those

1 who were dealing with it on the ground realised it was
2 a useful way to increase the aggravation factor for
3 the looters, or was it something which troops received
4 some direction in respect of?

5 A. No, it was more organic. But I knew about it, and
6 therefore, I suppose, you know, I condoned it.

7 Q. Yes. And in those circumstances, can you be sure that,
8 when troops were taking looters away, dropping them off
9 and leaving them to walk back, they weren't also taking
10 the opportunity to leave them in or put them in bodies
11 of water, again to increase that aggravation factor?

12 A. No, I can't be sure, but I absolutely know we did not
13 condone putting people into water.

14 Q. Thank you.

15 Now, as to putting people into water, you've
16 helpfully said that you were only aware of two alleged
17 wetting incidents. They're at paragraph 7.1 of your
18 most recent statement. Just to clarify, can you
19 identify what those two alleged wetting incidents are
20 specifically?

21 A. There was one where, in the very early days after we got
22 into Basra, and I still had the engineer squadron under
23 command, there was a person went into the -- into the
24 Shatt Al-Arab, and the second one was the one that
25 resulted in the death of -- that happened on 8 May.

1 Q. Yes, thank you. I thought as much, but I thought
2 I would just clarify.

3 Now, if we could go back to Camp Stephen -- again,
4 I bear in mind that you were not based there and you did
5 not have necessarily daily interaction with it -- there
6 has been quite a lot of discussion about a stream or
7 a ditch outside of Camp Stephen in which some witnesses
8 have said that detainees were being placed when they
9 were brought back to the camp. You have said that you
10 don't recall that stream.

11 I just wonder if we can turn up {A/3/2}, please,
12 Opus, which should show a sketch of the camp and
13 the stream outside of it. Perfect, thank you.

14 Now, on the left-hand side there we have on
15 the sketch, in manuscript, "sewerage small river". And
16 if we go to {A/4/5}, please. Thank you. Now, in
17 the top left-hand side of this photo, which I understand
18 to be the top of the main building at Camp Stephen,
19 there is, if you can see, running from the bottom
20 left-hand side of the sandstone coloured outcrop at
21 the top of the building in the background, there is
22 a bund or a raised piece of earth running left to right
23 with some scrub on it.

24 Now, we understand that to be where the stream or
25 the ditch is, and I just wondered if that jogged your

1 memory at all as to the location of the stream outside
2 the camp?

3 A. Yes, it does. But, you know, Basra is called the Venice
4 of the Middle East; I mean, the town is full of streams
5 and things like that, indeed many much bigger.

6 Q. I see. Can you recall how significant or deep or wide
7 this stream was?

8 A. No. But it also looks to me as if it's outside the camp
9 compound, so I would be surprised if people were being
10 taken there.

11 Q. So was it a significant feature that -- in reports that
12 came to you of Camp Stephen, was this stream mentioned
13 or noted, or was it something which people didn't really
14 have regard to?

15 A. It certainly -- well, I absolutely have no memory of it
16 ever being reported to me, and, as I say, I think it's
17 -- it's an entirely normal part of Basra and I would
18 have thought insignificant, frankly.

19 Q. I see. Now, just focusing on that stream again, we do
20 have some accounts of looters and detainees being taken
21 to Camp Stephen so they can be placed in the stream and
22 made to walk home as part of that set of practices which
23 just increased the aggravation factor for detainees. It
24 may be worth just turning up two of those now.

25 The first is the evidence of SO84 at paragraph 133

1 of the statement given to these Investigations. Opus,
2 that's at {A/66/18}, if we just turn that up for
3 a moment.

4 So at the bottom of the page there, if you wouldn't
5 mind just having a read of that, that's where his
6 account is set out.

7 (Pause)

8 Now, is that an account you recognise, with
9 hindsight?

10 A. No, absolutely not.

11 Q. So is this a practice which you were not aware of at the
12 time?

13 A. Assuming it did happen, I was absolutely not aware of
14 it.

15 Q. I see.

16 If we could also just go to -- over the page onto
17 paragraph 138 please, Opus. {A/66/19}. At the top of
18 the page there, in summary, SO84's evidence is that
19 everybody knew in Camp Stephen that detainees were being
20 placed in the stream, not least because it was visible
21 from the camp. Again, is this something which you
22 recognise or not?

23 A. No, it's not.

24 Q. So it was never reported to you that troops were
25 supposedly putting detainees in the stream?

1 A. No.

2 Q. Thank you. And taking Dame Anne's approach, had someone
3 placed you there at the time and asked you what you
4 thought of it, what would you have done had you known
5 that troops were doing this?

6 A. I would have stopped it.

7 Q. Now, on that thread as to whether it was a practice
8 which required stopping or not, you've also helpfully
9 told us that you can't recall having to put a stop to
10 detainees being placed in this stream outside the camp.
11 If we could just go over the -- sorry, stay on the same
12 page, please, Opus.

13 A. Before you do, I mean, I think paragraph 143 sums up my
14 reaction.

15 Q. Yes. If we could just zoom out so we can have that full
16 paragraph, please, Opus.

17 Now, you helpfully say this would sum up your
18 reaction. But just to clarify, where SO84 is here
19 talking about you having to attend the camp in order to
20 end what he calls "the general aggressiveness towards
21 the local population", did this include the use of water
22 on detainees in any way?

23 A. No, because I -- when I made that visit to Camp Stephen,
24 and I think it needs to be clear I went round every
25 single company, not just Camp Stephen, to deliver

1 the same message, I had been told that there had been
2 some inappropriate restraints being used and none of
3 those mentioned water. So this is late May, because
4 I was told on 24 May, so some time after both the two
5 individuals we're talking about had died.

6 Q. Could you just be more specific on, when you say that
7 there were restraints being used on prisoners, what
8 the specific things were that caused you to go to
9 the various companies and tell them to, if I can put it
10 this way, tone it down?

11 A. Well, except I would have been -- it wasn't a question
12 of toning it down, I was saying that it was to stop.

13 I was told by the Padre that he had heard from
14 a soldier that people were being made to kneel, and
15 I think people were standing on their ankles or
16 something like that. Having received that report from
17 the Padre, I made arrangements to go round all the camps
18 to tell people to stop doing that. Now, I didn't know
19 about the wetting, so it wasn't included as part of my
20 talk to soldiers.

21 Q. I see. Am I right to understand that when the Padre
22 informed you of, to take the example, people being made
23 to kneel against walls, that was something of an
24 accidental report rather than something which came to
25 you as a formal report as to how troops were dealing

1 with things on the ground; is that a fair
2 characterisation?

3 A. I'm sorry, I missed that. Did you say "anecdotal
4 report"?

5 Q. Yes, that would be a fair summary. Was it an anecdotal
6 report, or was it a formal part of reporting as to how
7 detainees specifically were being treated?

8 A. It was very anecdotal in the sense that he and I had
9 a conversation in private. And you have to understand
10 that the Padre in a battalion -- part of the role of
11 the Padre in a battalion is to be able to be seen by
12 soldiers as someone they can trust and someone who can
13 make sure he has the ability to talk to people, and
14 commanding officers and senior officers and all the rest
15 of it.

16 So you would formally call it anecdotal, but -- but
17 it would be a very normal way of me expecting to receive
18 information from the Padre.

19 Q. Thank you.

20 Now, you also say in your statement at paragraph 7.5
21 {A/85.1/13}, I don't think we need to turn it up
22 specifically, but you say:

23 "Whilst there may have been ..."

24 And I ask this in light of the comments you've made
25 about the anecdotal report from the Padre.

1 "Whilst there may have been a lack of a formal
2 requirement to report ... incidents [of treatment of
3 detainees] ..."

4 You would have expected any mistreatment, if I can
5 call it that, to be reported to you.

6 Just to clarify, how would those reports have been
7 made to you? Would they have been made at the O group
8 meetings or would they have been made by some other
9 means?

10 A. Both, on any of -- but it depends who from. So at
11 the O groups from each company I only had the company
12 commanders present, so they would have had to have
13 reported it to me. So in the formal sense, that's
14 the only route really. But I saw a lot of soldiers and
15 I spoke to lots of soldiers on a daily basis, and any of
16 them could have reported any disquiet they had had at
17 any time.

18 Q. Would there have been any sanctions for not reporting
19 the sort of practice that came to you through the Padre?

20 A. Well, it's quite difficult to know they haven't been
21 reporting it if they don't report it, so how do you then
22 have a sanction for it?

23 Q. Yes, I appreciate that. But to take the example of
24 incidents that came to you through the Padre, what would
25 you have done had you realised that commanders or

1 O group meetings were not discussing things which
2 subsequently came to you anecdotally? How would you
3 have reacted at the time?

4 A. I would have talked to the company commander involved.

5 Q. I see, thank you.

6 Now, focusing on those O group meetings, you've set
7 out that looting was something which was discussed at
8 those meetings as a pressing issue and how to deal with
9 them, given the lack of stipulated sanction for looting,
10 and no satisfactory solution was arrived at. Bearing
11 that in mind, could you just clarify, firstly, what were
12 the specific options that were discussed in relation to
13 deterring looters, if any?

14 A. I honestly don't remember. I mean, other than -- well,
15 no, I don't really remember discussing them at all.

16 I mean, I know it was the subject -- and, of course,
17 when you meet as a group of people, there are
18 conversations before and after the start of the formal
19 part of the meeting, but I ... I don't remember. No,
20 I'm afraid I don't remember what we did talk about in
21 terms -- I mean, we all expressed frustration that there
22 was no formal way of dealing with it. I don't recall in
23 any detail any -- in fact, I don't recall at all what we
24 thought we would do about it.

25 Q. Okay, thank you.

1 Opus, could we just turn up {A/84/4}, please. Thank
2 you.

3 Now, we've got the evidence here of SO99, and I'll
4 start first at paragraph 24 at the bottom there. It may
5 be worth just having a read, if you can see that on
6 the screen.

7 Thank you for zooming in.

8 (Pause)

9 If you've had a chance to read that, I'll go over
10 the page to paragraph 26, please. Thank you {A/84/5}.
11 If we could just zoom in on paragraph 26, please, Opus.

12 (Pause)

13 Now, in clarificatory evidence, after this it was
14 confirmed that, as part of this suite of informal
15 methods of dealing with looters, putting them in water
16 was one of the practices which was used, and it was
17 something which, in SO99's view, was discussed at group
18 orders. I just wonder, with specific reference to those
19 practices there, can you recall whether any of them were
20 discussed in O group meetings whether you became aware
21 of them by other means?

22 A. No. I mean, I saw paragraph 26 when asked for my
23 statement for this Inquiry, and I absolutely have never
24 seen or heard of marking thieves' foreheads with marker
25 pens, and I absolutely do not believe that we talked

1 about forcing them into water sources. And actually,
2 that previous paragraph that you showed -- was it 25 --
3 I think pretty much sums up what I have been trying to
4 say.

5 Q. Yes, thank you.

6 If we could just go, finally on this subject, to
7 A/141, page 6, please, Opus. Thank you. It is
8 paragraphs 20 to 23 there. If you wouldn't mind just
9 having a read of that, please, SO114.

10 (Pause)

11 MR CHERRY: If I could just interrupt, this is not redacted
12 and has lots of --

13 MR JUDD: It's not. I understand it's not -- sorry,
14 Dame Anne.

15 DAME ANNE RAFFERTY: I was just about to say exactly
16 the same thing. Paragraph 21 needs to be addressed
17 pronto.

18 MR JUDD: Sorry, perhaps if we can go off this screen.

19 MS JACKSON: My understanding was that's not being shown
20 publicly. My understanding was there was going to be an
21 announcement that it was going to be shown but the names
22 won't be spoken. But this document is not being made
23 public.

24 DAME ANNE RAFFERTY: Can we confirm that that is what is
25 happening?

1 MS JACKSON: That was my understanding.

2 THE VIRTUAL HEARING MANAGER: It is Beverly speaking. Yes,
3 I can confirm.

4 MS JACKSON: That is what I had been anticipating, thank
5 you.

6 MR JUDD: Sorry, yes. Thank you, Mr Cherry.

7 SO114, then that is my mistake. I should have added
8 that that document will not be broadcast. So although
9 it is not redacted, it will not be available for anyone
10 who is not in these proceedings.

11 I wonder, with that comment in mind, if we could
12 just go back to that page briefly, please.

13 A. Could I ask who -- where this statement has come from?

14 Q. This was a statement given to the original Investigation
15 into the death of Kareem Ali, so the Ali 1 Investigation
16 from which this thread of Investigation flows.

17 A. But I don't know who's -- who's making this statement.

18 Q. It's -- and bear with me while I just double-check
19 the cipher list.

20 MR CHERRY: It's not on the current cipher list. It's
21 a name that's not known to any of us.

22 MR JUDD: It is an officer, and I hesitate to say more than
23 that, bearing in mind that the particular witness is not
24 on the cipher list.

25 A. So, I'm afraid I disagree with it. I don't --

1 I absolutely do not remember. And I am quite sure -- my
2 every instinct says if I had known that people were
3 throwing people into water, I would have stopped it.

4 Q. I see, thank you. You've pre-empted the question there.

5 The only other question I have is, would you mind
6 confirming what a "Red Brick" is?

7 A. Well, we didn't have them, but the secure telephone
8 block is painted red, and so it's an Army slang term for
9 a sort of grouping -- an O group, but probably at
10 Brigade Headquarters.

11 MR JUDD: I see. Thank you.

12 I have no further questions. I understand
13 Ms Jackson may have some more, but I'm very grateful to
14 you, SO114, for your assistance.

15 DAME ANNE RAFFERTY: Thank you, Mr Judd. Thank you, SO114.

16 I think -- Ms Jackson will put me right -- that we
17 have to have a pause now for the transcribers; is that
18 right, we have to have a break?

19 MS JACKSON: Yes, I think, if that's okay with everyone,
20 I suggest that we take a ten-minute break. And then,
21 SO114, we've only got a very small number of questions
22 for you, just about the reporting of the deaths of
23 Radhi Nama and Mousa Ali.

24 So would it be possible if we all come back at 11.45
25 and we can finish that up?

1 DAME ANNE RAFFERTY: Thank you very much.

2 Is that convenient, SO114?

3 A. Not convenient but I can do it.

4 DAME ANNE RAFFERTY: Not convenient but you can do it.

5 Thank you.

6 We'll reconvene at 10.45. Thank you all.

7 (10.34 am)

8 (A short break)

9 (10.46 am)

10 Further questions from MS JACKSON

11 MS JACKSON: Okay, SO114. As I said -- can you hear me?

12 A. Yes.

13 MS JACKSON: Brilliant, thank you. As I said just before

14 the break, I've just got a couple of short questions

15 about the reporting of the deaths of Mousa Ali and

16 Radhi Nama respectively, if that's okay.

17 So, firstly, Opus, could you just pull up {A/85.1/9}

18 and we're looking at 5.3.

19 This is going to your statement again, SO114. And

20 you can see there that you explain in your evidence that

21 you would have reported the death of Radhi Nama at

22 the evening Brigade conference call as it was routine to

23 pass information up the chain of command that way.

24 Can you at this point remember any details about

25 what you did report up the chain of command?

1 A. No. I have in my notebook -- sorry, I was just
2 checking -- my notebook has a note saying, "Man died
3 after arrest", so that is what I would have passed up.

4 It's worth saying that the information would also
5 have been passed up the ops chain to Brigade
6 Headquarters.

7 Q. Would you just explain for us what you mean then
8 by "the ops chain" and how that's different to your
9 chain?

10 A. It's not different -- well, it's -- so every company --
11 every headquarters has an ops room that is being manned
12 24/7 and stuff will get reported routinely and anything
13 out of the normal gets reported up that chain, and
14 I guess you could then say the highlights of all of that
15 are brought by the company commanders to
16 the Battle Group O group in the evening, and it's at
17 that that I -- so I am -- well, I'm -- it would need to
18 -- I would be very surprised if the thing had not been
19 reported up the ops chain as far as Brigade Headquarters
20 at some point during the day.

21 I was -- I was aware of this at the Battle Group
22 O group and I would -- and as it's written in my
23 notebook, I'm quite sure that I would have then
24 subsequently reported it to the Brigade Headquarters on
25 the evening conference call.

1 Q. Thank you, that's helpful. And we have had evidence
2 from the ops officer at Camp Stephen at the time.

3 Just -- you mentioned your notebook, and it's
4 something referred to in the statement. Can I just
5 clarify what notebook it is that you're talking about.
6 Is that a Company or a Brigade notebook or is that
7 a personal notebook?

8 A. Yes, it's the reporters' notebook that I took all my
9 notes on as we went through the operation.

10 Q. Thank you. And you also refer in your statement to
11 the Battalion war diary and referenced that this would
12 contain details, records and paperwork made after
13 Radhi Nama's death.

14 Can I just ask, Opus, could you bring up {A/47/1},
15 please. Just page 1 of that.

16 Can I just ask first, is this the Battalion war
17 diary that you're referring to?

18 A. Yes, it is.

19 Q. That's incredibly helpful. So, firstly, are you just
20 able to explain for us a bit about how this diary would
21 be used, what it was -- what it would record, and so on?

22 A. So every battalion on operations is required to maintain
23 a diary like this, picking out the key events of
24 the day. It would be compiled by the ops officer or
25 the adjutant based on reports received during the day,

1 and that's, although that's not the days we're talking
2 about, it's -- it's the right document.

3 Q. Thank you.

4 Can I just check, was this a document that you would
5 read or review or have any input into contemporaneously?

6 A. No.

7 Q. Thank you.

8 And if I can just get Opus please to turn to page 3
9 of the document {A/47/3}, and we can zoom in on
10 the second row of the table there.

11 So, just, first, to make sure that we haven't
12 misunderstood. So we've got there the second column
13 from the left, it says "Day" and we've got there "7",
14 "8", "9", you can see on the screen. So, just to
15 confirm -- and then we've got "Month and Year" at
16 the top and it says "May 2003". So in the second row
17 down, where it says "Day: 8", can I check we're looking
18 at 8 May 2003?

19 A. Yes, that's right.

20 Q. So this is the day that Radhi Nama died. Then we've got
21 a "Place and Grid Reference" column to the left and "Not
22 Applicable". Could I just invite you to take a moment
23 to read the entry there for 8 May.

24 (Pause)

25 A. I mean, I have read it. If you ...

1 Q. Thank you. Is there anything there that does relate to
2 the death of Radhi Nama?

3 A. No, there isn't.

4 Q. That's helpful, thank you. Are you able to explain why
5 there isn't anything in that entry?

6 A. No, I'm not, but -- but it was clearly reported, because
7 it was reported to me at the O group, and so, you know,
8 I -- I -- no, I don't know why it wasn't.

9 It's interesting, though, that D company, it says:

10 "Had two looters detained last night with AK47s."

11 So that helps add a bit of context to how we were
12 having to cope with people, and there were all armed.

13 Q. Thank you, that's helpful.

14 Then if we can just go back to your statement,
15 please, Opus {A/85.1/10}, and we're looking at 5.6.

16 Thank you.

17 So this question is slightly less about report up
18 the chain of command and more related to informing
19 family members if one of their own had unfortunately
20 passed away. It says there:

21 "I am not sure we had a procedure in place of
22 contacting the next of kin or family following a death
23 as we were still in the middle of an operation. There
24 was no normal practice at that time. We were in town we
25 did not know, daily shootings were going on and people

1 were on life threatening operations. There is
2 a procedure of informing our own next of kin if we are
3 injured, but not for those on the other side of battle."

4 My question here is whether there was a distinction
5 between informing next of kin during a period of battle
6 and during a post-war phase -- and hearing your evidence
7 earlier about the spectrum, but I think there is a kind
8 of defined post-war phase that we can discuss in
9 relation to Operation TELIC -- whether that changes your
10 view as to what the appropriate practices and procedures
11 might be in relation to informing next of kin?

12 A. I don't think I -- I mean, clearly it would be a good
13 thing to report to next of kin if we could, but I'm
14 absolutely -- I absolutely don't remember there being
15 a policy saying that we should.

16 Q. Thank you.

17 A. And I guess it's -- it's true that if you have arrested
18 someone from a particular house you have some idea of
19 where to go, but if you have arrested someone on
20 the streets, you have no idea necessarily where they
21 live.

22 Q. Thank you. Understood.

23 Just a final question in relation to Radhi Nama's
24 death. Can you recall whether you visited Camp Stephen
25 following that death, particularly in relation to that

1 incident, at this point in time?

2 A. No, I can't. I -- I don't know whether I went there or
3 not. I'm sure I probably did, but I can't remember
4 when.

5 Q. Thank you.

6 Now I've just got some questions about the death of
7 Mousa Ali. So first of all, Opus, can we go to
8 {A/85.1/10}, that's still in SO114's statement, and
9 we're looking at paragraph 6.2. Again, we have there
10 a comment. I'll just go through the statement, because
11 it appears in the middle:

12 "I do not recall how I first became aware of
13 Mousa Ali's detention but I was told no later than
14 the O group that evening ..."

15 Fast-forward a little bit to that section there that
16 says:

17 "Ali was detained during a search operation and he
18 would have been taken back to Camp Stephen, where he
19 would have kept in the prisoner holding area. I have no
20 memory of anything special in the reporting of his death
21 - it would have been routine reporting."

22 Could you just help us to understand what you mean
23 when you say "of anything special". What was that meant
24 to refer to?

25 A. That there were no particular alarming circumstances.

1 Q. Thank you. That might relate -- so, if we go on to 6.3,
2 just below that, and, again, if we could zoom in. You
3 say there in the final sentence of 6.3:

4 "I was told that he had died of what appeared to be
5 a heart attack."

6 Was that information that you were given the evening
7 referred to, can you recall?

8 A. I can't recall, but my notebook says -- I've taken a
9 note that says that C Company were doing some raids, and
10 I have got a note saying, "One died in custody".

11 Q. Does your note refer to a heart attack?

12 A. No, but my diary does.

13 Q. I'm grateful. And are you able to now recall who it was
14 who informed you that there had been a heart attack?

15 A. No, but I -- I mean, not with any certainty, but
16 I imagine that it was the company commander when he came
17 to the O group.

18 Q. Thank you.

19 I don't think we need to go there, but your
20 statement makes clear that you were not aware of any
21 allegations of ill treatment in relation to the death of
22 Mousa Ali.

23 I'm hoping Opus can take us to {A/75/7}. Thank you.
24 And if we can look at paragraph 25 first.

25 Now, what I've taken you to here is an account from

1 SO89. SO89 gave witness evidence to our Investigation
2 and oral evidence in April. And by way of context,
3 although you might be familiar already, SO89 was one of
4 the two C Company soldiers who was guarding Mousa Ali at
5 the point that he collapsed, and SO89's evidence to us
6 that he confirmed in April is that -- and he says here:

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

10 He says:

11 "Yes, I did that. I had instructed via a Simon Says
12 routine, ie demonstrating with the assistance of
13 Private ..."

14 Who was also performing guard duty at the time.

15 "... the squatting down with hands on heads or hands
16 out in front position. I also made the detainee
17 exercise with Gerry cans filled with water and gave him
18 water to drink from that."

19 Opus, could I now ask you to turn to page 11 of
20 the same document {A/75/11}, paragraph 49.3.

21 There he is asked to give a full account of various
22 matters, and it says:

23 "I did 'exercise' Mousa Ali."

24 He carries on:

25 "I only used the stress position and had him lift

1 Gerry cans of water. I had him hold the water out to
2 his front and to the side of his body with both arms
3 outstretched. I rotated this exercise.

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

7 Then, finally, just to go to his evidence from
8 the last hearing. If we can go to -- sorry, this is his
9 supplementary statement -- Opus, {A/75.1/2-3} and
10 paragraph 3. Thank you.

11 So you see there at the bottom of the page:

12 "At paragraph 48.1 of my witness statement,
13 I describe making the detainee perform exercises
14 on 'a kind of rota basis' ... I state what the exercises
15 I rotated were.

16 "Each set of exercise lasted no more than 30
17 seconds. The detainee was, however, unable to hold the
18 jerry cans out for that length of time."

19 To the next page, please:

20 "I have been asked whether I gave the detainee any
21 breaks. At the end of each circuit, the detainee was
22 given water to drink. It was extremely hot. After
23 the detainee had finished a circuit of exercise, he was
24 returned to the stress position, which was his default
25 position."

1 So, as I said, that was evidence that was confirmed
2 and, to an extent, elaborated on at our hearings in
3 April, but I think that will suffice for present
4 purposes.

5 Were you aware of any of this activity taking place
6 during the time that you were working near Camp Stephen
7 in May 2003?

8 A. Well, I wasn't working in Camp Stephen.

9 Q. Near, sorry.

10 A. But I -- no, I'm not aware of this.

11 Q. And are you now able to comment on that account and
12 whether you think that that was something that would
13 have been appropriate at the time?

14 A. It would not have been appropriate at the time.

15 Q. Thank you.

16 And as I said, some questions about the reporting of
17 the incident. So if we can go back to your statement
18 {A/85.1/11}, at 6.7 you note there that the Battalion
19 war diary will again contain details of whether
20 the Royal Military Police were aware of Mousa Ali's
21 death.

22 If we could go back, please, Opus, to {A/47/4}, to
23 the war diary, and turn to page 4 of that. Following
24 the same approach you took last time, the third column
25 down -- sorry, the fourth row down, rather, we've got

1 13 May. Opus, if we could just zoom in on that.

2 As before, would you mind just taking a look at that
3 entry and letting me know if there's anything in there
4 that you think relates to the death of Mousa Ali?

5 A. Yes. Well, there's clearly not, no.

6 Q. Thank you.

7 It's the same question in relation to Radhi Nama, so
8 I can anticipate what the answer is likely to be, but
9 are you able to explain why the death of Mousa Ali was
10 not recorded?

11 A. No, but I mean, there is so much going on that not every
12 single thing is going to get recorded. But again,
13 I would reiterate, that as a note in my notebook
14 demonstrates, the thing was reported up the system and
15 I'm quite sure it would have been reported to Brigade
16 Headquarters.

17 Q. Thank you.

18 A. And the point I'm making about the previous thing --
19 comment you showed me about how the RMP only became
20 involved when someone walked in off the street, I don't
21 believe that to be true. I think they would have been
22 told through the ops chain, and that report has come in
23 from the side some time later when someone's walked into
24 a police station.

25 Q. That is helpful, thank you. And we do have your

1 evidence on that point as well.

2 Then if we can just go back to {A/85.1/6}, please,
3 Opus, paragraph 3.14, just to have it on the screen.

4 Because I think your evidence to us in your witness
5 statement is that you did return to Camp Stephen and met
6 with SO88 and SO101. Are you at this point able to give
7 us any more information about the detail of what you
8 discussed with SO88 and SO101?

9 A. SO101 or SO115?

10 Q. Apologies. I think SO115 went with you. I'm looking at
11 3.15.

12 A. Oh, okay. The answer's no. I mean, I -- you know,
13 they'd had an incident the day before when someone --
14 someone died. I would have gone and talked to them
15 about it, but I simply don't remember any of the detail.

16 Q. Thank you.

17 And then just to finish off with a couple more --
18 slightly more general questions. Obviously there were
19 two deaths of detainees at Camp Stephen within a week of
20 each other. Did this give you any particular cause for
21 concern?

22 A. Yes, which is why I went to speak to them.

23 Q. And did you initiate or conduct any internal
24 investigations into the circumstances of what had taken
25 place?

1 A. Both -- both deaths I believe were fully investigated by
2 the RMP at the time.

3 Q. Thank you. And were you asked for any information or
4 reports yourself from further up the chain of command?

5 A. I don't think I was asked for them. I gave them.

6 Q. Thank you. And were you ever provided with any formal
7 report from C Company into the circumstances of what
8 took place?

9 A. No. I mean, I got the -- I got the company commander to
10 report when he told me what had happened, which was then
11 subsequently reported to Brigade Headquarters, at which
12 point I am sure the RMP investigated both, and, in
13 a sense, the Investigation then goes up a slightly
14 different part of the chain of command, it goes straight
15 to Brigade Headquarters.

16 MS JACKSON: Thank you. Thank you, SO114. Those are all
17 the questions I have for you, and I think I will go back
18 to Dame Anne in one second.

19 Just to briefly pause for a second, I understand
20 that there are some problems with the live stream, so
21 not the stream that we who are participating in
22 the Investigations are watching but those that
23 the public are watching. I am told that Opus are trying
24 to sort this out and improve the connection, but
25 apologies to those who are trying to watch who are

1 having problems.

2 What I can say is that obviously we are taking
3 a full transcript of these hearings. That does need to
4 be considered for redaction before it can be made
5 public, but we will do everything we can to make that
6 happen as quickly as possible so that those who are
7 trying to follow the proceedings and who are members of
8 the public can have access to the contents. But, as
9 I say, we are trying to sort that out.

10 Thank you for bearing with me there, SO114.

11 So, firstly, Dame Anne, can I just check whether you
12 had any further questions at this point?

13 Further questions from DAME ANNE RAFFERTY

14 DAME ANNE RAFFERTY: One, if I may.

15 SO114, can you hear me all right?

16 A. Yes.

17 DAME ANNE RAFFERTY: Just to come back -- it's a very brief
18 question, I promise -- to your evidence about knowing
19 about wetting, knowing about treatment which was
20 unacceptable. I want you to imagine, if you would, for
21 me, three options: (a), the Padre, as is your evidence,
22 alerts you to unacceptable behaviour, which you find out
23 includes military personnel standing on the legs of
24 kneeling detainees. That's option (a). Option (b), you
25 turn up at Camp Stephen, you know of that alert, and, by

1 whatever means, you pick up an alert about wetting. And
2 (c), by whatever means you are solely alerted to
3 wetting.

4 Can you think of any circumstances which would have
5 persuaded you to omit the mention of wetting to which
6 you had been alerted when you got there?

7 A. Sorry, when I got where?

8 DAME ANNE RAFFERTY: To Camp Stephen. When you went along
9 to say, "Stop this immediately". You have told us that
10 you said immediately, "This must stop", because you had
11 been alerted. But you were dealing solely with, for
12 example, standing on the back of legs; you were not,
13 your evidence is, dealing with wetting, because you
14 didn't know.

15 The question is: can you think of any circumstances
16 in which, had you been alerted, you would have elected
17 not to deal with wetting?

18 A. No.

19 DAME ANNE RAFFERTY: Thank you very much. That's all I
20 wanted to ask. Most kind, thank you.

21 MS JACKSON: Thank you very much.

22 Dame Anne, if I now go through the representatives
23 to see if anybody has any questions they would like to
24 invite you to put.

25 So if I could please go to you, Mr Cherry, first.

1 MR CHERRY: I have three points in the sequence that has
2 arisen. It may just assist your memory. You were asked
3 by Dame Anne if you could recollect when
4 the Rules of Engagement might have changed. Would it
5 assist if -- you can see on the bottom of the war diary
6 that there are extracts of what's called FRAGO,
7 a fragmentation order. My understanding was that the
8 Rules of Engagement came down from 1 Div down to 7th
9 Brigade, and then down to yourselves, and it came in
10 a written order, and then you would have distributed it
11 to it. And those FRAGOs would have been noted, perhaps
12 at the bottom of the war diary, showing the change of
13 the Rules of Engagement, and those would be
14 the appropriate dates. Does that assist your memory as
15 to when and how they would find out?

16 A. No, the -- the process that you have described is
17 exactly correct. I don't remember, and I haven't
18 checked, I'm afraid, as to exactly which date that FRAGO
19 may have appeared.

20 MR CHERRY: I meant that obviously it would assist Dame Anne
21 and the --

22 A. Oh, I see.

23 MR CHERRY: That's the sequence, and that's where they would
24 find the note that there's been a change of Rule of
25 Engagement?

1 A. That's correct.

2 MS JACKSON: Thank you very much, and thank you, Mr Cherry.

3 As ever, obviously we do follow a slightly different
4 process to some other Investigations, so just to remind
5 you for the next question that it's an invitation to
6 Dame Anne as to whether she wants to put the question to
7 the witness. That is nevertheless helpful, but just if
8 you could remember that for future.

9 MR CHERRY: Certainly.

10 Dame Anne, the second thing, I wonder whether we
11 could just get the clarification. It seems to have been
12 put that it's a long -- sometimes the detainees were
13 left to walk. It appears that they were taken somewhere
14 to walk, whereas in fact the detainees may well have
15 been brought in from a faraway place to Camp Stephen and
16 were released from Camp Stephen which gave them a long
17 walk home. For example, if they were arrested in
18 Al Hayaniya and brought to Camp Stephen, they would have
19 had a very long walk home. There's a slightly different
20 picture now that is appearing, that they were taken from
21 somewhere to then walk home. That's my comment for
22 that, Dame Anne.

23 DAME ANNE RAFFERTY: What's the question?

24 MR CHERRY: The question really for this witness would be:
25 would that probably more reflect what he understood,

1 that they were brought in, questioned, released, and
2 then left to walk home rather than being driven home?

3 DAME ANNE RAFFERTY: Thank you, Mr Cherry.

4 SO114, can you answer that?

5 A. I'm not entirely sure. My -- I would need to check
6 whether or not -- so each company had its own area of
7 operations, and I would not therefore expect -- and if
8 I remember where Al Hayaniya is, I'm not sure that was
9 in the C Company area of operations, but I'd need to
10 check that, but I would not expect people to be being
11 brought in from somewhere outside their company area of
12 operations.

13 And I think we're slightly getting confused between
14 looters and detainee -- and people who are being
15 arrested for questioning. The business about people
16 being asked to walk home was specifically about looters,
17 and they weren't, I don't believe, asked any particular
18 questions, so they wouldn't have been taken to
19 Camp Stephen for questioning.

20 MR CHERRY: Thank you very much.

21 Just the final one, Dame Anne. It may assist SO114
22 if he understood the unredacted statement that was put
23 on screen from the previous Inquiry was by the company
24 second-in-command of SO99, and it might assist him --

25 DAME ANNE RAFFERTY: Is that the one where three of us

1 competed for the urgency of intervening? Is that
2 the one you mean?

3 MR CHERRY: Yes, Dame Anne. It had all the names on it.
4 But the individual was unknown to SO114, and he's
5 actually the company second-in-command of SO99.

6 DAME ANNE RAFFERTY: Thank you very much.

7 MR CHERRY: Does that assist him?

8 DAME ANNE RAFFERTY: I don't think you need, SO114, to
9 comment, do you? You were just helping the Inquiry with
10 that.

11 MR CHERRY: And it might have assisted SO114 if he
12 understood who the person was. Other than that, thank
13 you very much, Dame Anne.

14 MS JACKSON: Thank you very much, Mr Cherry.

15 Could I see if Mr Berlow has any questions to put?

16 MR BERLOW: I have no questions for the witness.

17 MS JACKSON: And I believe I'm correct in thinking that
18 there's still no one from Reid Black on the line. If
19 I'm wrong, please speak now. Thank you.

20 And Ms Al Qurnawi and Mr Turner, are there any
21 questions from QC Law on behalf of the families of
22 the deceased?

23 MS AL QURNAWI: Yes, we have just one question, if we may.

24 SO114, in his statement, paragraph 4.2, said:

25 "Detainees were treated well in the EPW cage."

1 Following the questioning of Ms Jackson and Mr Judd
2 regarding the treatment of detainees, would SO114 still
3 stand by his statement, in paragraph 4.2 of his
4 statement?

5 DAME ANNE RAFFERTY: Do feel free, if you want to, to deal
6 with that, SO114.

7 MS JACKSON: Can I just invite Opus to have {A/85.1/7} and
8 paragraph 4.2 on the screen.

9 (Pause)

10 A. So that statement reflects my understanding of what was
11 happening. If anything else was happening that was
12 inappropriate, it should not have been.

13 MS AL QURNAWI: Thank you.

14 MS JACKSON: Thank you.

15 Were there any other questions from QC Law?

16 MS AL QURNAWI: No more questions, thank you.

17 MS JACKSON: Thank you, Ms Al Qurnawi.

18 And finally, Ms Rahman-Cook, I believe I'm correct
19 in thinking that you're representing SO114. Were there
20 any questions that you wanted to have put?

21 MS RAHMAN-COOK: No, nothing from me, thank you.

22 MS JACKSON: Thank you very much.

23 Dame Anne, can I just check if there is anything
24 further from your perspective?

25 DAME ANNE RAFFERTY: No. I think I can thank SO114 now.

1 MS JACKSON: Thank you very much.

2 DAME ANNE RAFFERTY: SO114, that is exactly what I do mean
3 to do, is thank you. As I said at the beginning, I know
4 perfectly well the sacrifice you've made to be here on
5 this particular day and I'm grateful, and we've kept you
6 quite a while. But thank you for coming, thank you for
7 doing all you can to help, and thank you for
8 the continuing efforts you've made to put this
9 investigation into a better place when it reaches its
10 conclusions. Most grateful.

11 MS JACKSON: Thank you very much.

12 So, as we explained at the start of the hearing,
13 there's no need for witnesses to remain in the hearing
14 room while they're not giving evidence. And SO114, if
15 you would like to leave, then please feel free to.
16 Obviously you are very welcome to stay and listen to
17 the remainder of the hearings.

18 A. Thank you.

19 (The witness withdrew)

20 SO84 (called)

21 Introduction by MS JACKSON

22 MS JACKSON: The next witness who we're going to be hearing
23 from is SO84.

24 SO84, can I check whether you can hear me?

25 (Pause)

1 I can't currently hear you, SO84, or see you.

2 A. I can now hear you loud and clearly, yes, and I can see
3 you.

4 MS JACKSON: Thank you very much.

5 Well, thank you for joining us today and for giving
6 evidence to assist this Investigation. Just before
7 I pass you over to Dame Anne to ask some questions, can
8 I just check, firstly, that you do have the list of
9 ciphers with you?

10 A. No, I'm -- I've been experiencing problems getting that
11 list, and my password, I don't know if it's the correct
12 password.

13 MS JACKSON: Don't say it out loud.

14 DAME ANNE RAFFERTY: Don't read it out. Don't read it out.

15 A. No, no, I won't, Dame Anne. I've got the bundle and my
16 last witness statement. However, the cipher list, I had
17 problems trying to print that out.

18 MS JACKSON: Okay, that's not a problem. I can see your
19 representative, Ms Rahman-Cook, is on the line.
20 I wonder if, behind the scenes, you could see if you
21 might be able to help SO84 with that.

22 But just for present purposes, you do have a copy of
23 your statement. And are you content that you are
24 the witness ciphered at SO84?

25 A. Yes.

1 Q. If I can just ask Opus please to bring up the document
2 at {A/66/1}.

3 Is this a document that you are familiar with and
4 have prepared for the purposes of these Investigations?

5 A. Yes, that's the first witness statement, correct.

6 Q. Excellent. Opus, can we just turn to the final page of
7 that document {A/66/20}.

8 We can see there obviously it's redacted, but
9 there's a date, 10 June 2022. Is that a document that
10 you've signed and prepared on that date?

11 A. Yes.

12 Q. Thank you. Opus, if I could just ask you to take us to
13 {A/67/1}.

14 I believe this is a supplementary statement that
15 you've also prepared for our Investigations. Does that
16 sound about right to you?

17 A. That's correct, yes.

18 Q. Brilliant. Again, Opus, if we could just turn to
19 the last page of that {A/67/8}.

20 Again, we should have a redacted signature and
21 a date, 12 January 2023.

22 A. Correct.

23 Q. And that's the date of this evidence.

24 Is there anything in either of those statements that
25 you believe you need to amend or correct, or are you

1 happy for them to stand as your evidence for the moment?

2 A. I've just got one question, I've not really brought this
3 up with Farhana, and it says in the very top:

4 "In the matter of Investigation into the deaths of
5 Radhi Nama and Mousa Ali."

6 I don't know who Ahmed Jabbar Kareem Ali is.

7 Q. That's a very good question, but hopefully shouldn't
8 affect your evidence.

9 A. Okay.

10 Q. As has been explained in our outline of appointment and
11 I think at the start, there are two Investigations that
12 are being conducted and there are some areas where they
13 cross over. But the questions we have for you relate to
14 the deaths of Radhi Nama and Mousa Ali, so hopefully
15 that shouldn't raise any problems.

16 Can I also just check that you have access to
17 the initial disclosure bundle that you were provided
18 with before giving those statements to our
19 Investigations?

20 A. Yes.

21 Q. Excellent. That should contain a number of previous
22 accounts that you've given in 2003, 2013, 2014, 2016.

23 Do you have all of those documents to hand?

24 A. I've just got the index at hand, because it's 188 pages
25 long of all the witness statements, but I can get that

1 on my phone, which I can --

2 Q. I'll suggest that we don't do that for now, but as long
3 as we can pull it up if we ... I think we hopefully
4 shouldn't need to go into detail with that.

5 In that case, thank you very much for confirming
6 that for me, SO84. I'm now just going to pass you back
7 to Dame Anne who has some questions, and then I'll have
8 some further from there.

9 Questions from DAME ANNE RAFFERTY

10 DAME ANNE RAFFERTY: Thank you, Ms Jackson.

11 Good morning.

12 A. Good morning, Dame Anne.

13 DAME ANNE RAFFERTY: I just want to check -- I can tell you
14 can hear me. Can you see me as well?

15 A. Yes, I can.

16 DAME ANNE RAFFERTY: Right. The first thing to be said is
17 a huge thank you. I know perfectly well that coming
18 here today, and the prospect of it, has taxed you.
19 I understand that entirely. I understand that life
20 hasn't been altogether kind to you, I understand that
21 very well too. And you know that we will pace this and
22 we will pace it so that we flex towards you. So at any
23 stage, if things are not going as you would like, you
24 just tell me, or tell whoever is asking you questions,
25 and we'll adjust.

1 Are we on the same page, you and I?

2 A. Correct. Thank you, madam.

3 DAME ANNE RAFFERTY: I also know that you've got
4 a particular family difficulty that's looming over you
5 at the moment, and I'm sorry to hear it. I'm not going
6 to mention it, but we're acutely aware of it, and yet
7 you're still here trying to help us, so more thanks for
8 that. And I know, too, that professional exams are
9 coming your way shortly, so you come with a bundle of
10 difficulties. And when I tell you how grateful we are,
11 I want you to understand how sincerely that is meant.

12 A. Thank you.

13 DAME ANNE RAFFERTY: A pleasure.

14 I can hear the North East in that voice. I'm not
15 sure it's as far North East as [REDACTED]. Is it coming
16 down towards [REDACTED]? Can I hear the North East?

17 A. That's correct. Yes, yes.

18 DAME ANNE RAFFERTY: It's not [REDACTED]; is it coming
19 further down towards [REDACTED]?

20 A. It's south of [REDACTED]. [REDACTED].

21 DAME ANNE RAFFERTY: All right. Do you think I could award
22 myself 8 out of 10?

23 A. I'll give you 8 out of 10.

24 DAME ANNE RAFFERTY: We're definitely on the same page, you
25 and I. Right, let's see where we can get to.

1 Tell us a bit, just outline for us in a paragraph
2 your military career?

3 A. My military career. I joined in January 1993 into
4 the Royal Army Medical Corps. My first posting was to
5 Köhne in BFG Germany. In 1997 I qualified as a Class 1
6 combat medical technician. I was on -- or I went --
7 I deployed on various tours which were with the UN and
8 NATO in the former Yugoslavia. I was then called up in
9 2002, I believe I was in Yugoslavia, the former
10 Yugoslavia, where I received orders that I was to leave
11 and to join -- I believe it was the Princess of Wales
12 Royal Regiment, of which I was then seconded to
13 the First Battalion Black Watch for deployment, or
14 pre-deployment training, in January 2003. They were in
15 Fallingbostal, then we went to Sennelager training area
16 to do the -- the mandatory training directives.

17 I completed that initial war-fighting phase tour
18 with the First Battalion Black Watch. I came back to
19 Germany and I was then subsequently told, after leave,
20 that I was to deploy again, of which I didn't --
21 I didn't feel I had enough recuperation time. However,
22 I was deemed fit to deploy, and I went back on TELIC
23 number 3. [REDACTED]

24 [REDACTED]

25 [REDACTED]

1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED] After gaining my qualification,

5 I was then seconded to a military hospital in

6 Peterborough.

7 I'll just rewind, sorry, Dame Anne. Between 2003

8 and 2007, I was sent again to Iraq. [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 Like I say, then I [REDACTED]

13 [REDACTED] went to a military hospital, and

14 then deployed to Afghanistan, which was basically inside

15 the military (inaudible) hospital there. It was a good

16 tour. And then I was subsequently sent out again for

17 six months to the hospital inside the wire, which was

18 also a very good tour I had.

19 During the time I was written to/spoke to by an

20 investigator from IHAT, of which I have -- can you see

21 me, sorry?

22 DAME ANNE RAFFERTY: No, I can't, but I can still hear you.

23 A. Oh, I do apologise. Of which I was -- I gave witness

24 statements in 2013, 2014, 2016. And then obviously

25 I left the Army in 2019 when Germany closed down.

1 I helped close the camp in Paderborn down, [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 DAME ANNE RAFFERTY: Thank you. Thank you. And we know
5 that in 2003, in C Company, 1 Black Watch, you were
6 the company medic.

7 A. Correct.

8 DAME ANNE RAFFERTY: Can you give me a paragraph on your
9 role as company medic? What did you have to do? What
10 did it entail, SO84?

11 A. My job, obviously because I was Royal Army Medical
12 Corps, I was sort of the main -- the medic from -- from
13 the regiment of Royal Army Medical Corps. I was
14 seconded to Charlie Company, of where we did all
15 the pre-deployment training and made sure all
16 the medical equipment was serviceable and what we needed
17 to carry was what we needed to take.

18 Whilst in the training in Sennelager, we all did
19 the individual training directives that we were supposed
20 to be doing, and we gave first aid lectures, and the use
21 of pain -- pain relief and various other life saving
22 techniques, as well as normal day-to-day bandaging of
23 wounds and looking after colds and diarrhoea and
24 sickness.

25 DAME ANNE RAFFERTY: I've got a question for you.

1 A. Yes.

2 DAME ANNE RAFFERTY: Can you think into civilian structures,
3 the way we live our lives. Where did you, as
4 the company medic, where would we have translated you
5 into the civilian structure: paramedic, nurse
6 practitioner? Do you know what I'm asking you?

7 A. Yes. Yes, Dame Anne. It would have -- it would have
8 been an emergency -- well, an ambulance technician would
9 have been the civilian qualification. It wouldn't have
10 been a paramedic of sorts, because there's an actual
11 course in the Royal Army Medical Corps for a paramedic,
12 but we had enough training as a combat medical
13 technician to have performed quite a lot of techniques
14 and treatments.

15 DAME ANNE RAFFERTY: Understood, thank you.

16 I'm going to ask you now about the command
17 structure, both up and down. We'll start with up. To
18 whom -- who did you report to as company medic?

19 A. I reported to --

20 DAME ANNE RAFFERTY: We don't need the names. The rank will
21 do.

22 A. WO2.

23 DAME ANNE RAFFERTY: Thank you. And down, who reported to
24 you?

25 A. The -- my small team would have been a driver and

1 another regimental medic who wasn't RAMC cap badge.

2 They were my team.

3 DAME ANNE RAFFERTY: Understood, thank you.

4 So take yourself back to the Camp Stephen
5 experience. So there you are, you're the company medic.
6 What's your role? So give me a day. I'm not going to
7 be foolish enough to say give me a typical day, because
8 you will promptly point out there was none. But give me
9 a day, and sketch it out for me, as to how you might
10 well have been occupied during the day.

11 A. First things first, there would have been a sick parade,
12 but there was no set time for a sick parade, that
13 the soldiers on the ground could have come to me for
14 various injuries, wounds, illnesses. That would have
15 all been done ad hoc, there was no specific timing,
16 unless there was a task that we had to leave the camp
17 for.

18 I treated the water -- the water source wasn't safe,
19 so I treated the water near enough on a daily basis so
20 troops could wash and shave but not drink the water.
21 And, generally, just wait for tasks and maintain
22 the vehicle that we had. That was my typical day.

23 DAME ANNE RAFFERTY: Thank you.

24 Now, we're coming up to you having been here with us
25 for ten minutes now and I'm conscious that you might

1 need a break. Happy to have a break on the dot of
2 ten minutes, happy to be guided by you. What do you
3 want me to do?

4 A. I'm quite happy, Dame Anne. It's now 12.30.

5 DAME ANNE RAFFERTY: I hope it isn't. It's 11.30 here.

6 A. That's right, 11.30. I'm happy at the moment.

7 DAME ANNE RAFFERTY: All right. Well, let's carry on, but
8 remember what I said.

9 A. Yes.

10 DAME ANNE RAFFERTY: This is flexing to you, so at any stage
11 you just say, "Can we stop", and we will.

12 Right, so that's your untypical typical day as
13 the company medic.

14 A. Mm-hm.

15 DAME ANNE RAFFERTY: So the medical officer, I think I'm
16 right, was at the RAP, regimental aid post, at Battalion
17 HQ. Can you give me a bit of geography? Where was that
18 in relation to Camp Stephen? Give me some measurement
19 of distance.

20 A. Oh ... bearing in mind we only had mainly the tracked
21 vehicle, it would have been a good 20 minutes', 30
22 minutes' vehicle ride.

23 DAME ANNE RAFFERTY: Thank you.

24 A. And that would -- yes.

25 DAME ANNE RAFFERTY: And at Camp Stephen, was it you or was

1 there a medical officer there?

2 A. Me.

3 DAME ANNE RAFFERTY: You. Okay.

4 So we know your equivalent over here, we've done
5 that. So just think for me more broadly about your role
6 in Charlie Company as company medic. Did you feel well
7 prepared for it? Prepared? Unprepared? Give me some
8 idea.

9 A. I was well prepared for the task in hand, yes.

10 DAME ANNE RAFFERTY: And because you are -- I'm going to
11 call it loosely -- a specialist, like we might find an
12 engineering officer, we might find a dental officer,
13 you're the company medic, so you've got specialist
14 status, does that make your training different from that
15 of other members of C Company?

16 A. My training for more medical emergency tasking is a lot
17 more superior than a normal soldier, yes. But
18 everything else is the same. I'm a soldier first and
19 then a medic.

20 DAME ANNE RAFFERTY: Understood. And you definitely had
21 specific training for your role as medic, because you've
22 dealt with that for us.

23 When it comes to you dealing not just with your
24 soldiers but with detainees, did you have any
25 instructions given to you on how you would run your

1 medical checks on detainees?

2 A. No.

3 DAME ANNE RAFFERTY: Do you remember any other training that
4 came your way on the handling of POWs, prisoners of war?

5 A. No, not that I can remember.

6 DAME ANNE RAFFERTY: All right. So let's stay now with
7 detainees in Camp Stephen. They've got to be handled;
8 I'm just wondering whether you had any role in detainee
9 handling.

10 A. Yes.

11 DAME ANNE RAFFERTY: What was it?

12 A. Basically, when the detainees came into Camp Stephen,
13 they were checked over by myself from head to toe.

14 DAME ANNE RAFFERTY: Okay. So leaving aside you and your
15 expertise, who, in general terms at Camp Stephen, was
16 responsible for the detainees? Don't mention names.

17 A. WO2.

18 DAME ANNE RAFFERTY: Right. Just him?

19 A. I believe so. There might have been other -- other
20 people, but WO2 would have been the main one, yes, yes.

21 DAME ANNE RAFFERTY: Thank you very much. And his command
22 structure? Upward of him would have been? Don't use
23 the name. Who was in charge?

24 A. Major.

25 DAME ANNE RAFFERTY: Thank you.

1 Now, I think I'm right -- you can tell me if I'm
2 wrong -- that you were responsible for doing the medical
3 check on detainees which we know about. But you can,
4 I think, remember once when WO2, or perhaps on another
5 occasion a slightly lower ranked non-commissioned
6 officer who asked you to attend.

7 Now, what I wonder if you can help me with is whose
8 responsibility -- who ultimately carried the can for
9 having made sure that there was a medical check? First
10 of all, do you understand what I'm asking you?

11 A. Yes, I do.

12 DAME ANNE RAFFERTY: Right. What's the answer?

13 A. That it was general knowledge, when detainees were
14 brought into Camp Stephen, into the EPW cage, that they
15 were physically checked over by myself.

16 DAME ANNE RAFFERTY: Everybody knew?

17 A. Everybody knew that they had to get the medic.

18 DAME ANNE RAFFERTY: Okay. All right.

19 If there were a specific request to you to go and
20 have a look, what would that, if anything, suggest to
21 you? Would it make you think they've spotted something
22 that's agitating them, or there's some area of concern?
23 Or would it just have been, "Yes, I know, thank you, I'm
24 going"?

25 A. If I was called upon to attend, it would have been

1 a general request to -- to make sure that the detainees
2 were safe to be detained and that there wasn't any
3 injuries that would have been cause for them not to be
4 detained.

5 DAME ANNE RAFFERTY: Understood. Could we describe it
6 properly as a screening process, so you would be asked
7 to go and screen them?

8 A. That's correct.

9 DAME ANNE RAFFERTY: Thank you.

10 And do you think -- again, you pull me up any time
11 I go wrong when I'm putting something to you -- I think
12 you reckon that detainees were asked questions to find
13 out who they were and perhaps to soften them a little
14 before they were asked questions at HQ, does that ring
15 a bell? Is that your recollection?

16 A. Correct.

17 DAME ANNE RAFFERTY: What does "softening" mean?

18 A. Sorry, I didn't hear that.

19 DAME ANNE RAFFERTY: I'm so sorry. What does "softening"
20 mean? If they were softened before they were questioned
21 at HQ, what does that mean?

22 A. "Softening" means numerous things. They were probably
23 shouted at, put in various positions to make them
24 uncomfortable so they could talk.

25 DAME ANNE RAFFERTY: And what was the object of that

1 exercise, in your view?

2 A. In my view, that was to basically make them talk, open
3 up and reveal who they were or what they were up to.

4 DAME ANNE RAFFERTY: Yes, thank you.

5 This is the last question at the minute from me.

6 I think you told us that you can't understand why
7 Mousa Ali was brought back to Camp Stephen because
8 Camp Stephen didn't have an official holding facility
9 for a start. Am I right, is that what you think and
10 thought?

11 A. I believe that Camp Stephen had a temporary holding
12 facility and that the Mousa Ali incident I found might
13 have been a bit strange, because they had to go past
14 Battalion Headquarters to get to Camp Stephen.

15 DAME ANNE RAFFERTY: Ah, I see.

16 A. And why they did not go straight to Battalion
17 Headquarters where there was an official holding
18 facility.

19 DAME ANNE RAFFERTY: Just unpick for me a little
20 the temporary holding facility at Camp Stephen. Give me
21 a sentence to describe what it was, what it would look
22 like, how I'd recognise it if I walked in.

23 A. Very scant. There was no grass, it was dirt. Hot,
24 dusty. There was a camouflage net as a sort of overhead
25 cover.

1 DAME ANNE RAFFERTY: What was it called? What did
2 the soldiers call it there?

3 A. It was the EPW cage.

4 DAME ANNE RAFFERTY: It's bound to be initials, that's the
5 Army. EPW.

6 A. Sorry, yes, it was the --

7 DAME ANNE RAFFERTY: (Overspeaking) Understood, thank you
8 very much.

9 Now, I've asked you what I need to ask you at
10 the minute, and I'm going to ask Ms Jackson to ask you
11 a few more questions. I'm only going to pause, take
12 a breath, to check: are you happy to carry on or do you
13 want to take a break?

14 A. Yes, I'm happy to carry on.

15 DAME ANNE RAFFERTY: Thank you.
16 Ms Jackson.

17 Questions from MS JACKSON

18 MS JACKSON: Thank you, SO84. Can you see and hear me?

19 A. Yes.

20 Q. Thank you. And just to repeat what Dame Anne said, if
21 at any point you want a break, please do ask and we can
22 accommodate.

23 I've got some questions to ask you first about
24 the death of Radhi Nama and then about the death of
25 Mousa Ali.

1 A. Mm-hm.

2 Q. So, firstly, on the death of Radhi Nama, so we're
3 talking about 8 May 2003. Your evidence to us is that
4 you weren't called to perform a medical check on this
5 detainee before -- upon his arrival. Are you able to
6 explain why that was the case?

7 A. (Pause)

8 I'm just reading the statement.

9 Q. Of course.

10 Opus, can I ask you to bring {A/66/6} up on
11 the screen, looking at paragraphs 41 and 42.

12 So if it's helpful, I can contextualise my question.

13 So we have here, "Events of 08 May 2003", and what you
14 say there at paragraph 42 is:

15 "At around 1140 hours on Thursday 08 May 2003, I was
16 alerted that a detainee who had just been brought into
17 our location had collapsed within the detention area.
18 I was informed that there was a slight pulse."

19 And so forth.

20 My understanding of that evidence is that you were
21 first informed of a detainee being in the EPW area at
22 the point that he had collapsed, and I wanted to ask
23 whether, if that is the case, can you explain why you
24 weren't called to perform a medical check on
25 the detainee when he was taken in?

1 A. No, I can't explain that, no.

2 Q. Thank you. So am I correct that, when you went to
3 the tent upon being summoned, that that's the first time
4 you saw the detainee at Camp Stephen?

5 A. Maybe. I've got no concrete evidence on that, sorry.

6 Q. That's quite all right. And just to be clear, SO84, I'm
7 not trying to trip you up, I'm just trying to get
8 a proper understanding of what your evidence is.

9 Opus, can I ask you to open {A/4/13}, please.

10 What we're going to now is a picture. It's not
11 the best quality, but --

12 A. Yes.

13 Q. -- I've gone to this one first because someone has drawn
14 a little arrow in the kind of top right quadrant
15 saying "EPW", and I think Opus are very helpfully moving
16 a pointer there which can help us situate.

17 Firstly, is this a photo of a location that you
18 recognise?

19 A. Yes.

20 Q. And is that Camp Stephen?

21 A. Yes.

22 Q. Where that little marker pointer says "EPW", is that
23 the area that you're referring to when you talk about
24 the EPW cage?

25 A. Yes.

1 Q. Thank you, that's helpful.

2 Just to check, were you aware of there being
3 a detainee at Camp Stephen at all on 8 May before you
4 were called to the EPW tent at 11.40 hours?

5 A. No, not unless -- like I say, if I didn't, I don't know
6 why that person was there then at 11.40 hours without me
7 knowing.

8 Q. Brilliant, thank you.

9 Opus, can I get you to go back to {A/66/7}, this
10 time page 7.

11 So we're going back to your statement, SO84, and
12 we're looking at paragraphs 47 to 48. Now, you very
13 helpfully provided evidence to us already about
14 the steps that you recall taking when you arrived at
15 the EPW tent, so I'm just going to go through that just
16 quite swiftly here.

17 You describe taking a pulse, you discovered no pulse
18 present. You turned Mr Nama on his back, checked his
19 airway, opened his mouth to check for obstruction. You
20 would have swept his tongue away as part of the airway
21 check. You checked the pulse again. You noticed
22 the pupils were fixed. You opened his shirt to check
23 the chest and there was no rise and fall, and you heard
24 no breathing sound, and you listened to his heart with
25 a stethoscope.

1 Is there anything else that you think it would be
2 helpful to add to that description of what you can
3 recall taking place for us?

4 A. No.

5 Q. Thank you. And had you been given any information about
6 what had happened to the detainee, before he ended up
7 lying on the floor, by people present?

8 A. No, I didn't, no.

9 Q. And do you remember whether you asked for any
10 information?

11 A. No, I can't remember, no.

12 Q. Thank you.

13 And just looking here again, so at the end of
14 paragraph 47, you say you did not have a defibrillator
15 as part of your kit. And if we just look at
16 paragraph 50, which is just at the bottom of the page,
17 you say there, just about halfway through:

18 "During the journey I did not resuscitate
19 the detainee. This was mainly because my equipment was
20 not sufficient for this type of resuscitation."

21 You also say:

22 "... there was absolutely no sign whatsoever of
23 life ..."

24 I just want to explore that a bit further with you.

25 Did you feel you had all the equipment available to you

1 that you might have wanted or needed when attending
2 Mr Nama?

3 A. In hindsight, yes.

4 Q. Are you able to explain that for us?

5 A. The problem is, with carrying a defibrillator, is it's
6 very tricky because of the weather and the cost to
7 the military of providing a defibrillator and obviously
8 the upkeep of that. My main concern was to make sure
9 that he had an airway that was clear and, if needed, to
10 resuscitate him per hand during chest compressions.
11 Obviously there was no sign of life, and to move that
12 casualty in a vehicle, it was personally dangerous for
13 us as a crew to drive him to the hospital.

14 Q. Thank you. I will ask you some for questions about
15 the drive to the hospital in a minute. But just first,
16 am I correct that the qualifications that you explained
17 to Dame Anne earlier mean that you did not at that time
18 have the qualification to pronounce death?

19 A. No, the only person that can pronounce a certain -- or
20 a casualty or a patient's death is a medical officer.

21 Q. Thank you. But it sound like, from the evidence we've
22 just read, paragraph 50, there was absolutely no sign
23 whatsoever of life, and that you were of the view that
24 Mr Nama was dead before you arrived at the medical post.

25 Can I just check, firstly, how confident are you of

1 the view that this detainee had passed away before you
2 were in a position to get him to the hospital?

3 A. Very confident.

4 Q. And, again, I know this is a quite difficult question to
5 ask, so if we need to take it slow, do let me know, but
6 did you believe him to be dead at the point that you
7 arrived at the EPW cage?

8 A. After doing my checks, yes.

9 Q. Thank you.

10 And at paragraph 56 of your statement -- I think
11 that's probably page 8, Opus {A/66/8} -- there you say
12 that if the medical officer had been present at
13 Camp Stephen with the right equipment, the detainee
14 might have had a better chance. I've asked you to
15 comment on that view a little bit already, but I was
16 wondering if you could expand on this view at all?

17 A. Yes, if the medical officer was available at
18 Camp Stephen, there would have been -- there would have
19 been a chance, there could have been an outside chance
20 that he survived. I didn't -- or I did not hold
21 a defibrillator or adrenaline to get the heart --
22 the heart of the man beating again. However,
23 the medical officer does have that capability, but he
24 was based at the RAP. And my recollection says there
25 that the Czech Hospital and the RAP were about the same

1 distance, which, yes, they were.

2 Q. Thank you.

3 A. Now --

4 Q. Sorry.

5 A. Yes, sorry, yes.

6 Q. No, no, I do have a couple of questions about what took
7 place during the journey.

8 I am just going to check one point with my team
9 briefly.

10 Yes, so if we can go to A/194/22, please, Opus.

11 What we're looking at here, hopefully, in a minute, is
12 the transcript evidence of SO88 from April.

13 THE EPE OPERATOR: Sorry, can I have the reference again,
14 please.

15 MS JACKSON: Sorry, {A/153/194}. Thank you. We're looking
16 at line 22.

17 You can see here that the question being asked by
18 the representative of the families is:

19 "... is SO88 saying that Radhi Nama left
20 Camp Stephen and went to the local hospital alive or
21 dead?"

22 And the response there:

23 "Yes. My understanding was that Radhi Nama suffered
24 something, and the medic was called, and my
25 understanding was that he was placed in the ambulance

1 and then taken to Battalion Headquarters where ..."

2 Over the page.

3 "... a qualified doctor was under -- in our view,
4 would be at this location. The medic was in
5 the ambulance with Radhi Nama, and then en route
6 the ambulance was deferred to go straight to
7 the Czech Hospital. So my understanding was that he was
8 alive or he was still being resuscitated in
9 the ambulance when he left the Charlie Company
10 location."

11 Are you just able to comment on that account and
12 whether that matches your recollection?

13 A. So this patient went to the Czech Hospital, am
14 I correct, yes?

15 Q. That's our understanding from --

16 A. Yes, because my doctor wasn't there. This is what I'm
17 trying to get round now, yes? So we drove him to
18 the Czech Hospital. The patient was basically,
19 I believe, in my professional status, he was dead.
20 However, I had to resuscitate the patient until I felt
21 I had to hand the patient over to a more qualified
22 person.

23 Q. Understood, thank you. But do you recall saying
24 anything to anyone that might have given the impression
25 that SO88 reflects here, that Radhi Nama was still alive

1 while in the ambulance?

2 A. No. No.

3 Q. Thank you. That's very helpful.

4 I've got some questions now, SO84, about the moving
5 of the body between Camp Stephen and the Czech Hospital,
6 but how are you doing? Would you like a break before we
7 move on to those questions?

8 A. No, I'm very fine. I'm just trying to get my head
9 around that -- what that says there, "en route in
10 the ambulance". Now, I transferred a patient to
11 the Czech Hospital in a wheeled vehicle, not in --
12 the ambulance that we had was a tracked vehicle; is that
13 correct?

14 Q. Well, it's not for me to say what's correct. I did have
15 questions about this, and actually maybe --

16 A. That's fine.

17 Q. Because I think -- and if we go to {A/66/8}, please,
18 Opus, paragraph 53, I think what we should see there is
19 that your evidence to us is that you took Radhi Nama to
20 hospital in a Land Rover.

21 A. Correct. That's that then. That's that, yes.

22 Q. Thank you.

23 A. That's --

24 Q. So is it your recollection that it was a Land Rover and
25 not the ambulance that was used?

1 A. That's correct.

2 Q. Thank you. And your statement at paragraphs 94 to 95 at
3 {A/66/13}, please, Opus, you describe at those
4 paragraphs your ambulance -- let me just check that
5 we're in the right ones. So, sorry, yes, can we go over
6 to 95, please. You do mention at 94 your ambulance and
7 then say, so about halfway down the paragraph at
8 the top:

9 "The vehicle was jolting around ..."

10 This is in the context of Mousa Ali, but I'm using
11 it here for reference to the ambulance.

12 "The vehicle was jolting around, bumpy roads, only 6
13 or 7 bulbs in the rear of the vehicle so very little
14 light and the main factor was that there was no doubt in
15 my mind that he was dead."

16 Then we carry on to 95:

17 "The ambulance was a really old vehicle; it had
18 tracks and was loud. It was not ideal for delivering
19 treatment to a patient."

20 So, it sounds like there was an ambulance that was
21 available at Camp Stephen, is that correct?

22 A. Yes, that's correct.

23 Q. Thank you. Are you able to explain why the ambulance
24 wasn't used to move Radhi Nama?

25 A. It could have -- I don't -- I'm not 100% sure. It could

1 have been off the road. It could have been off the road
2 because of difficulties with the vehicle, because it was
3 a very old ambulance.

4 Q. Thank you.

5 Opus, could I get you to turn to page 8 of the same
6 document, paragraph 55, please {A/6/8}.

7 We're still in your statement, but you explain here
8 in this paragraph that the medical officer, who I think
9 you said earlier, and explain in your statement, was
10 based at the RAP, the Regimental Aid Post, was out of
11 area on 8 May. Can you explain what usually would have
12 taken place had the medical officer been at the RAP on
13 8 May when you were dealing with Radhi Nama?

14 A. Yes, he would have went to the RAP where the doctor was.

15 However -- sorry, I have got one thing to say. During
16 my evidence and interviews I did carry a notebook, and
17 still to this day I was a bit confused why I wrote this
18 down, that my doctor was away. However, there was
19 a stand-in doctor and that name was written in my diary
20 for some reason, and it never happened. I apologise,
21 I don't know why that never happened, but we took him to
22 the Czech Hospital. I believe that there was no medical
23 officer cover at the RAP but there was somebody standing
24 in and there was an oversight.

25 Q. That's very helpful, thank you SO84, and it somewhat

1 pre-empts my next question. So I was going to take you
2 to the Royal Medical Officer's evidence, which was that
3 there had been a doctor at the RAP, but that's helpful
4 to explain what happened.

5 Are you able to help us with whose decision it would
6 have been to take the detainee to the
7 Czech Army Hospital?

8 A. I'm not, no. No.

9 Q. That's okay.

10 A. It might have -- sorry.

11 Q. No, no, please, I didn't mean to interrupt you.

12 A. It could have been my decision. I might have forgot
13 that there was a stand-in doctor because of
14 the circumstances and the adrenaline running and
15 the stress, and I -- I purely forgot.

16 Q. That's helpful, SO84, thank you. As I said, we're just
17 trying to explore the facts and circumstances of what
18 took place.

19 So, Opus, can I please ask you to turn or to bring
20 up paragraph 52. I think we might be on the right page
21 already {A/66/8}.

22 You were describing here what happened on arrival at
23 the Czech Army Hospital, and I'll just read out
24 the relevant bits. I'm sorry, it is a bit tiresome
25 reading out bits of statements, but we do have people

1 joining us on the live stream who can't see
2 the documents and it helps them to follow proceedings.

3 You say here:

4 "When we arrived at the Czech Hospital, I entered
5 the location and requested a Doctor to attend
6 the detainee. The Czech medical team then came out with
7 me to the Land Rover. I stated that I believed him to
8 be dead and I required a Doctor to examine him and
9 certify life extinct. I asked this several times but
10 all of the Czech medical staff refused to touch the
11 body. I then believe that they passed the incident on
12 to an Iraqi doctor who was present, who directed me
13 round to a container area. I saw there were several
14 caskets outside this container, which led me to believe
15 that it was a morgue facility."

16 Just pausing there for a second, are you able to
17 explain or comment on why the Czech medical staff
18 wouldn't examine the detainee? Did they give an
19 explanation?

20 A. No. Possibly they looked at that there was a British --
21 there was British personnel there, and we could have
22 certified him dead, and the language barrier, but, no.

23 Q. Thank you. And the Iraqi doctor who you also refer to
24 in that paragraph, did that doctor see the detainee
25 while you were there?

1 A. No.

2 Q. Thank you.

3 Then if we carry on, you then say at paragraph 53:

4 "I then removed the detainee from the Land Rover to
5 the floor next to the caskets."

6 I'll just pause there for a second because -- and we
7 don't need to go to it, but I know you've given evidence
8 or accounts previously to the Investigation saying that
9 Radhi Nama was left inside a casket. Can I just check
10 that it is your evidence that it was on the floor next
11 to the caskets at this point in time?

12 A. What, his body?

13 Q. Yes.

14 A. I can't remember that. I'd just seen an ISO
15 container -- a shipping container full of bodies, and
16 I can't remember.

17 Q. That's quite all right, SO84. Again, if the answer is
18 you can't remember, then that is the answer. We're not
19 trying to conjure memories that no longer are present.

20 Do you recall now whether you spoke to any staff in
21 the morgue facility, or what you believed to be a morgue
22 facility?

23 A. I don't think we did, no. I think ... no.

24 Q. Thank you.

25 You say:

1 "I then told the Iraqis at the scene that I was
2 handing him over to them."

3 Are you able to explain who the Iraqis were? Was
4 that doctors present? Was it other members of staff?

5 A. I don't know who they were, sorry.

6 Q. That's all right.

7 Do you recall whether you left any notes or records
8 with the detainee's body?

9 A. No.

10 Q. Thank you.

11 We had a question raised by the representative for
12 Radhi Nama's family, Ms Al Qurnawi, at the previous
13 hearings that was raised to another witness, but we
14 thought it might be more appropriate to ask you, and
15 that question is: why was Radhi Nama's body filed under
16 "Unknown person" at the Czech Hospital with no details
17 passed on by British Forces? Just are you able to
18 comment on that question in the first instance?

19 A. Yes. It's -- it was the same in Afghanistan. Most of
20 the people that were brought in that died or they were
21 dead, they were called "Unknown". There was no
22 identification, there was no identification card, there
23 was no health certificate, what we tend to carry, to
24 prove who they were. I had no name, so he was an
25 unknown patient to me, he was an unknown person.

1 Q. Thank you. And do you recall whether you left any
2 details of the British Forces, as in C Company, or
3 the location at which Radhi Nama had been taken from so
4 that anyone could contact British Forces in relation to
5 the death?

6 A. No. I wrote in my Blue Book, which was a blue civilian
7 diary, the date and "casualty dead", that was all.
8 There was no name.

9 Q. Thank you. And I've just got one question about that
10 diary in a second, but just one question about
11 paragraph 53, because you say there:

12 "Unfortunately, Mr Nama's head hit the floor as we
13 were moving him from the Land Rover to the floor."

14 Now, we have your clear evidence that you did
15 already believe him to be dead at that point in time, so
16 that is in mind, but I just was wondering if you could
17 explain a bit more how this happened and contextualise
18 this sentence for us.

19 A. Yes, he was in the back of a Land Rover. There might --
20 there might have been two/three of us, I don't know if
21 there was two of us in the vehicle, to get the body out.
22 I believe the casualty or the patient was very
23 overweight, very heavy. We tried our best to get him
24 out, and his head slumped out and I believe hit
25 the floor.

1 Q. Understood. And just if it assists with your
2 recollection, but we are obviously investigating
3 the death of two detainees, one of whom, Mousa Ali, has
4 been described by witnesses as being quite a heavy
5 gentleman, including by yourself. People haven't tended
6 to describe Radhi Nama, the detainee we're currently
7 talking about, in that way. Just in case --
8 the description, and I'm just paraphrasing here, but
9 it's often that he was a slightly older man of slight
10 build. Does that assist with your recollection in terms
11 of moving him from the Land Rover to the morgue
12 facility?

13 A. A dead body's a deadweight, and in the heat and sweat,
14 trying to get somebody out quickly to be safe, so we
15 could get back safe, that's all I can say. Yes, it was
16 an unfortunate -- unfortunate incident.

17 Q. Thank you.

18 Just as a point of clarity, and it's in a similar
19 vein, can I ask Opus please to bring up {A/67/3}. This
20 is your supplementary witness statement to these
21 Investigations. I'm just looking at paragraph 8.1,
22 please. Thank you. It just says there:

23 "I am directed to paragraph 54 of my first witness
24 statement where I state that I 'did not feel safe'
25 depositing Mousa Ali's body at the Czech Hospital."

1 It's just a point of clarity, and we can go to it if
2 you like, but paragraph 54 of your witness statement
3 appears to be relating to the death of Radhi Nama, and
4 that's the individual we understand was taken to
5 the Czech Hospital. I just wanted to confirm that that
6 is what you are intending with this paragraph?

7 A. Yes, we did not feel safe. It was literally: drop
8 the body off quickly and get back.

9 Q. Thank you. But can I just check, though, that when you
10 say "depositing Mousa Ali's body at the Czech Hospital",
11 that you're comfortable that you actually do mean
12 depositing Radhi Nama's body at the Czech Hospital?

13 A. Yes, I do believe that's a mistake there in the -- this
14 statement.

15 Q. Thank you, that's helpful.

16 And just a couple more questions and then we'll take
17 a break, if that's okay, just to finish up the questions
18 on Radhi Nama. Are you familiar with what an FMed 4
19 form would be?

20 A. An FMed number what, sorry?

21 Q. Number 4. I can just pull it up. {A/153/119}, please,
22 Opus, looking at line 19 onwards.

23 Just while that's coming up, for context, Mr Cherry,
24 who is one of the representatives representing witnesses
25 in these Investigations, helpfully raised at our

1 previous hearings in April -- sorry, I'm looking at line
2 19, and if we could zoom in a bit, please, Opus.

3 It says there:

4 "The Company medic will have filled in a form called
5 an FMed 4 which is like a little 5 by 4 cardboard
6 report, and that is what they write in when they
7 examine a detainee, and those card then go with
8 the detainee when they are moved on to the next phase."

9 It does carry on. But is that something you're
10 familiar with and able to comment on?

11 A. No. No, that never happened.

12 MS JACKSON: Okay, that's very helpful. Thank you very
13 much.

14 As I said, I do have other questions about the death
15 of Mousa Ali, and then we've got some slightly more
16 general questions that we would like to ask you about as
17 well, but we were planning to have a break for
18 the transcribers now. Is now going to be okay to take
19 a break for you, SO84?

20 A. That's fine. Yes, that's fine.

21 MS JACKSON: Excellent. So it's just past 10 past now --
22 it's a little bit past 10 past. Can I ask if we can all
23 come back at 12.25, does that sound okay to everyone?

24

25 A. Yes, that's correct. That's fine.

1 MS JACKSON: Okay, thank you very much. I'll see you back
2 shortly.

3 A. Thank you.

4 (12.13 pm)

5 (A short break)

6 (12.28 pm)

7 MS JACKSON: Apologies for the slight delay there.

8 The Inquiry team were lost in various break-out rooms
9 there. Thank you for bearing with us.

10 So, as I said, we now have some questions about
11 the death of Mousa Ali, and, again, just if it's helpful
12 to have it on the screen, {A/66/9}, and we're looking
13 again at your witness statement here from paragraph 64
14 onwards. So Opus, if we could just have the bottom of
15 that document for reference, if you need it, SO84.

16 So I understand that your evidence to us is that you
17 first became aware that there were three detainees at
18 Camp Stephen at around 1700 hours on 13 May 2003. Do
19 you recall whether you went straight to the EPW area to
20 perform the medical check upon being notified of that?

21 A. Yes, I was -- I was called to them, yes. Yes, three
22 detainees, yes.

23 Q. Thank you, that's helpful.

24 Opus, can I just ask you to bring up {A/155/188},
25 and we're looking at line 10. From line 10 -- sorry,

1 that's not true, from line 6.

2 So, what I've gone to here, SO84, is the transcript
3 from our April hearings, and at those hearings we had
4 evidence from a witness we refer to as "SO90". Have you
5 been able to get your hands on a cipher list?

6 A. Yes. Yes.

7 Q. Brilliant. So SO90 hopefully you can identify from
8 the list. Thank you, Ms Rahman-Cook. That should be
9 the intelligence officer for C Company, and so we're
10 looking at the evidence that SO90 gave to us in April.
11 It says there:

12 "The C Coy Medic was told to perform a medical
13 check by the Company Sergeant Major.'

14 "Sorry, I'm incorrect, we were looking at a slightly
15 different part of your evidence earlier. But it says
16 here that the C Company medic was told to perform
17 a medical check.

18 "Can you recall whether you were present when that
19 request was made by the CSM."

20 By the company sergeant major.

21 The response given by SO90 was:

22 "I think that was an immediate return. I think that
23 the sergeant major told the medic to go and check out
24 somebody who had a cut lip, I think, specifically -- not
25 a medical check, but specifically to see what the cut

1 was."

2 I'm just going to pause for a second, because
3 I think Opus has announced on my system that Mr Cherry
4 is the host now. I don't know, Beverly, if you're
5 there. I'm going to carry on, but if there are any
6 problems, can someone from Opus please let us know.

7 So you've got SO90's evidence there that in his
8 understanding, it wasn't the case that you were asked to
9 just go and perform a general medical check because
10 detainees had arrived in Camp Stephen; he thought that
11 it was specifically you were asked to go and check out
12 someone's cut lip. Does that match your recollection at
13 all?

14 A. It's highlighted now, yes, that he had a cut lip. Look,
15 they were -- they were all checked over by myself, but
16 specifically the one with the cut lip was mentioned. It
17 was just a small cut lip, it wasn't -- it wasn't
18 anything that would have intervened medical-wise, it was
19 a small cut lip, yes.

20 Q. Okay, thank you. But so far as you can recall,
21 the reason for you performing any medical check was
22 because there were detainees in Camp Stephen and that
23 was the standard process, it wasn't --

24 A. That's correct.

25 Q. -- (inaudible) attend?

1 A. Yes.

2 Q. Thank you.

3 I think your account to us, and you can see it there
4 -- sorry, you can't see it there. If we go back to
5 {A/66/9}, please, Opus, paragraph 66, you talk in your
6 statement, SO84, about there being an interpreter
7 present with SO101 in the EPW cage when you arrived.

8 I don't believe that you've mentioned there being an
9 interpreter in previous accounts that you've given, at
10 least not consistently. I just wanted to check how
11 confident you are in your recollection that there was an
12 interpreter present?

13 A. I now believe -- sorry, SO101, yes. There was an
14 interpreter, I believe, yes.

15 Q. Thank you. And if we look at paragraph 74 of your
16 statement, please, so going over the page to {A/66/10},
17 please, Opus, you explain here at paragraph 74 -- you're
18 talking about your medical examination. You say:

19 "The second man, who I now know to be Mousa Ali, had
20 a minor cut to his lip."

21 Which you have just reminded us of.

22 "When I poured water on it to clean it, it was no
23 longer bleeding and required no treatment. I would
24 describe the cut as similar to a paper cut."

25 You then say:

1 "I recall that he complained of some pain, by
2 putting his hand to his left side. I examined the area
3 he had indicated; however, I saw no physical evidence of
4 bruising or injury."

5 Just regarding that, can you explain to us now
6 whereabouts on the left side it was that the detainee
7 indicated?

8 A. He could have had chest pain or heart problems.

9 Basically, he put his hand on his chest, more towards
10 the left side. But there was -- like I say, there was
11 no physical evidence, there was no bruising or anything
12 like that, it was just that he said he -- well, it
13 looked like he had pain, or problems on his left side.

14 Q. Okay, thank you. So just to be clear, the area of
15 the left side that was indicated was around the chest
16 area, is that your evidence?

17 A. That's -- that's correct, yes.

18 Q. Thank you.

19 And we have asked already whether you can remember
20 asking this detainee about whether he had any medical
21 conditions, and we have your clarified evidence that you
22 can't recall that, so I won't ask further about that.

23 But do you recall now whether you had -- sorry, would
24 you have remembered, do you think, if you had been told
25 by the detainee that he did have a medical condition?

1 A. If he did have a medical condition, I would have made
2 sure that was brought up with SO101.

3 Q. Thank you.

4 And, again, I don't need to take you to it, but we
5 have had evidence from Mousa Ali's family that he did
6 have a heart condition. If this is true -- and we'll
7 assume for the purposes of this question it is -- can
8 you explain why it was not possible for that -- or why
9 that information wasn't communicated during the course
10 of the medical check?

11 A. I don't recollect. I don't recollect.

12 Q. That's helpful, thank you.

13 I've now got some questions about what took place
14 after the medical check. So, again, if it would be
15 helpful to take a break before moving on to those, do
16 let me know. But if not, I'll carry on.

17 A. Carry on.

18 Q. Thank you.

19 So the evidence -- and if we could just bring up
20 page -- paragraph 80 of your witness statement, which is
21 on {A/66/11}. Your evidence is then, after the medical
22 check, you stayed in the tent for about two hours on
23 the order of SO101. Are you able to explain why it was
24 that you were asked to remain in the medical tent -- in
25 the EPW tent, having conducted your medical check?

1 A. No. I think, looking at it and reading this now,
2 obviously it was hot and I think he just -- SO101 wanted
3 me there to basically make sure that they were all right
4 while they were being questioned in the EPW cage.

5 Q. Thank you. And did this happen on any other occasions
6 that you can recall?

7 A. No.

8 Q. Thank you. And are you able to describe for us how you
9 were positioned in relation to SO101 and the detainees
10 in the EPW area?

11 A. I was -- I was outside, near the wall, just looking --
12 just looking in watching.

13 Q. And was there anything obstructing your view between
14 where you were standing and the detainees?

15 A. No.

16 Q. Thank you. And do you recall whether any detainees were
17 removed from the EPW area during the period that you
18 were there?

19 A. I can't remember, no.

20 Q. Thank you. And in terms of how you were interacting
21 with the detainees, after the medical check, did you
22 have any communications with them?

23 A. No.

24 Q. Thank you. And just for -- I've seen your evidence at
25 paragraph 88 that at one point you gave a cigarette to

1 Mousa Ali. Could you explain the context by which that
2 arose? {A/66/13}

3 A. Yes, he might have just pointed that he would like
4 a cigarette, so I gave him a cigarette.

5 Q. Thank you.

6 Can we have a look now at paragraphs 78 to 79,
7 please, Opus {A/66/11}. What we have here is evidence
8 in relation to the detainees being asked questions, and
9 again, I'll just read out these sections so everyone can
10 follow:

11 "After the examination, I did not have paperwork to
12 complete ... but I reported them to [SO101], who then
13 went to speak to each man assisted by an interpreter.
14 I watched whilst he spoke to each man. He spoke to
15 the old man showing him a photograph of a man in an
16 Iraqi military uniform. The old man admitted that
17 the man in the picture was him and added that he was
18 commander of the Fedayeen in Basra."

19 We have asked you clarificatory questions about that
20 and I don't have anything else to ask.

21 "I think he then gave his name and details. [SO101]
22 then spoke with the fat man who said he was a teacher,
23 giving no indication that he was related to the Iraqi
24 regime. His name and address were recorded by [SO101].
25 The younger man also gave his name and address, giving

1 no indication that he was involved in the Iraqi regime.

2 No other questions were put to the three men."

3 Then you say:

4 "The three men were then made to kneel, with their
5 hands behind their heads, with their backs straight."

6 At paragraph 79 you carry on:

7 "I do not recall whether the men were hooded or if
8 they were restrained the whole time. I do recall that
9 they were moaning and struggling to maintain the stress
10 positions. If they came out of the position, they would
11 be shouted at and put back into the positions. Their
12 moaning continued."

13 I'll just pause there. Earlier you were asked some
14 questions by Dame Anne about your use of the word
15 "softening" in relation to what was happening to
16 witnesses being held at Camp Stephen. I was just
17 wondering, firstly, are you able to comment on whether
18 this is within your definition of "softening"?

19 A. That's correct.

20 Q. Thank you. And specifically in relation to the holding
21 and being placed back into what you term as "stress
22 positions", are you able to help us in relation to who
23 was giving the orders that this took place?

24 A. It was either -- well, whoever -- the guards, the people
25 who were guarding them, basically, were meant to soften

1 them up.

2 Q. Thank you.

3 And can you recall whether SO101 was still present

4 while this was taking place?

5 A. Yes.

6 Q. Thank you.

7 And would it have been on his instructions that this

8 was a position that these men were required to hold?

9 A. Yes.

10 Q. Thank you.

11 I'm just going to ask Opus to go to page 12, please

12 {A/66/12} and paragraph 83, and we've had a look at this

13 paragraph already today, because we were asking some

14 questions to SO114 about it, but this is your evidence

15 here, and again, I'll just read it out, at least

16 the relevant bits:

17 "During the questioning by [SO101], he used a metal

18 pole to prop up one of the prisoners who fell down

19 during the questioning. He did not grievously hit him

20 or any of them with the pole but used it to prop up his

21 head. I mean that I was not aware that he assaulted

22 anyone with it. He used the pole by holding it at

23 either end to prop up the detainee so that it was held

24 horizontally under his chin. I was not exactly sure

25 which way he approached Mousa Ali but [SO101] held the

1 metal pole in his hands and outstretched placed it
2 horizontally under the chin of Mousa Ali causing him to
3 left his head. I believe Mousa Ali was either on his
4 knees or crouching down when [SO101] approached him.
5 I was not aware of him causing the man any injury, only
6 discomfort, by him moaning but I formed the impression
7 that he just wanted to be left alone. If he had been
8 injured, I would have attended to him straight away."

9 Just into 84, you continue:

10 "[SO101] ordered him to raise his head and was
11 helping him in the process by use of the pole. There
12 were other soldiers as well as detainees there at
13 the time but nobody seemed to take any notice and
14 I cannot recall whom they were. WO2 [SO101] held
15 the man's head up for no more than a couple of seconds
16 before taking the pole away."

17 And then you clarify that you hadn't seen him use
18 this process before and didn't see any injury or marks.

19 So -- oh, and apologies, just one last relevant bit
20 of information. At paragraph 85, you describe --
21 I think it's just at the bottom of the screen there, but
22 it might be helpful to move it down a little bit --
23 that:

24 "The pole was like the poles which hold up the cam
25 net of the EPW cage. The pole was about metre long and

1 had the diameter of a 50 pence piece."

2 So that's a very helpful description of the events.

3 I was just wondering, firstly, are you sure that it was
4 Mousa Ali who was the detainee whose head was being
5 propped up at this point in time?

6 A. Yes.

7 Q. Thank you.

8 At 84 -- I won't read it out again, but you set out
9 that the detainee's head was being propped up to assist
10 him in following the order to keep his head up. Are you
11 able to just explain a little bit more, why was it that
12 this detainee had to have his head up? Why was it
13 drooping such that it was being propped up?

14 A. Probably because he was tired, and he had enough and he
15 wasn't answering the questions. That's all I can think.

16 Q. Thank you.

17 And can you remember what the type of questions it
18 was that the detainee was being asked?

19 A. No, no.

20 Q. Thank you.

21 And you talk in your statement about -- and this is
22 paragraph 86, at the bottom there -- how you were back
23 in your living quarters by around 7 pm and so you had
24 been in the EPW area for about two hours. Can you
25 recall why it was that you left?

1 A. I think that -- no, I don't remember. The questioning
2 might have finished, and I went back to my quarters to
3 -- to get some food and just for me to relax, and that
4 they would have been guarded overnight.

5 Q. That's helpful, thank you.

6 Thank you, SO84. So I've now got some questions
7 about what happened a bit later on in the day when you
8 were called back to the EPW tent. Are you okay if we
9 carry on with those now, or would you --

10 A. Yes.

11 Q. -- like a --

12 A. No, carry on.

13 Q. So, at paragraph 89 -- so that's {A/66/13}, Opus --
14 we've got there your evidence, just for context, that at
15 that around 2111 hours, you returned to the EPW tent
16 because you were informed that Mousa Ali had collapsed
17 and you can't now remember who it was who told you that.

18 At paragraph 91 then, a little bit beneath that, you
19 explain the steps that you took on arrival at
20 the EPW area -- and, again, just as before, we'll just
21 canter through those -- that you pulled him out from
22 under the cam net where the lighting was better; you
23 felt for a radial pulse, there was no pulse present; you
24 listened with your stethoscope and you couldn't hear
25 breathing sounds; you checked the airways; you checked

1 the pupils; you then put an airway in and put him on
2 high level oxygen; there was still no radial pulse
3 present, you commenced CPR. And then you say:

4 "I would say that Mousa Ali was lifeless and he was
5 dead prior to my arrival, but I did the resuscitation
6 techniques as described."

7 Again, is there anything else that you're able to do
8 to assist us in terms of what took place when you
9 arrived in the EPW tent?

10 A. No.

11 Q. Thank you.

12 And, again, you say:

13 "I was focused on administering treatment and
14 I didn't hear any threats or comments made to the other
15 detainees."

16 Was there anything that you were told upon your
17 arrival at the EPW tent about what had happened prior to
18 Mousa Ali collapsing?

19 A. No.

20 Q. Thank you.

21 I'm just going to take you now to some extracts from
22 the account of SO89. If you were with us this morning,
23 these will be familiar to you. They might be familiar
24 in any event.

25 Opus, can I just ask you to bring up {A/75/7},

1 paragraph 25, please.

2 So, we have evidence -- so SO89's evidence is that
3 he was one of the soldiers guarding the detainee when he
4 collapsed, and he gave evidence about being -- about
5 exercising the detainee, and you can see there at
6 paragraph 25, he says -- he is asked about the use of
7 stress positions, he talks about making the detainee
8 "exercise with jerry cans filled with water and gave him
9 water to drink from that", and he also says there
10 "the squatting down with hands on heads or hands out in
11 front position".

12 If we can go to page 11, please, Opus,
13 paragraph 49.3 {A/75/11}. Thank you.

14 So, you can see there:

15 "I only used the stress position and had him lift
16 Jerry cans of water. I had him hold the water out to
17 his front and to the side of his body with both arms
18 outstretched. I rotated this exercise."

19 And:

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

23 Now, there is more evidence on this point, but
24 I think that's enough for present purposes, in relation
25 to Mousa Ali being made to conduct exercises before he

1 collapsed. I think this is probably covered by
2 the evidence you have given already, but specifically on
3 this question, did anyone tell you anything, as medic,
4 about the exercises prior to Mousa Ali's collapse upon
5 your arrival?

6 A. No.

7 Q. Would that have affected your medical treatment in any
8 way, if you had been aware of that?

9 A. No. No.

10 Q. Thank you.

11 As asked in relation to Radhi Nama's death, do you
12 believe you had all the equipment that you would have
13 needed available to you at the time that you were
14 attending Mousa Ali in order to do so effectively?

15 A. With both, I did my best with the equipment I had.

16 Q. Thank you, SO84. But in relation to the equipment at
17 your disposal, did you have all equipment at your
18 disposal that you feel you ought to have had in that
19 situation?

20 A. No.

21 Q. What additional equipment do you believe you should have
22 had?

23 A. It would have been nice to have some adrenaline and
24 a heart-starter -- defibrillator. That would have been
25 a necessity -- that would have been a nicety.

1 Q. Thank you. And we do have your evidence from earlier
2 explaining why it was that you felt that it might not
3 have been appropriate to have a defibrillator. Just so
4 I can check, is your evidence that it would have been
5 helpful for you to have had one but that you still
6 understand that it wasn't necessarily desirable at the
7 time, or has your evidence changed?

8 A. No, my evidence hasn't changed. It would have been
9 nice, but the question mark is -- and I probably -- I'm
10 not a medical officer, but would it have helped in the
11 end? I don't know.

12 Q. Thank you, SO84.

13 Then if we can just have a look at {A/62/9},
14 paragraph 35, please. Thank you.

15 So we are here in the witness statement of the RMO,
16 the medical officer, and he says here that -- apologies,
17 let me find the right bit -- in the middle of
18 the section:

19 "As per both my original statements I am not able to
20 state that the cause of his death was a heart attack.
21 However, in the absence of any obvious blunt or
22 penetrating trauma in a patient who had some clear risk
23 factors for coronary artery disease (including his age,
24 obesity and being in a highly stressful environment)
25 I may have thought that one possible cause of death was

1 a myocardial infarction (heart attack). I do not
2 believe that I would ever have said or written that this
3 was definitely the cause of death."

4 If we just go back to your statement, please
5 {A/66/15} -- sorry, paragraph 99 at the bottom of
6 page 14 {A/66/14}. You say there:

7 "I made an entry in my own notebook as follows: 13th
8 May 03 '1 x EPW dead 2158 RAP heart attack, aneurism'."

9 Then you explain:

10 "Heart attack was what was said in the RAP - I mean
11 it was presumed that he died from a heart attack.
12 Aneurism did not come from Captain ..."

13 And that is SO82. I just wanted to clarify, when
14 you say, "Heart attack was what was said in the RAP", is
15 your recollection consistent with SO82's recollection,
16 that he wouldn't have given a definitive reason for
17 cause of death at the time?

18 A. I agree with everything that was mentioned there. There
19 was no post mortem on the body, it's just a presumption,
20 with the condition of the patient, the positions that
21 that person was in, past medical history could have been
22 a problem, but there was no westernised post mortem to
23 determine what was the cause of death, it was
24 a presumption that he died of a heart attack or
25 a heart-related problem.

1 Q. Thank you.

2 And after Mousa Ali had been pronounced dead at
3 the RAP, the Regimental Aid Post, did you stay there at
4 the RAP in order to assist further?

5 A. Yes.

6 Q. Are you able to explain what took place?

7 A. That the medical officer, with his team, tried to
8 resuscitate Mr Ali using adrenaline and other drugs to
9 get the heart started, as well as compressions, but to
10 no avail, and that took quite a while.

11 Q. Thank you.

12 So after the pronouncement of death, what role did
13 you then have?

14 A. We -- I left that location with my crew and went back to
15 Charlie Company lines at Camp Stephen.

16 Q. Thank you, that's helpful.

17 And while you were still at the RAP, did you see
18 anyone make any notes or records or produce any
19 documents in relation to Mousa Ali?

20 A. From my side? No. The RAP could have wrote notes.
21 I didn't see anything.

22 Q. Okay, thank you. I think that covers my last question
23 on this topic, but in our public outline statement --
24 I don't think I need to pull it up for the purposes of
25 this question -- there's evidence that the doctor who

1 issued the death certificate said that he did so on
2 the strength of a note written in English that had been
3 attached to Mousa Ali's body. Does that trigger any
4 memory or recollection for you in terms of seeing any
5 note being attached to a body?

6 A. No.

7 MS JACKSON: Thank you.

8 Thank you very much, SO84. So, there are more
9 questions that Mr Judd is going to be asking you in
10 relation to broader matters of culture at Camp Stephen
11 and in relation to questions about the so-called
12 practice of wetting. But it's just coming up to
13 1 o'clock now, so Dame Anne, I'm looking to you to
14 confirm this, but I would suggest that we take a break
15 for an hour now and reconvene at 2 o'clock and then
16 Mr Judd can ask you those questions before you're
17 released. Is that okay from your perspective, SO84?

18 A. Yes, I'm fine with the break.

19 DAME ANNE RAFFERTY: One suggestion -- but let's just
20 pause -- is that we take 45 minutes for lunch. What's
21 the general reaction to that? Let's start with you,
22 SO84.

23 A. I'm very happy with that, Dame Anne.

24 DAME ANNE RAFFERTY: What does everybody else think? I can
25 see you, Ms Jackson. What do you think?

1 MS JACKSON: I have no problem with that, as long as
2 the representatives and witnesses are content. Shall
3 I just do a roll call?

4 QC Law, can you hear us? Ms Al Qurnawi, I don't
5 know if you can hear me?

6 MS AL QURNAWI: No problem with us, basically.

7 MS JACKSON: Thank you.

8 MR CHERRY: No problem from me either.

9 MS JACKSON: Thank you.

10 Ms Rahman-Cook?

11 MS RAHMAN-COOK: No issue.

12 MS JACKSON: Unless any of the team jumps up and down, shall
13 we do that and come back at 1.45?

14 DAME ANNE RAFFERTY: Good, we'll see you all later.
15 Thank you.

16 (1.00 pm)

17 (The short adjournment)

18 (1.45 pm)

19 MR JUDD: I think we are all now back in the room. SO84,
20 can you confirm that you can see and hear me?

21 I don't believe we have SO84 back yet.

22 DAME ANNE RAFFERTY: Ten seconds ago, we did. He has only
23 just disappeared to the left.

24 A. Sorry.

25 Questions from MR JUDD

1 MR JUDD: That's all right. Thank you.

2 I'll pick up where Ms Jackson left off, and
3 the first question I had, SO84, is a request that you,
4 if you can, describe the culture at Camp Stephen
5 specifically as regards detainees?

6 A. The culture? It was a bit of -- a bit like the Wild
7 West. It was very fast -- fast-moving. A lot of
8 movement in and out of the camp.

9 Q. And did that change at all when operations moved from
10 the war-fighting phase to the occupation phase?

11 A. I'd say it stayed constant until the -- obviously
12 the two fatalities. It was constant up until about
13 then, yes.

14 Q. And, again, thinking about detainees, can you recall how
15 often soldiers interacted with civilians?

16 A. It was near enough on a daily basis. Like SO114 was
17 saying, all -- all the companies had different areas of
18 responsibility, and it was -- it was constant patrols,
19 looting. It was a very difficult phase, like 114 said,
20 going from a war-fighting phase into a police,
21 peace-keeping phase. It was -- there was no clear
22 distinction.

23 Q. Can you describe what those interactions were like with
24 civilians?

25 A. It was mixed. There was a lot of looters. Obviously

1 there was -- like I say, there was no police force,
2 there was no law and order. Generally we had good --
3 good communications with the civilians. They were --
4 they were friendly, they would talk, and there was never
5 any sort of big gatherings or anything against the -- us
6 being there. But we were very mindful that things could
7 change at any time.

8 Q. Sure. And thinking about there being no police force,
9 were troops encouraged to use their own initiative to
10 maintain law and order?

11 A. Yes.

12 Q. And when I say "own initiative", was that to do what was
13 reasonable --

14 A. What was -- yes, what was -- what was reasonable. It
15 was -- if you think -- if people think it was -- it
16 wasn't just one or two, these were masses of people
17 stealing from the state or taking stuff away from
18 the state that belonged to the people, and if anything
19 wasn't brought into check, it would -- the state would
20 have failed.

21 Q. I suppose the importance of maintaining law and order,
22 was that something that was pressed upon you and other
23 soldiers?

24 A. Yes.

25 Q. Now, turning to Camp Stephen, you have said in your

1 witness statement at paragraph 80 that -- and I'll use
2 the ciphers here -- SO101 "ruled Camp Stephen". Can you
3 just explain what you mean by the phrase "ruled
4 Camp Stephen", please?

5 A. It was -- he -- he ran the camp. It was -- he was
6 the chief of the camp, yes.

7 Q. How did he exercise that power?

8 A. Mainly because of his rank that he held, and his
9 subordinates.

10 Q. And you also say, at paragraph 125, that SO102 was
11 particularly influential within the camp.

12 If I could just turn up, please, Opus, page
13 {A/132/1}. Thank you.

14 Just bear with me for a moment while I find
15 the point on the page.

16 You can see there, SO84, about 40% of the way down
17 the page there is a line beginning:

18 "I heard the screaming of detainees on more than one
19 occasion."

20 And it goes on to say:

21 "I also heard the detainees were thrown in
22 the river. After reporting my concerns I cannot
23 remember if I saw or heard any other incidents as I was
24 subconsciously trying to put it out of my mind."

25 Now, we understand that it was SO102 who it is

1 alleged took detainees out of the EPW cage and threw
2 them in the river. I just wonder if you could comment
3 upon that account, whether it's something that rings
4 true to you or not, and if you're able to provide any
5 more detail of similar circumstances?

6 A. No, I've got no detail on that, no.

7 Q. Okay, thank you.

8 Supposing for a moment that SO102 or anyone else had
9 thrown prisoners in the stream, is that something you
10 would have expected to have been reported?

11 A. Things like that should not have happened. However, 102
12 had also a responsibility and -- through his chain of
13 command.

14 Q. I see. If we could, Opus, please turn up page
15 {A/66/18-19}. Thank you.

16 Now, at the bottom of the page there, SO84, we've
17 got paragraph 133, if you wouldn't mind just having
18 a read of that. This is your evidence as to the stream
19 outside of Camp Stephen.

20 A. Mm-hm.

21 Q. Just to summarise there, you say:

22 "Detainees I understand had been picked up for
23 looting [they] were taken out of the vehicles and [they
24 were] taken to the stream. They were told to get into
25 the [stream] and swim to the other side [after which]

1 they would be free to go home."

2 If I could just ask, bearing in mind that
3 description there -- Opus, if we could also turn up
4 {A/4/5}. Thank you.

5 Now, we have seen this photo a couple of times, but
6 if you can see there in the top left-hand side of
7 the photo we've got, running right to left, a raised bit
8 of earth with some plants on it. Now, we understand
9 this to be the stream that's outside of Camp Stephen.
10 Is that something you recognise?

11 A. Yes, there was a tributary, yes. I think it might have
12 been called the Shatt Al-Arab. There was a tributary
13 river, yes.

14 Q. Is this the tributary river or is this the stream?

15 A. That's the stream, I think it was called -- I don't know
16 if it was -- there was a tributary from
17 the Shatt Al-Arab.

18 Q. I see. So this runs to or from the Shatt Al-Arab?

19 A. Yes.

20 Q. Can you describe, if you can recall from memory, how
21 deep, how wide, what the condition of the water was in
22 that stream we can see in the photo, please?

23 A. Deep? I don't know, I can't remember. I can't put
24 a figure to that. Width-wise, I'd say no more than
25 20/30 metres.

1 Q. Okay. Is this the stream that you describe detainees
2 being taken out of vehicles and thrown into when they
3 got back to Camp Stephen?

4 A. Yes.

5 Q. It is. And at the point detainees were thrown in, can
6 you describe what level of force, if any, was used to
7 encourage or push them or coax them into the water?

8 A. No, I think they were just told, "Get in the water, swim
9 to the side", and then they would be freed.

10 Q. Were there any threats of any kind made to make them do
11 that?

12 A. Not of my knowledge. There was probably questions to
13 say, "Well, I can't swim", or whatever, but there was no
14 -- there was no fatalities or anybody that I know that
15 were drowned or anything in that water, or injured.

16 Q. What was the reaction of the detainees when they were
17 told to get into the stream?

18 A. Could have been shocked. They might have been a bit
19 more relieved that they were just going to swim for
20 a little bit to the other side and then be free.

21 Q. Can you recall whether any of those detainees were ever
22 at risk or in danger when they were told or forced into
23 the water?

24 A. No.

25 Q. Did you actually see it happening?

1 A. Yes.

2 Q. Can you estimate how many times you saw something like
3 this happen?

4 A. Two or three times.

5 Q. Where would you have been standing when you saw these
6 things?

7 A. Next to the vehicle park, which is next to the water
8 tributary.

9 Q. And was there any resistance from any of the troops
10 present to detainees being made to get into the water?

11 A. No.

12 Q. And bearing in mind the need to maintain the cipher list
13 in front of you, can you recall who was telling
14 detainees to get into the stream?

15 A. Not specifically, no.

16 Q. And this practice, if you could just help us, when
17 did it start and when did it end? And did it -- or
18 was it something that increased or decreased in
19 frequency throughout your time at Camp Stephen?

20 A. It mainly -- I believe it mainly happened when we
21 detained looters that were brought back, and because of
22 the amount of numbers that were there, they were
23 basically given a scare to go across the water and
24 they'd be -- they'd be released. And it was only, like
25 I say, a few times that it happened, it wasn't a daily

1 event.

2 Q. But can you recall, is it something that happened
3 towards the beginning or towards the end of your time in
4 camp, or can you not recall when these incidents
5 occurred?

6 A. I can recall exactly when. It was -- obviously we were
7 settled into Camp Stephen, so it was near enough at the
8 end of the fighting, war phase, we established the --
9 the base there. And it was probably in the transition
10 of moving into a police sort of law and order phase.

11 Q. I see.

12 Now, if this happened in the stream we can see on
13 the photo here, is this something that would have been
14 visible from the camp itself?

15 A. Only from the rooftop here and the watch tower. Yes,
16 the whole camp was surrounded by, I'd say, a 10-foot
17 wall, and the front gates were usually locked or mostly
18 shut.

19 Q. Okay, thank you.

20 If we could please, Opus, turn up {A/66/18}, and if
21 we could just zoom in to paragraph 130, please. Thank
22 you.

23 Now, SO84, this is from your witness statement, and
24 at paragraph 130 there, you say:

25 "In my view, a blind eye was turned to

1 the mistreatment of detainees. There was a culture of
2 them (those who were mistreating the detainees) and us.
3 I did not witness troops complaining about the treatment
4 of the detainees."

5 Can you comment upon why you think a blind eye was
6 turned to this mistreatment?

7 A. There was probably a breakdown of -- of communication
8 and -- inside the camp itself. I think it might have
9 come from -- the reason is because of the name of
10 the camp, that there was a soldier who was killed. Now,
11 I don't know whether it was Charlie Company or not, but
12 there was a soldier killed, and I think maybe a blind
13 eye was turned -- turned from the mistreatment as
14 revenge. They wanted to get their revenge on the death
15 of a soldier.

16 Q. I see. And when you say "blind eye", am I right to
17 understand by that that everybody in the camp was aware
18 of what you called "mistreatment" here?

19 A. I'd say 80%, yes. In fact, I would have said everybody
20 knew what was happening. It wasn't a big secret.
21 People were brought back regularly, yes.

22 Q. And just to be clear, when you describe mistreatment at
23 paragraph 130, does that include detainees being put
24 into the stream outside the camp?

25 A. Yes.

1 Q. Thank you.

2 Can you recall whether anyone ever complained about
3 this treatment?

4 A. There was a few people that were a bit apprehensive of
5 getting into the water. I mean, it wasn't exactly
6 swimming water, it was a dirty tributary of a bigger
7 river. So it wasn't clean, drinkable, potable water, it
8 was a filthy -- a filthy little river stream.

9 Q. I see. Thank you, that's helpful. I think I was not
10 necessarily clear about what I meant by anyone
11 complaining. Did any of the troops within Camp Stephen
12 ever complain about the treatment of detainees?

13 A. Not to my knowledge, no.

14 Q. And it may follow from what you've just said, but did
15 anyone ever report, to your knowledge, this treatment of
16 detainees up the chain of command?

17 A. No.

18 Q. And again, this might follow from what you've just said,
19 but can you recall whether SO101 or SO88 ever knew about
20 the practices you've just described?

21 A. Yes.

22 Q. They did. Just to clarify, is that "Yes" to say: yes,
23 they did know?

24 A. They did know, yes.

25 Q. Thank you.

1 Can you recall how they became aware of it then. If
2 there was a blind eye turned to it, and you can't recall
3 anyone ever really complaining about it, how was it that
4 SO101 and SO88 knew of these practices?

5 A. Probably from word of mouth, hearing conversations
6 that's been going on, yes.

7 Q. Thank you.

8 If we could stay on this page, please, and have
9 a look at paragraph 133, if you wouldn't mind. I'll
10 just read it out whilst you have a chance to look at it
11 again, but this is your evidence to these
12 Investigations, and you say there that:

13 "I have witnessed detainees being placed into bodies
14 of water. There was a stream outside of Camp Stephen.
15 Detainees I understand had been picked up for looting
16 were taken out of the vehicles and taken to the stream.
17 They were told to get into the river and to swim to
18 the other side where they would be free to go home.
19 Some soldiers would throw stones at them whilst they
20 were swimming. It was common knowledge amongst
21 the local population that it wasn't a place to end up if
22 you were caught for looting, stealing etc. It was known
23 that you would get a slap across the ear, and made to
24 cross the river."

25 Now, you've already helpfully confirmed that that

1 river there is the stream we saw in the photo at
2 {A/4/5}. Just a couple of clarificatory questions on
3 that paragraph.

4 When you identify soldiers throwing stones at
5 the detainees, can you recall -- again, bearing in mind
6 the cipher list -- who those soldiers were?

7 A. No.

8 Q. Thank you.

9 And there's vehicles you describe the detainees
10 being taken out of. Again, just for the purposes of
11 clarification, which vehicles were they?

12 A. It was a mixture. There were military vehicles, tracked
13 vehicles. At one point we -- we commanded a load of
14 civilian trucks that they were stealing rods and metal
15 bars and all that from, so we -- we drove them all back
16 to camp, and then the civilians were brought back and
17 then made to do that.

18 Q. Thank you.

19 And the reason, we understand, that detainees were
20 made to do this is because it would act as a deterrent
21 from future looting; is that right?

22 A. Correct.

23 Q. And in your view, was it an effective deterrent?

24 A. It wasn't a real deterrent. It never -- it would never
25 stop -- it would never stop the looting and

1 the thieving. People, they didn't have anything. Yes,
2 it was a -- it wasn't an effective one, but I think word
3 of mouth through the local population thought: we'd
4 better not do anything because if we get caught, we're
5 going to probably end up doing that again.

6 Q. I see. In your view, were people being driven to
7 Camp Stephen so they could be put into this stream? Is
8 that the purpose of bringing them back?

9 A. We couldn't hold -- Camp Stephen wasn't there to hold
10 normal thieving and looting. It was -- I think they
11 were taken away from the areas where they were stealing
12 and looting to basically be a police deterrent, so not
13 to do it again.

14 Q. Can you recall ever witnessing or hearing about
15 detainees being put in any other bodies of water, so not
16 the stream outside Camp Stephen, any of the other --

17 A. No.

18 Q. And detainees that did go into the stream, was there any
19 consideration given to those who might not be able to
20 swim or might not be able to keep themselves out of
21 the water?

22 A. No.

23 Q. That wasn't something which ever reared its head as an
24 issue.

25 A. No.

1 Q. Now, if we can just go over the page, please, Opus, to
2 page {A/66/19}, paragraph 141 of the statement we were
3 just looking at. Thank you.

4 Now, if I can again just read this one out. This
5 is, again, your evidence to these Investigations. You
6 saw:

7 "In general, I think that soldiers approved the use
8 of the practice that I have described above. Civilians
9 were being captured all of the time, for looting, and
10 there was no facilities to keep them. It was approved,
11 in my view, as a way of deterring people from looting.
12 I don't know if it actually worked. The civilians may
13 have preferred swimming across the stream to longer
14 periods of detention."

15 Now, you say there it was approved as a way of
16 deterring people in looting. How do you know or how did
17 you know that it was approved of?

18 A. Nobody questioned what was happening, and it was,
19 I would say, a standard form of punishment to -- to stop
20 the -- or deter the people from -- from looting.

21 Q. I see, thank you.

22 And the paragraph above that on the same page,
23 paragraph 140, you say:

24 "The practice of wetting continued until late May,
25 early June when 1 [Black Watch] left Camp [Stephen]."

1 This may not be something you are able to answer,
2 but can you clarify whether or not you heard of it
3 carrying on after 1 Black Watch left (inaudible)?

4 A. Not -- not to my knowledge, no. I don't know, no.

5 Q. Thank you. And you say that it carried on until
6 the unit left Camp Stephen. You have also given
7 evidence and helpfully told us that the commanding
8 officer had to attend Camp Stephen to put a stop to what
9 was called "aggressive behaviour to the local
10 population". Bearing that in mind, can you recall
11 whether or not people being placed in the stream outside
12 of Camp Stephen continued after that briefing was given
13 to stop the aggressive behaviour until 1 Black Watch
14 then left the camp?

15 A. No. I think that after SO114 visited the camp and gave
16 the talk after obviously the two fatalities, I think it
17 all then fizzled out until we departed, or at least, may
18 I say, SO101 was removed from theatre.

19 Q. I see. And is that because SO101 was instrumental in
20 the sorts of practices that were put a stop to?

21 A. Yes.

22 Q. And in your view, did removing him have the desired
23 effect? Did those practices come to an end?

24 A. In my view, yes.

25 Q. Now, just to clarify, when you say that the OC had to

1 attend Camp Stephen to put a stop to the "aggressive
2 behaviour to the local population", you're referring to
3 SO114 there, not SO88?

4 A. SO114 is the commanding officer of the Battalion.

5 Q. Yes.

6 A. He is the -- he is the person who came to Charlie
7 Company, with SO88 in attendance, who was in charge of
8 Camp Stephen, and he spoke to the company and said it's
9 got to be nipped in the bud. He's heard rumours, or
10 he's heard from people, especially after the two
11 fatalities, that things have got to stop.

12 Q. Yes, I see. And that's what you describe there at
13 paragraph 143.

14 A. Correct.

15 Q. I'll read it out and then maybe we can focus on that for
16 a second. You say there:

17 "The Commanding Officer visited Camp Stephen from
18 HQ and said enough is enough. I think that he meant
19 that the general aggressiveness towards the local
20 population had to be softened down a bit. I think that
21 it got back too that two detainees had died in a short
22 space of time and that is why he made the order."

23 Again, I'm slightly nit-picking here, but just so we
24 have the chronology correct, that's a briefing that
25 occurred after, as SO114 says, 24 May 2003; is that

1 right?

2 A. That seems to be correct, yes.

3 Q. Thank you. And were you present when SO114 visited
4 the camp, as you describe there?

5 A. Yes, I was.

6 Q. And can you recall exactly what form that visit took?

7 Again, in danger of sounding like I'm asking a different
8 question, was it something which was disseminated down
9 the chain of command, or was everyone present required
10 to attend to be spoken to? If you could just give us
11 a bit more colour about how that visit was carried out.

12 A. I can't remember exactly, but I would -- I would say
13 that, besides the guards, everybody would have been on
14 that talk from SO114, bearing in mind that SO114 now had
15 a very big problem to deal with in regard to one of his
16 companies, in the space of a short time, that there was
17 two fatalities. That could have rattled the local
18 population into something bigger.

19 Q. Yes. And the "general aggressiveness" you describe at
20 paragraph 143, did that include putting detainees in
21 the stream outside Camp Stephen?

22 A. Yes.

23 Q. And that's how you would have understood the message to
24 tone it down or soften it?

25 A. Yes. Also the bringing back of high value targets,

1 let's say, to Camp Stephen to be tactically questioned.

2 That, I believe, all stopped at that point.

3 Q. Thank you, that's helpful.

4 Can you recall, after this visit happened, how
5 looters were -- the detainees were treated instead?

6 What I mean by that is did anything replace
7 the practices which were softened down following that
8 visit?

9 A. I -- sorry, I can't remember. I think it was around
10 the time, end of May/early June, when it was looking
11 into the transition of 1 Black Watch being replaced by
12 another -- another battalion. So it was generally on
13 a handover/takeover sort of phase where vehicles were
14 being replaced and handover was happening.

15 Q. Thank you.

16 I just have a couple more questions. Just to
17 clarify, you didn't attend the O group meetings
18 yourself, did you?

19 A. Yes, I did, some of them, within Charlie Company,
20 1 Black Watch, not the commanding officers, no.

21 Q. I see, okay, thank you.

22 And can you remember at those meetings that you did
23 attend whether -- I'll start with the general practices
24 that you refer to, the "general aggressiveness", were
25 those practices in general discussed at those meetings

1 you attended within Charlie Company?

2 A. I don't remember many of that, no. I had to give my --
3 my hand on what I was doing as a medic in -- in the camp
4 itself, looking after who's sick, the water source,
5 the refuse -- the trash. Because we had a local -- we
6 had a local Iraqi gentleman who used to deal with all of
7 the sewage and all that business, and that's what we had
8 to deal with all the time.

9 So it was -- it wasn't anything about what the --
10 the troops doing patrols and all that. I had nothing to
11 do with that.

12 Q. Okay, thank you.

13 Can you remember if the problem of looting in
14 general was discussed at those Charlie Company meetings?

15 A. I would say yes, purely because of information that was
16 given for operations to commence from Camp Stephen. So,
17 yes, they were -- they were discussed, yes.

18 MR JUDD: Thank you. Just bear with me for a moment, I just
19 want to check there's nothing else for me to cover.

20 (Pause)

21 No. Thank you, SO84, that's all from me. You've
22 been very, very helpful. I think what I will do is
23 I will, if Ms Jackson doesn't mind, go round the room
24 and make sure the representatives can field any
25 questions they have.

1 Can I start with Mr Cherry, please?

2 MR CHERRY: Dame Anne, again, I have four points to note,
3 just raise for clarification.

4 SO84 was slightly hesitant when answering your
5 question at the outset as to what was his chain of
6 command, and it would just be to seek that he actually
7 was probably hesitant because he had two chains of
8 command. He's under the operational control of
9 the company sergeant major who was running the camp, but
10 for medical purposes he had a separate chain of command
11 where he reported to the medical officer and received
12 orders from the medical officer.

13 A. Correct.

14 DAME ANNE RAFFERTY: What do you make of that, SO84? Has
15 Mr Cherry got that right?

16 A. Yes, you have, Mr Cherry, thank you.

17 DAME ANNE RAFFERTY: Thanks, Mr Cherry.

18 MR CHERRY: The second point was the witness statement of --
19 that has been shown about what the company commander,
20 SO88, believed was happening when Radhi Nama was being
21 taken away, and his comment was he was being taken away
22 in the ambulance and he was being resuscitated on
23 the way to the hospital.

24 SO84 will probably be able to confirm that
25 the training that every soldier, including SO84, would

1 have received was that a person is always alive until
2 the doctor certifies him dead. So knowing there was no
3 doctor in the camp, his comment therefore is that he
4 would always be treated as being alive, being
5 resuscitated, until confirmed as dead. So when he gives
6 that as a result, that accounts for the inconsistency.

7 DAME ANNE RAFFERTY: Well, I may be wrong, but I think
8 that's exactly what SO84 told us in part of his
9 evidence, but let's just check that.

10 Is that your view, SO84?

11 A. That is correct, Dame Anne. I have to continue my job
12 until a medical officer who's qualified can certify
13 death.

14 DAME ANNE RAFFERTY: I bet you would have something to say
15 about the practice over here of only a doctor can
16 certify death when, for example, you've got a paramedic
17 standing there or a nurse practitioner standing there,
18 etc, etc, but that's where we are and that's where you
19 were in the Army.

20 A. Correct, madam.

21 DAME ANNE RAFFERTY: Yes, Mr Cherry?

22 MR CHERRY: The third point was to do with the questions
23 being asked about whether he had sufficient equipment
24 for his role and job. And it would be fair to say that
25 perhaps in the medical centre, where he might normally

1 have been based in Germany, for instance, there would
2 have been a defibrillator and all the required
3 equipment. But his role at this point was as
4 the battlefield medic with the company, and he was
5 basically equipped with the battlefield treatment scale
6 of equipment, which is for traumatic injuries in
7 the battlefield. And as we've now heard, when he gets
8 into the camp he assumes another role of
9 the environmental health, because as the medic he clears
10 the water, clears the sewage, makes sure that people are
11 being kept clean and healthy.

12 It's just to clarify that he wouldn't have expected
13 to have the level of medical centre equipment, like
14 adrenaline and defibrillators, because his role here was
15 principally battlefield trauma.

16 DAME ANNE RAFFERTY: I'm not -- well, let's just check
17 before we sign up to that.

18 SO84, what Mr Cherry is interested in is when you
19 gave your answer earlier, which is it would have been
20 "nice", I think you said, to have a defibrillator and
21 some adrenaline, were you referring to the ideal --
22 the circumstances you would have liked to obtain in
23 Camp Stephen or not?

24 A. Yes, I would have liked that at the time.

25 DAME ANNE RAFFERTY: Right, thank you.

1 Thank you, Mr Cherry.

2 MR CHERRY: Just the final one was that SO84 assumes that
3 the company commander would know that detainees were
4 being put into the stream, but that's mainly his
5 assumption, and not that SO84 ever reported it to
6 the company commander.

7 DAME ANNE RAFFERTY: Again, I may be wrong, but I think
8 that's exactly what SO84 has said, "I assumed that".

9 Is that right, SO84?

10 A. That's correct, Dame Anne. I assumed that, but word of
11 mouth -- word of mouth would have easily got back very
12 quickly.

13 DAME ANNE RAFFERTY: I suspect that's what Mr Cherry is
14 picking up, word of mouth would have filtered up. But
15 that's your assumption, I think, SO84?

16 A. Correct.

17 DAME ANNE RAFFERTY: And it certainly didn't filter up from
18 you directly, because you didn't say anything?

19 A. No.

20 DAME ANNE RAFFERTY: Is that it, Mr Cherry?

21 MR CHERRY: That is it, Dame Anne. Thank you very much.

22 DAME ANNE RAFFERTY: Not at all, thank you.

23 MR JUDD: Thank you.

24 Is there anything from Mr Berlow?

25 MR BERLOW: No questions from me, Dame Anne.

1 MR JUDD: Thank you.

2 And Mr -- I understand we now have David French with
3 us?

4 I'll take the silence as no.

5 MR FRENCH: Yes, he is with us, sorry. Just we're ...

6 MR JUDD: Thank you. Can I just clarify you do not have any
7 questions you would like to put?

8 MR FRENCH: I don't have any questions I would like to put.

9 MR JUDD: No, thank you.

10 Ms Al Qurnawi and QC Law?

11 MS AL QURNAWI: Yes, I have -- I have one -- I have one
12 comment which will lead to a question. This is
13 regarding paragraph 45 of SO84's statement.

14 Just for the record, I'm confident that the family
15 of Radhi Nama will be horrified to learn of
16 the description made of their father in paragraph 45 of
17 SO84's statement. Can I therefore just ask SO84
18 a question, ask him to confirm that he has seen no
19 evidence and has seen -- and also there are no such
20 evidence or seen such evidence of such allegation
21 mentioned in paragraph 45 of his statement {A/66/7}.

22 DAME ANNE RAFFERTY: Just pause a moment while we all
23 re-read it. Thank you.

24 Understood.

25 Right, so SO84, the question for you is that

1 paragraph 45 is within your evidence.

2 A. Yes.

3 DAME ANNE RAFFERTY: Are you still adopting it, because your
4 understanding -- no more than that -- was as set out
5 there, and you think you heard this from an identified
6 individual after Mr Radhi Nama had died but you can't be
7 sure about that? That, I think, is the kernel of
8 the paragraph. What's your view of the contents of that
9 kernel now? In other words, is that still your
10 evidence? You assume --

11 A. Dame Anne, that was mentioned.

12 DAME ANNE RAFFERTY: Right.

13 A. I have no evidence that this person, this casualty, was
14 alleged to have done this. Whether he was or not, he is
15 still a patient in my eyes. I heard this, and this is
16 why it says in paragraph 45 it was mentioned. I cannot
17 redact that. That was mentioned to me. Personally,
18 I don't know the person, and if he was or not, he is
19 still a casualty patient to me.

20 DAME ANNE RAFFERTY: Thank you.

21 MR JUDD: Dame Anne, if I may, just because people can't,
22 who are not -- can't see Opus, might not necessarily
23 know what the concept of paragraph 45 was. I'll just
24 read it out.

25 DAME ANNE RAFFERTY: Well, just be careful.

1 MS AL QURNAWI: Exactly.

2 DAME ANNE RAFFERTY: It's a very unpleasant allegation.

3 MS AL QURNAWI: Exactly.

4 DAME ANNE RAFFERTY: I wonder whether there is anything
5 wrong with our leaving it. But paragraph 45, as
6 summarised, is SO84's evidence that he, SO84, after
7 Mr Radhi's death, had mentioned to him a very unpleasant
8 allegation. SO84 specifically excludes any knowledge of
9 his own on whether it were true or untrue, justified or
10 unjustified.

11 And he goes on to say:

12 "Were it justified or were it not, the man in front
13 of me was my patient, I'm a medic, I treated him
14 accordingly."

15 I just wonder if we need any more than that.

16 MS AL QURNAWI: Thank you.

17 DAME ANNE RAFFERTY: Let's just see what Mr Judd thinks,
18 because he has been taking the witness through.

19 What do you think, Mr Judd?

20 MR JUDD: I'll be guided by you, Dame Anne. I don't think
21 it's necessarily central to the evidence that SO84 has
22 given, so I'm very happy to leave it there and not ...

23 DAME ANNE RAFFERTY: I think so. I think that will do.

24 What do you think, Ms Qurnawi? You are nodding.

25 You look as though you're content with my summary of how

1 it could appear on the transcript. Good, you are.

2 Excellent.

3 MR JUDD: Thank you.

4 Finally, anything from Ms Rahman-Cook?

5 MS RAHMAN-COOK: No, nothing from me, thank you.

6 MR JUDD: Thank you.

7 Well, SO84, thank you very much for your assistance
8 this afternoon and this morning. I'll hand back to
9 Dame Anne.

10 DAME ANNE RAFFERTY: Thank you, Mr Judd.

11 Well, SO84, thank you so much for all that you've
12 given us today. You've been a long time with us. Let
13 me repeat the gratitude of the Inquiry for all the help
14 you've done your best to give us, and have done. And
15 thank you too, in the light of all the difficulties that
16 you and I went, I hope, very gently through that you're
17 enduring, for your making the effort to come here. And
18 I notice that even right to the end of your evidence, as
19 has just become clear from that little dialogue, you
20 were astutely aware of the difference between what you
21 saw or heard and what might have reached your ears, and
22 you were careful to distinguish between the two. I'm
23 quite sure there are people listening to this who are
24 more than grateful for that propriety on your part.

25 Off you go.

1 A. Thank you very much, Dame Anne.

2 DAME ANNE RAFFERTY: We won't keep you hanging around here
3 with us, but thank you again from all of us.

4 A. Thank you, Dame Anne.

5 (The witness withdrew)

6 DAME ANNE RAFFERTY: Now, do we need, having been going for
7 quite a while, do we need a break for the transcriber?
8 Will somebody tell me?

9 MS JACKSON: I think we are still okay to continue for now.

10 DAME ANNE RAFFERTY: All right, good. You stop us when you
11 think you should.

12 MS JACKSON: Of course. And I'll hand over to Ms Bailey
13 who's going to be calling the next witness.

14 SO115 (called)

15 Introduction by MS BAILEY

16 MS BAILEY: Thank you very much, Ms Jackson.

17 Do we have SO115 on the line? I think I can see
18 that we have got someone who has joined with that
19 cipher. So if you wouldn't mind unmuting yourself and
20 turning your camera on.

21 A. Good afternoon.

22 Q. Good afternoon, SO115. I presume you can hear me
23 clearly, but just to confirm?

24 A. Yes, I can hear you clearly, thank you.

25 Q. Thank you very much.

1 Okay, I'm just going to ask you some quick
2 introductory questions to introduce your evidence and
3 then I'll hand you back over to Dame Anne for a couple
4 of initial questions. But just as matters of
5 housekeeping, SO115, do you have the cipher list to hand
6 in front of you?

7 A. I do, yes.

8 Q. That's great.

9 And you also were provided with a bundle of
10 disclosure directly to your legal representatives in
11 advance of producing your witness statement for this
12 Investigation. Have you got that as well to hand?

13 A. Yes, on Opus 2.

14 Q. Fantastic, yes.

15 Then there was also a separate bundle that contained
16 the three historic statements you'd given and one
17 transcript of evidence also given historically. Have
18 you seen that recently and do you have that to hand?

19 A. I've seen it. I've not got it at hand, but I've got it
20 on my -- I can access it, but it might just take me
21 a minute if I need to access anything.

22 Q. We probably don't need to access anything. If you've
23 seen it recently, that's probably good enough, and then
24 if you do wish to refresh your memory, you can access it
25 and we'll give you the time to do that. Does that sound

1 sensible?

2 A. Thank you.

3 Q. Then there's one statement that you've provided for
4 these Investigations, SO115. If I could just ask Opus
5 to pull up {A/85.2/1}, and if we just zoom in to see
6 the headnote of that document. That's your witness
7 statement for these Investigations, isn't it?

8 A. I believe so, yes.

9 Q. And if we could just pull up {A/85.2/15}, please, Opus,
10 the final page there, and we zoom in there. There's
11 a redacted section which has your signature beneath it;
12 correct?

13 A. Yes.

14 Q. And is there anything in this statement that you would
15 like to clarify or change before I pass you over to
16 Dame Anne?

17 A. Not at the moment, no.

18 MS BAILEY: Thank you very much. Right, I'll hand you back
19 over.

20 Dame Anne.

21 Questions from DAME ANNE RAFFERTY

22 DAME ANNE RAFFERTY: Thank you, Ms Bailey.

23 Good afternoon.

24 A. Good afternoon, madam.

25 DAME ANNE RAFFERTY: Can I check you can hear and see me

1 clearly as well?

2 A. I can see you and hear you clearly, madam.

3 DAME ANNE RAFFERTY: Thank you. Only a couple of questions

4 from me. I'm just going to ask you to do a bit of

5 background-setting for us. It's as simple as that.

6 Just give us an outline -- I only need a paragraph -- of

7 your military career, if you would, please.

8 A. Certainly. I -- I joined the -- joined the Army about

9 1978, done a year's training before joining my unit,

10 which was 1 Black Watch in 1979. I then had what was --

11 would have been classed as a normal infantry soldier's

12 career. Between 1979 and 2002, numerous -- numerous

13 postings, tours of -- many tours of Northern Ireland,

14 Kosovo. Promoted through the ranks. Done many a job

15 within that period of time through -- through

16 the different companies, through the different tasks and

17 missions, etc, that I've been involved in.

18 Then 2003, obviously I head off to Iraq. Following

19 that I returned to Germany, was commissioned, and then

20 spent the next 15 years doing various other roles,

21 including two more tours of Iraq, a tour of Afghanistan,

22 a tour of Northern Ireland, and a tour as an officer

23 commanding the rear ops group while the unit was out in

24 Afghanistan, where I was responsible for the troops that

25 were left behind in Scotland.

1 Then I left the unit in 2012/2013 and finished my --
2 my career at various other staff jobs, culminating in
3 retiring in 2017. And since 2017 to the present day,
4 I've been employed as a security officer [REDACTED]
5 [REDACTED]

6 DAME ANNE RAFFERTY: Thank you. I'm just going to ask you,
7 if you wouldn't mind, just to slow the pace of your
8 answers very slightly, only a little bit.

9 A. Yes, certainly.

10 DAME ANNE RAFFERTY: So that's your military career in
11 a capsule, thank you.

12 And the same type of thing: what I would like your
13 help with now is, in 2003, can we have an outline of
14 your role out there in Basra?

15 Just in case it helps you, we know you were based at
16 Battlegroup Main, and we know how far that was from
17 Camp Stephen, although I'm going to ask you to tell us
18 in a moment. And we think we know that you had a double
19 role: advise the CO on infantry requirements and advise
20 him on detainees, but that's just two phrases in
21 a sentence, and anyway, you might not agree with it.

22 But tell us, therefore, what was your role out there in
23 2003?

24 A. I had a few roles, but in essence, I was the regimental
25 sergeant major. So my main task was standards and

1 discipline within the unit.

2 Additionally to that, I was part of the commanding
3 officer's Rover group, which --

4 DAME ANNE RAFFERTY: The commanding officer's what group?

5 A. Rover group.

6 DAME ANNE RAFFERTY: Rover?

7 A. Rover, yes. That was the name of it, yes, which
8 consisted of two Land Rovers and eight men, and our role
9 there was to report to the commanding officer and take
10 the commanding officer when he did his visits.

11 Additionally to that, yes, I had involvement in
12 advising the commanding officer on low level infantry
13 tactics, and I had a role to primarily, initially when
14 we went into Iraq, crossed into Iraq, it was for prison
15 of war handling. And then when we moved into Basra,
16 I supported the detainee handling process.

17 DAME ANNE RAFFERTY: Sorry, supported the detainee handling
18 process?

19 A. Detainee handling process, yes. Primarily, that was my
20 two -- two/three functions.

21 DAME ANNE RAFFERTY: Thank you. Whilst I've still got you
22 before I hand you over to Ms Bailey, how far was
23 Battlegroup Main from Camp Stephen?

24 A. It was maybe a mile, about 15 minutes' drive.

25 DAME ANNE RAFFERTY: Yes, okay.

1 A. We were in -- we were in -- Battlegroup Main was in
2 central Basra, which was the old Ba'ath headquarters,
3 Ba'ath Party headquarters, and Camp Stephen was just
4 north of us, about 15 minutes north, just on the -- on
5 the -- running parallel with the Shatt Al-Arab river.

6 DAME ANNE RAFFERTY: Thank you.

7 I'm going to invite Ms Bailey to take up some
8 questioning.

9 Questions from MS BAILEY

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

11 SO115, just to reiterate a ground rule because you
12 weren't here in the morning, I suspect you've already
13 got this, but the cipher list needs to be used at all
14 times. I'll use it myself, but if you can avoid using
15 any names and instead choose to use the cipher, that
16 would be very helpful.

17 A. Okay, thank you, yes.

18 Q. No problem.

19 So if we can just start with some questions about
20 training and instruction regarding the handling of
21 detainees after the war-fighting phase.

22 If, Opus, I could ask you to pull up {A/85.2/4} and
23 if we can zoom in, please, to paragraph 3.1, under
24 the subheading there.

25 I'll read this out for the benefit of those who are

1 attending via the live stream. You say:

2 "In my statement of 6 July 2009 ..."

3 So that's a historic statement that you've
4 previously given to the Baha Mousa Inquiry. You say:

5 "... I gave some detail about the pre-deployment
6 training done by 1 Black Watch. Prior to and including
7 May 2003, I did not have and have no recollection of
8 having any training, briefing or instruction on
9 the below ..."

10 Then you very helpfully set out in bullet points:

11 "The Rules of Engagement in the post-war fighting
12 phase of Operation TELIC;

13 "Maintaining law and order and prevention of
14 looting;

15 "Detention of individuals;

16 "Use and dangers of water during detention;

17 "Use of restraint techniques."

18 So with that evidence in mind, SO115, how prepared
19 did you feel for the post-war -- or for
20 the post-fighting phase of Operation TELIC?

21 A. In my opinion, we weren't prepared at all for it.

22 The preparation we'd done was to go into battle, go into
23 war. When we -- when we secured Basra, it -- it became
24 civil authorities' areas of responsibilities that we
25 seemed to be taking on, but there was that period of

1 uncertainty when -- when the war finished and when peace
2 support operations were commenced. But we -- we -- to
3 the best of my memory, we never had any specific
4 training of that transition, so it was very difficult
5 for us to, I suppose, handle the situation that we faced
6 once we secured Basra.

7 Q. You go on in the same paragraph of your evidence to say,
8 perhaps touching on that distinction that you've just
9 drawn:

10 "For training on prisoner handling, this depends on
11 what you define as prisoner as opposed to detainee
12 handling. We had pre-deployment training for Prisoners
13 of War handling but nothing specific to detainee
14 handling."

15 So if you could just speak to that a little more,
16 perhaps, in terms of identifying what you feel was
17 the level of preparedness you had for that phase?

18 A. Handling -- handling prisoners of war, coming into
19 contact with the enemy, we had specific training for
20 that. We went on a course to train us specifically how
21 to -- how to conduct ourselves when handling prisoners
22 of war.

23 My understanding is that when we went into Basra,
24 they weren't prisoners of war per se, because they
25 weren't necessarily engaging with us with combat, small

1 arms fire, etc, and the majority of people we were
2 dealing with were held for civilian issues. Looting, in
3 the main, was the biggest offence that we -- we were
4 dealing with, and we weren't -- I don't think we had
5 specific preparation for that.

6 I think it was identified pretty quickly that we
7 didn't have those skills, and the RMP were trying to
8 take more of a responsibility in supporting us in how we
9 handled it, to the extent we got an RMP embedded with
10 some of the call signs. I had one embedded with us at
11 Battlegroup Main to give us advice on how to handle
12 detainees, if that helps.

13 Q. That's very helpful, thank you, SO115.

14 If I could just -- I'll just ask you about the final
15 relevant section of this paragraph. You say -- you go
16 on -- it's all on the same theme, I suppose:

17 "We did not have any specific training on
18 the processing of detainees and requirements for medical
19 examination of them. Instead, we maintained a similar
20 process to the one we were using for Prisoners of War
21 rather than one specific to a detainee."

22 My question is whether you thought it was
23 appropriate to use the similar processes that you'd been
24 applying for POWs in the context of civilian detainees.

25 A. I think that's one of -- one of these hindsight

1 questions in that, when we -- when we first secured
2 Basra, we were still at war. The soldier mentality,
3 I believe we didn't have the ability to flick from
4 war-fighting soldiers to peace-keeping civil authority
5 personnel, so the time it took then for us to identify
6 how we should transition and treat them was a bit slow
7 in the uptake from our higher authorities. And, yes, we
8 -- there was definitely the issue that we should have
9 changed our approach to detainees a lot quicker than
10 necessarily we had done.

11 Q. And you mention there in your evidence specifically
12 the application of medical examination, or there not
13 being a specific training course for medical
14 examination, and you say you just used a similar process
15 to the one you used for prisoners of war. Was that
16 the same medical examination process as well that you
17 had previously applied to POWs were being used on
18 civilian detainees?

19 A. My memory of the medical attention that we gave to
20 prisoners of war is that if we knew that they were
21 injured, if -- if we knew that they had an issue, then
22 they would have been prioritised or triaged as we would
23 with any other soldiers, in that, if we knew they were
24 injured, they would then have been processed through
25 the medical services.

1 We had our own medics. The RAP, the Regimental Aid
2 Post, et cetera, would have been close at hand for us to
3 transition any injured -- excuse me, any injured person,
4 and it was the same with the detainees. If we knew --
5 if we knew that there was an issue, they would have been
6 processed through the medical -- their men. However, if
7 my memory serves me right, when the detainees came from
8 an outstation into Battlegroup Main, one of the -- our
9 representatives who received them would give them
10 a quick look over and usher them to the medical centre
11 if he felt it necessary to require attention.

12 But there's another leg to this. When they
13 transitioned then from us to the main detainee/prisoner
14 of war site, there was all the facilities there that
15 would have provided and made sure they had medical
16 attention. So we never necessarily had that as
17 a specific role for us to process them through
18 the medical as a standing SOP, standing operation
19 procedure. It was more or less if we identified anybody
20 who required medical attention, then they would have
21 received it.

22 Q. So what you're describing there is, I think you used
23 the term "outstation". Camp Stephen would be one such
24 outstation; is that correct? So you're talking about
25 civilians who have been apprehended or detained, taken

1 there perhaps, and then brought to Battlegroup Main as
2 a second step; is that right?

3 A. Yes. I think I explain that in a statement later on,
4 that transition process, that the outstations which are
5 -- we had I think five or six outstations, all with
6 the same rank structure and facilities as Camp Stephen,
7 and anybody who would be in pain would go to their site
8 initially before we could then get the resources --
9 time, space and people -- to look after them when they
10 were transitioned from the outstation to
11 Battlegroup Main. We had a holding area in
12 Battlegroup Main, and then the same would happen there.
13 We would hold on to them until such time as the
14 resources were available to send them onward to
15 the divisional holding area.

16 Q. That's very helpful. Thank you very much, SO115.

17 I'll move on to a little later in your statement.

18 So Opus, can we look at {A/85.2/8}. Paragraph 7.9.

19 Again, we're still on the same theme here about
20 the distinction between POWs and civilians, so I'll just
21 read this paragraph out:

22 "In my statement of 6 July 2009, I refer to
23 the difference between Prisoners of War and detainees.
24 After the war fighting phase, as I described in my oral
25 evidence on 18 February 2010 ..."

1 That is a reference to the Baha Mousa Inquiry.

2 "... civilian detainees initially were treated like
3 Prisoners of War/internees when detained during
4 Operation TELIC 1. This was because the distinction was
5 not clear between the two. Initially civilian detainees
6 were 'bagged and tagged' as we would Prisoners of War.
7 But as distinctions became clearer this changed and
8 stopped."

9 Now, can I just ask you to expand or explain on
10 the use of the phrase which is in inverted commas in
11 your statement here, "bagged and tagged"?

12 A. Yes, "bagged and tagged" would have meant, certainly for
13 prisoners of war, there would have been situations where
14 we would have what we call bagged them by using
15 a sandbag to place over their head to prevent them from
16 seeing and taking in any information on our location,
17 sites, disposition, etc.

18 Out of that process, because of that time lapse when
19 we moved into Basra, then that -- I would have expected
20 the soldiers on the ground to have been adopting those
21 similar processes/procedures. The tagging is where we
22 had specific prisoner capture tags where you would have
23 wrote down the details of time of capture, the name of
24 the person who captured them. Any observations on -- on
25 the prisoner would have been noted at that time, and

1 that would have been tied to the -- tagged onto
2 the detainee/prisoner.

3 Like I say there, there was that distinction between
4 the war-fighting phase and the peace support operations
5 where that direction would have been given to stop any
6 of this bagging and tagging.

7 Q. And you go on at paragraph 7.10 to describe a common
8 capture report. You say:

9 "I would expect a Common Capture Report to be
10 depleted if civilian detainees were held at detention
11 facilities like Camp Stephen."

12 Just pausing there, is that different to the tag
13 that you're mentioning, or is that the --

14 A. The same -- it's the same thing.

15 Q. It's the same thing.

16 And you say -- it goes on:

17 "The soldier or team commander would fill in
18 the detail on a capture report at the time of capture.
19 Those monitoring the trainers at each of the stages
20 would maintain the report until the detainee was
21 processed."

22 If we just pause there. The use of the word
23 "trainers at each of the stages", can you just help us
24 there with understanding that?

25 A. Yes, I'm not quite sure what "trainers" -- I'm not sure

1 if that's a misprint.

2 Q. Perhaps then --

3 A. "... monitoring the trainers at each of the stages ..."

4 I don't think it's meant to be that. That word is
5 not a correct word. I've not picked that up before, but
6 I don't think that's the correct are word. It should
7 be "detainees", I think.

8 Q. We'll put a pin in it then, and we can always clarify it
9 by corresponding with your legal representative, if we
10 need to.

11 What I'm interested in, though, is you've described
12 a common capture report, and in evidence that we've
13 heard from other military witnesses, a document has been
14 described called an operation slammer or an op slammer,
15 and this is a document that was required to be filled
16 out when detainees arrived at Camp Stephen. Have you
17 heard of use of that term before, an "op slammer"?

18 A. No, I haven't, no. I've no idea what op slammer is, no.

19 Q. Understood. That's helpful, thank you very much.

20 If we could just scroll down a little further, Opus,
21 to paragraph 7.12 {A/85.2/9}.

22 In this paragraph, you continue to describe
23 the historic evidence you've given beforehand about the
24 use of sandbags as hoods. I'm just going to read out
25 the paragraph for you again, SO115, and then I'll ask

1 you a couple of quick questions.

2 So you say:

3 "In my statement of 22 May 2012, I said 'As I have
4 previously stated during the war fighting phase of
5 Op Telic 1 POWs were on occasion hooded with sandbags as
6 explained, it was common practice, however when
7 the war fighting phase ceased, the practices of hooding
8 ceased to the best of my knowledge. 1BW [1 Black Watch]
9 did not hood detainees'. I assumed 1 Black Watch
10 personnel were not hooding detainees as I did not
11 witness the hooding of detainees. If I had become aware
12 1 Black Watch were hooding detainees after the war
13 phase, I would have provided direction otherwise. At
14 some time during our tour there was direction on this
15 provided. Initially it was passed down our battle group
16 HQs and a FRAGO was issued for higher information, that
17 directed to stop hooding. If I had seen anything or
18 knew about this issue, then I would have reported this
19 behaviour up the chain of command."

20 Now, my first question is, just to clarify, you
21 didn't see the use of hooding of detainees by
22 1 Black Watch, that's your evidence; correct?

23 A. That's correct.

24 Q. And when you say that had you seen this you would have
25 reported it higher up the chain of command, can you

1 clarify, would you have reported it that way both before
2 the FRAGO came out and after?

3 A. I would have -- I would have reported it up the chain of
4 command after the order was given not to hood. I don't
5 know if the order was given to me when I then got based
6 there, before or after the FRAGO; I'm not sure on that
7 timeline. But there was instruction that came down that
8 hooding wasn't to be used on detainees, and I can't
9 remember if it was before or after the FRAGO.

10 Q. I understand. But I suppose my question is had you
11 observed it, and it's not a question specifically about
12 identifying the chronology of the time at which
13 the instruction came and then the FRAGO came, but had
14 you observed the use of hooding on a civilian detainee,
15 would you have reported that?

16 A. I'm not sure, to be honest, because, again, I keep
17 referring to this transition time between prisoner of
18 war and detainee and when that was identified,
19 the difference between the two, and what -- and how we
20 should treat the detainees that should be different from
21 treating prisoners of the war.

22 Q. Understood.

23 A. So to really answer your question, I don't know, in
24 the chronological order, when detainees became civilian
25 detainees and were not any longer prisoners of war.

1 Q. Understood. That's very helpful.

2 Finally, a question that doesn't arise from your
3 statement, but did you ever observe the use of
4 Plasticuffs as a restraint technique on detainees?

5 A. Yes, we would have Plasticuffed detainees.

6 Q. And was that used throughout for both prisoners of war
7 and then civilian detainees?

8 A. It's one -- it's one of them issues where, when they
9 were -- when they were processed through
10 Battlegroup Main's holding area, I can't recall seeing
11 anybody with Plasticuffs on, so I'm not sure at what
12 stage they were put on and I'm not sure at what stage
13 they were removed. I'm not sure how often and how many
14 of our soldiers used Plasticuffs, because it wasn't
15 necessarily a regular commodity that we would have
16 ensured everybody was issued with, and therefore
17 the resupply of them, etc.

18 So it is a bit of a grey area as to exactly when
19 they were used, when they were taken off, whether they
20 were used or not. I know that -- or all my memory
21 serves me is certainly when they were in our
22 Battlegroup Main detention facility, I can't recall them
23 being used or -- or worn by anybody at that time.

24 Q. So --

25 A. Again --

1 Q. Sorry, do continue.

2 A. No, it's just -- it's just cloudiness over this --
3 the transition between POWs and detainees.

4 Q. Understood.

5 So did you observe detainees in Plasticuffs?

6 I understand your evidence is that you didn't observe
7 it, or you can't recall observing it when they came to
8 Battlegroup Main, but did you see it in any other
9 context?

10 A. No, at no time did I see Plasticuffs being used.

11 Q. That's very helpful. Thank you very much.

12 I'm going to move on now to just some specific
13 questions about the processing of detainees at
14 Camp Stephen, and just for context, I understand that
15 you're not based at Camp Stephen, so these questions
16 proceed with that in mind.

17 If I could ask, Opus, could you please bring up
18 {A/85.2/9}. We're looking at paragraph 8.1 of SO115's
19 statement. Fantastic.

20 So here you say:

21 "I was not stationed at Camp Stephen and therefore,
22 not aware of the culture there. I accompanied the CO on
23 visits to Camp Stephen on a few occasions and did not
24 witness anything unusual. I do not recall any specific
25 details of troops complaining about the ill treatment of

1 detainees."

2 Can you just help us with explaining the regularity
3 and the reason for attending Camp Stephen with the CO?

4 A. There's no set timelines of visiting the sites. They
5 would be random, because we'd tour all of our area of
6 responsibility and pop into the sub-units' outstations
7 as and when.

8 The reasons -- there are various reasons. One would
9 be a general visit. The CO, in his rounds, would have
10 visited the troops on a regular basis, even just to say
11 hello and see how they're getting on, get feedback from
12 them. He'd have specific tasks to go and speak to
13 the -- the officer who commanded the outstations, maybe
14 to pass on orders, to give direction, to see how their
15 troops are handling their specific areas. So it was --
16 it was irregular visits unless there was a specific task
17 or mission that the CO would have to relay.

18 Q. What were you doing during those visits?

19 A. One or two things. Primarily, I would go and visit
20 the company sergeant major and have a -- have a chat --
21 chat with him over a cup of tea. Maybe walk in and
22 visit the troops, or just chill and wait for the CO to
23 finish his task.

24 Q. Understood.

25 We're going to flick through the statement, so

1 apologies for moving backwards chronologically, or
2 reverse chronologically.

3 Can we pull up page 5, please, Opus, paragraph 5.1.

4 This is the section in your statement where you
5 describe {A/85.2/5} the EPW area at Camp Stephen, and
6 I'll read out paragraphs 5.1 and 5.2.

7 So you say:

8 "The EPW area would have been a temporary site used
9 by sub-units and the battle group level as a holding
10 station pending onward transitions to an EPW cage.

11 The area could range in its construction depending on
12 what was available at the time eg, a building, wire
13 fencing, tents and hedgerows. The area would have to
14 have sufficient security provided, depending on
15 the threat.

16 "The EPW cage would have been an adequately
17 constructed facility within the Brigade or divisional
18 level and would have expertise in its staffing. It
19 would house all necessary facilities such as furniture,
20 water supply, catering etc. Such was the EPW cage at
21 Umm Qasr."

22 So, I suppose, if we take this in stages, the first
23 thing I would like you to assist us with, if we can,
24 SO115, is the distinction between the EPW area on
25 the one hand and the cage on the other, in terms of

1 function.

2 A. The EPW area, depending where we were in battle, whether
3 we were rolling forward or we were static, would depend
4 on its functionality. But primarily, the EPW area is
5 a holding area. That's where, if we capture prisoners
6 of war, they would be held back from the frontline in
7 a safe area out of contact, and that's -- at that point
8 they become non-combatants, you see? So we then have
9 a responsibility to look after them.

10 So it would be in a safe area, but it's just purely
11 a holding area prior to, again, the resources being
12 available to transition them back to a more suitable
13 area. The EPW cage would be miles back. It would be
14 out of the threat area in a safe area where probably
15 divisional headquarters would be stationed.

16 The EPW cage would be like -- I suppose you can only
17 refer to it as a prison, because that's where you're
18 putting your prisoners of war, and that's where they
19 would be held for some time until they're either
20 transitioned back out of the war-fighting area, or held
21 there pending questioning, for example, that's where
22 they would get questioned. So it's a kind of area
23 outside a tactical threat.

24 Q. And did you inspect an EPW area and an EPW cage at
25 Camp Stephen during any of your visits there?

1 A. I noted the -- the area they had as an EPW area and
2 found it sufficient for the task in hand, because it was
3 an area to hold them. And depending on the resources,
4 it will depend how long they were there for. Now,
5 the aim is to move them quickly, but the obstacles are
6 the resources to move them.

7 Q. But when you visited Camp Stephen on the occasions that
8 you went, it wouldn't be a specific task of yours to
9 inspect the EPW area at Camp Stephen?

10 A. No, it wouldn't. And not -- not necessarily when
11 I visited Camp Stephen would I know whether they had
12 EPWs or detainees held at that time unless I was
13 specifically informed.

14 Now, in my recollection, each time I visited
15 Camp Stephen, there wasn't detainees present.

16 Q. That's very helpful.

17 Opus, if I could just ask us to go up to
18 paragraph 4.2, which is on page 5 {A/85.2/5}, just
19 toward the top of the page.

20 Here you are describing the allocation of
21 responsibility for the process of detaining at the level
22 of Camp Stephen, and you say:

23 "SO88 had the responsibility to direct his company
24 personnel as to who should be detained, especially for
25 normal criminal incidents. SO88 was directed by

1 the Battle Group Commanding Office and Brigade HQ to
2 detain HVTs based on ..."

3 And then the next section is redacted.

4 Now, in the evidence that he gave to these
5 Investigations earlier this year, SO88 accepted
6 responsibility for detainees, in the sense that he
7 accepted overall responsibility for anything in
8 C Company, but his evidence was that responsibility on
9 a daily basis would have been the responsibility of
10 SO101 instead, as the CSM. Does that match your
11 understanding of the division of responsibility at an
12 outstation like Camp Stephen?

13 A. Yes. SO101 would maintain the EPW area. He'd be
14 responsible for ensuring sufficient guards were present,
15 ensuring sufficient resources were available, ie
16 rationing water, blankets for keeping warm in
17 the evenings, so his job would be to maintain that.

18 SO88's responsibility would be to make sure that --
19 sorry, going back to SO101.

20 Q. Yes.

21 A. He would be responsible for making sure that
22 the commanding control of those guards were of the
23 correct standard. And SO88 would have
24 the responsibility for making sure that everything was
25 being complied with, and SO101 was maintaining the site

1 correctly.

2 Q. Understood. And in your experience, did SO88 execute
3 his responsibilities well as regards detainees at
4 Camp Stephen?

5 A. I can't -- I can't answer that, because -- well, I can't
6 answer it, sorry. I don't know, is the answer to this.

7 Q. That's fine.

8 A. I have no evidence to say that he inspected, briefed,
9 monitored. So, yes, I don't know.

10 Q. And the same question as regards SO101.

11 A. To the best of my knowledge, SO101 was doing as he was
12 meant to do. I didn't witness anything untoward or
13 otherwise.

14 Q. And I suppose just a broader question. If you can
15 assist, what was your impression of the way that
16 Camp Stephen specifically, as an outstation, processed
17 civilian detainees?

18 A. I think my -- under my -- my knowledge was that they
19 were being processed the same as the other five
20 outstations, so in line with the regulations for
21 handling prisoners of war and detainees.

22 Q. That's very helpful.

23 I'm now going to ask you some questions about
24 tactical questioning. So, in order to do this, I'm
25 going to put to you a sequence of evidence that you have

1 given and evidence that we've heard from other witnesses
2 and then I'll ask you some questions, if that makes
3 sense?

4 A. Yes.

5 Q. So, Opus, if we could go forward to paragraph 6.2 and
6 6.3 of the witness statement of SO115. {A/85.2/6}

7 So I'll read those out briefly. At 6.2, you say,
8 SO115:

9 "My understanding was that detainees would not be
10 questioned at Camp Stephen unless an assigned tactical
11 questioner ('TQ') was sent to conduct questioning on
12 site. I do not recall if any TQs were sent to
13 Camp Stephen. Usually, questioning was conducted at
14 BG HQ [Battle Group Headquarters] ..."

15 Then you go on and say:

16 "I was trained on pre-deployment to conduct tactical
17 questioning, but I was only permitted to do this if
18 assigned to do so by a higher authority. If assigned,
19 I would have been provided with a question set to seek
20 information from a Prisoner of War and as such, I would
21 be expected to gather details on unit identities,
22 dispositions, locations, and armaments. I would not
23 have been expected to tactically question detainees."

24 So, just pausing there, could you just assist with
25 the distinction between -- you say that you were:

1 "... trained on pre-deployment to conduct tactical
2 questioning ..."

3 But then at the end of that paragraph, you say:

4 "I would not have been expected to tactically
5 question detainees."

6 Could you assist with the distinction there?

7 A. Yes. Again, it's going back to the point of
8 the difference between prisoner of war and detainee.
9 The prisoner of war would have been part of an enemy
10 unit, they would have been engaged in combat with us,
11 they would have had specific intelligence that would
12 benefit our intelligence sources in locations and
13 the type of weapons systems and how many troops were
14 being used against us.

15 The difference between that and a detainee was that
16 a detainee was primarily a looter, thieves. They had
17 nothing I would have gained from tactically questioning
18 them on that type of offence.

19 Now, this question might lead on to something
20 slightly different in high value targets. High value
21 targets were a different issue, because they were --
22 one, they were high value because of the specific role
23 that they had played during the war-fighting phase, but
24 it's unlikely that I would have been tasked to question
25 them, because my level of tactical questioning was small

1 business. They would have went on and been, in my
2 opinion, tactically questioned by intelligence corps
3 sources, or certainly higher authority within the unit
4 than me.

5 Q. That's very helpful, thank you.

6 I'm going to ask you to have a quick look at some of
7 the evidence we heard back in April from SO98. So Opus,
8 could I ask you to pull up {A/193/84}, and we're looking
9 at lines 17 and 18 in particular. And I'll allow you to
10 have a look at the cipher list, SO115, but I assume
11 you've seen that, who SO98 is?

12 A. I'm just checking that now.

13 Okay, yes.

14 Q. So there you'll see, hopefully, the answer running from
15 line 14:

16 "Tactical importance is -- especially if it was
17 a military personnel, tactical importance would
18 be: okay, how many people are in your unit? Where is
19 your unit located? A tactical question is more of
20 a violent nature."

21 If I just ask you to hold that in mind for a second,
22 and we'll also have a look at the evidence of SO95. So
23 if we could go to {A/154/114}, please, Opus, and line 23
24 in particular.

25 What was done there by counsel to the Inquiry -- or

1 the Investigation, was to put to SO98 the evidence --
2 sorry, to put to SO95 the evidence of SO98 that I just
3 read out to you, including the definition of tactical
4 questions being of a more violent nature.

5 And SO95 said:

6 "Yes, I think SO98's put that really well,
7 actually."

8 In terms of asking a question of a more violent
9 nature.

10 Does that align with your understanding of tactical
11 questioning, and, if so, who -- if you could describe --
12 you described the kind of question you would pose
13 as "small business". Who would be posing a question of
14 that nature, of the more violent nature?

15 A. Well, first of all, I'm not -- I'm not familiar with
16 the phrase, "tactical question ... of a violent nature".
17 I don't know what that means. Is that ... So I'm
18 finding it difficult to understand how I can then answer
19 the question as to my part in that.

20 However, if we're talking that the "violent" means
21 the use of bombs and bullets, then, yes. I can't really
22 understand, or I can't see where the word "violent"
23 comes into it.

24 Q. Well, let me take you back to where it originally arose.

25 So if we go back to {A/153/34}, lines -- yes, so if we

1 have a look at -- starting at line 8 here, this is
2 the evidence of SO98 and he says:

3 "Obviously, the primary thing first of all is to
4 confirm the identity of an individual, and if it was
5 a military person then you would obviously ask questions
6 of tactical importance, and it's totally different to
7 tactical questioning."

8 And he says:

9 "Tactical importance is -- especially if it was
10 a military personnel, tactical importance would
11 be: okay, how many people are in your unit? Where is
12 your unit located? A tactical question is more of
13 a violent nature."

14 A. I'm sorry, I'm not --

15 Q. Does that assist in contextualising it?

16 A. I'm just not getting the different -- I don't get that,

17 "A tactical question is more of a violent nature".

18 I don't -- I really don't know what he means by that.

19 DAME ANNE RAFFERTY: May I interrupt for a moment?

20 It increasingly sounds as though, SO115, you are
21 struggling with that comment, and much better, much more
22 helpful, if you do what you're doing, having thought
23 about it, and say, "I can't understand it and thus
24 I can't help you", rather than think you're doing
25 the right thing by coming up with an interpretation.

1 So the only thing I wanted to say before, if we do,
2 we move on, is your instinct is the most helpful. If
3 you don't know, please say so.

4 A. Thank you, madam.

5 Therefore, I thought that's what I was saying.

6 I don't understand that element to that question.

7 MS BAILEY: Well, we'll move on. I've only got a few more
8 questions on tactical questioning and then I suspect
9 we'll take a break.

10 So, if I may, so SO88 also gave evidence back in
11 April that there was no tactical questioning of
12 detainees that took place at Camp Stephen but soldiers
13 would still ask detainees some questions using a common
14 sense approach, and we can get the transcript up for
15 that as well. It's {A/74/5}. It's not the transcript,
16 sorry, it's in his witness statement. Paragraphs 31 and
17 32.

18 So we see there at the final line of paragraph 31,
19 he says -- well, I'll read the whole paragraph for
20 completeness:

21 "My recollection of questioning of detainees was
22 that it was only to be carried out by the CSM or
23 the CQMS, and this was to be conducted at a table in
24 full visibility of the sentry tower to provide security,
25 and with the interpreter present, after having been

1 medically examined. Under the law of armed conflict
2 questioning of captured persons can only involve asking
3 for name rank number and religion, whereas questioning
4 of detainees could involve asking what they were doing
5 or knowledge of crime, however I do not believe that
6 this was set out clearly at the time from higher
7 directives and so I believe we made common sense
8 approaches to what could be questioned."

9 Now, were you aware that soldiers would ask
10 questions of civilian detainees using this common sense
11 approach?

12 A. Reading that paragraph, I can -- I can see
13 the difference between what has been interpreted there
14 in that -- it's that difference between tactical
15 questioning of a prisoner of war to identify what
16 the enemy is doing and what it has available. In this
17 aspect, they're questioning the detainee on the crime
18 that they've been detained for, which I think is
19 a difference, in order to be able to clarify maybe why
20 they've detained him, confirm why they've detained him,
21 especially with an interpreter present as well.

22 So, yes, I would -- I would accept that somebody
23 from the unit would question the detainee to identify
24 who he was and what he was up to, and I think that --
25 that would be acceptable, because that information would

1 then need to be passed through the transition process.
2 Because if I was at Battlegroup Main receiving
3 a detainee, I'd want to know why -- who he was and why
4 he was being processed in order then for a higher chain
5 of command to make a decision whether he then needs to
6 move on to the next stage.

7 Now, whether it was the CSM or the CQMS is
8 questionable, but they may not have had an RMP embedded
9 at the substation, sub-units, whereas at
10 Battlegroup Main they did, and I would expect the RMP to
11 be doing that sort of questioning.

12 Q. That sort of questioning you've just described,
13 questions about who the detainees were and what they
14 were doing, would you describe that questioning as
15 tactical questioning --

16 A. No.

17 Q. -- or would you describe that using different -- how
18 would you describe that kind of questioning then?

19 A. That's just low level intelligence-gathering. A crime
20 -- a crime has -- an individual has been detained for
21 a crime, and they're just ascertaining -- my view is
22 they're just ascertaining, confirming who he is, and
23 whether he committed that offence. They'd make a note
24 of that on the capture card, and then in my opinion they
25 would leave it at that in order to wait for

1 the transition to move forward. So it would be a low
2 level, passive type of questioning.

3 MS BAILEY: Understood. Well, that brings us to a natural
4 pause in the line of questioning, and I believe we're
5 running about ten minutes late, so apologies to
6 the transcribers who have been working very hard
7 throughout what ought to have been a break.

8 I'll pass back to Dame Anne for directions on when
9 we'll come back.

10 DAME ANNE RAFFERTY: Well, let's start with how much longer
11 you think you need.

12 MS BAILEY: Well, there are two further topics, which won't
13 take -- I will be surprised if they took more than
14 ten minutes.

15 DAME ANNE RAFFERTY: Is there any way we can ask
16 the transcribers what they would prefer? Would they
17 rather crack on here for ten minutes or so and then have
18 a break, or have a break now and restart. Could someone
19 secure that information for us?

20 (Pause)

21 Thank you very much, Rachel.

22 In that case, could I take it, please, SO115, that
23 you would prefer to carry on, finish, and then go?

24 A. Yes.

25 Can I just refill my water bottle, please?

1 DAME ANNE RAFFERTY: Of course you can refill your water
2 bottle.

3 A. I just need some more water.

4 DAME ANNE RAFFERTY: Of course.

5 A. My sink's just there. It will only take me two seconds.

6 DAME ANNE RAFFERTY: Don't worry. We won't time you.

7 (Pause)

8 A. It might have been ten seconds, but I'm back.

9 DAME ANNE RAFFERTY: An absolute triumph of fitness and
10 timing. Well done.

11 Right, on you go, Ms Bailey.

12 MS BAILEY: Thank you very much, Dame Anne.

13 Thank you, SO115. Just two final themes of
14 questions, just Camp Stephen culture, and then some
15 questions about the deaths of Radhi Nama and Mousa Ali.

16 So, if we start with the culture at Camp Stephen.
17 I've already taken you to the section of your witness
18 statement where you explain that you weren't stationed
19 at Camp Stephen. We've heard your evidence about
20 the fact that you would visit the outstation. Can you
21 -- and I've asked you specifically questions about your
22 impression of Camp Stephen as regards detainee handling
23 and processes, but are you able to provide any further
24 detail of your impression of the culture more generally
25 at Camp Stephen?

1 A. I can only be clear on what I saw when we visited. And
2 when we visited, the camp was -- it seemed well
3 maintained, in good order. The troops that we met
4 seemed in high spirits. SO101 seemed to have a tight
5 grip on the discipline and standards there. That was
6 the impression that we -- that I got when I visited. So
7 the impression they gave was that the culture was like
8 any of the other outstations that we visited.

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

10 Sorry, I didn't mean to cut across you there. Were
11 you going to say something further?

12 A. No, not at this stage. I think -- yes, no, I'll leave
13 it at that, because that was the impression I had of
14 the outstation.

15 Q. And then some final questions, three or four questions
16 about the deaths of Radhi Nama and Mousa Ali.

17 Opus, can we bring up {A/85.2/11}, please.

18 If we just look at paragraph 9.1, the first part of
19 that paragraph, just to contextualise your evidence, in
20 fairness. You say here:

21 "I cannot recall the details about the deaths of
22 Radhi Nama or Mousa Ali specifically. In my statements
23 of 2012 and 2016 there is reference to their deaths
24 made. In my statement of 2012, I only add that I can
25 recall one death but do not specify who died."

1 Then you quote from that 2016 statement, but that's
2 not relevant for my questions. So this is just to
3 contextualise this. Your recollection is that there
4 were two deaths, but you cannot recall who died and
5 when; is that the evidence that you give?

6 A. No. The evidence I gave was I can't recall two deaths,
7 I only recall the one. And all my thinking recently is
8 I can't recall why I can't separate the two. One of
9 the things that came to me was the name Mousa, because
10 I was heavily involved in the Inquiry for the Baha Mousa
11 Inquiry, and the name Mousa resonated with me as that
12 Mousa. I didn't -- I didn't -- it didn't click to me
13 that Mousa Ali was a different person. And even today,
14 I still can't separate that there was two deaths, and
15 I just can't recall why. I just don't know why that is.

16 Q. Understood.

17 If we go to {A/85.2/7}, please, Opus, we'll have
18 a look at paragraph 7.4.

19 This is your evidence of what you did after one of
20 the deaths that occurred at Camp Stephen. So you can
21 recall only one death taking place, and you're not clear
22 in your -- is it fair to say, I don't want to put words
23 into your mouth, but is it fair to say you were not
24 clear, in addition, who it was, which civilian it was
25 that died on this occasion of Radhi Nama or Mousa Ali?

1 A. That's correct, yes.

2 Q. Understood.

3 Your evidence at 7.4 is:

4 "I went to Camp Stephen to establish the basic facts
5 of the incident. If my memory serves me right, as I am
6 getting confused as to who died when, SO101 explained to
7 me that he had a detainee in a 9 by 9 tent who was
8 believed to be having a cardiac arrest. Soldiers went
9 to provide first aid and were unsuccessful. This was
10 reported up to battle group HQ and then a subsequent
11 investigation followed. But I do not have a firm
12 recollection of the exact conversation or words used.
13 I cannot recall if I advised ... SO114 about this visit
14 to Camp Stephen, or if I provided any feedback to
15 the chain of command."

16 Just pausing there, the first sentence of your
17 evidence here is that you went to Camp Stephen to
18 establish the basic facts of the incident. Now, is that
19 something that you would have been tasked to do, SO115?
20 If there had been a civilian death, would you have been
21 tasked to go to that outstation to establish the basic
22 facts of what had happened?

23 A. No, I wasn't -- I wasn't tasked. What I recall was that
24 SO114 had been informed of the fatality and I escorted
25 him with the Rover group to go to Camp Stephen. SO114

1 went to liaise with SO88, and I went and had a chat with
2 SO101.

3 So my point -- my level of that wasn't -- wasn't as
4 part of any Investigation, it was only just to get an
5 initial: what's going on here? What's happened?
6 Back-brief me. And he explained what I have written
7 there, and me -- that was just me familiarising myself
8 with what the situation was within Camp Stephen at that
9 time.

10 Q. Understood. So we know that the RMP had a role in
11 investigating these two deaths. So are you saying that
12 your role fell well short of investigating these deaths,
13 as it were, and was more of an attempt to gather
14 information for your purposes about what had happened?

15 A. Exactly that, yes.

16 Q. So just in fairness, I'll put to you paragraph 9.1 of
17 your statement later on.

18 If we could just go forward to {A/85.2/11}, please,
19 Opus, and look at paragraph 9.1, and we'll probably need
20 ...

21 Yes, so you'll see here in the body of the paragraph
22 beneath the three -- immediately the sentence starting
23 -- let me start again there. The sentence starting
24 immediately after the three redacted names:

25 "I did not enquire in any detail to

1 the circumstances as the incident was now an RMP
2 Investigation and it was now left to their expertise."

3 So that aligns with the evidence you've given a few
4 moments ago; correct?

5 A. Yes.

6 Q. Just finally, we have -- or penultimately, I should say,
7 to be specific, two last questions. The evidence that
8 we heard from April from SO95 is that after the death of
9 Radhi Nama, SO98, who was the CQMS, radioed
10 Battlegroup Main for next step advice. Now, SO98
11 doesn't actually recall himself doing that, but it's
12 SO95's recollection that that was what took place, and
13 Battlegroup Main was radioed immediately after
14 Radhi Nama's death.

15 Does that -- do those steps sound like what you
16 might describe as the right steps to take after
17 something like this taking place?

18 A. Definitely. As soon as an incident, untoward or
19 otherwise, the first responsibility of the sub-unit
20 would be to get on the radio to Battlegroup Main
21 operations room and advise them what's happened. That
22 -- that would have been what we would call in combat as
23 a contact report. So if you come under an incident
24 whilst advancing, whether it's small arms fire, whether
25 it's mortar fire, or anything untoward, you would

1 initiate informing Battlegroup Main by using a contact
2 report, and it's similar in this event.

3 The standing SOP was: something untoward is
4 happening. Get on the radio to Battlegroup Main
5 operations room and tell them, because that's where
6 the authority lies in following up with
7 the Investigation. So the operations room have
8 the specific staff who know who then to action.

9 So whether -- they then would have a responsibility
10 to contact Brigade Headquarters in exactly the same way,
11 and between them they would then detail the support
12 services, the resources, to come and deal with
13 the situation.

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

15 Then final question. If we could just go over
16 the page, please, Opus. I think we're looking for
17 page 12 {A/85.2/12}. Yes. And just towards the top of
18 the page, the final section, as it were, of this
19 paragraph 9.1. Thank you very much.

20 So the penultimate sentence of this paragraph, this
21 long chunk, says:

22 "In relation to a second death in custody that I am
23 told occurred around that same time I have no
24 recollection whatsoever. Given my role I would have
25 been informed of a death and the reaction would have

1 been in much the same way as described above. However
2 I cannot recall of being informed of any second death
3 that occurred at Camp Stephen at any time I was deployed
4 during Telic 1."

5 My question is, is it possible that you weren't told
6 of Mousa Ali's death, or is it more likely that you
7 simply can't recall?

8 A. It's more likely that I was told, and therefore
9 the reasons that I can't specifically recall is because
10 of the short timeline of them and it blending in with
11 each other.

12 And the other thing is that I just can't recall
13 the detail. The same as the first one, or the one that
14 I do recall, the 9 by 9, the cardiac arrest. I don't
15 have all that other detail for the second one, or
16 the one that I don't know about.

17 MS BAILEY: That's very helpful. Thank you very much.

18 SO115.

19 Now, I have had confirmation from counsel to
20 the Inquiry that there are no -- sorry, counsel to
21 the Investigations, that there are no further questions
22 from our perspective. I can do the rounds, as it were.
23 I'm seeing a nod from Dame Anne.

24 So, Mr Cherry, any questions to put to Dame Anne?

25 MR CHERRY: Indeed. Just a couple, Dame Anne, that might

1 assist this witness to clarify where the differences
2 come.

3 This is the only witness, of course, who has
4 actually attended the prisoner handling tactical
5 questioning course, so he would understand it.
6 Basically, he would be able to confirm that it operates
7 as a pyramid, that the sergeant majors attend
8 the prisoner handling tactical questioning course and
9 they become the adviser to their officer commandings in
10 the company, and, as RSM, he attends it and becomes
11 the adviser on prisoner handling to the commanding
12 officer.

13 This is the lowest level of training course that's
14 operated within the infantry, because it's operated at
15 warrant officer level. When you move up into the higher
16 headquarters, as he was asked a question about, an
17 interrogator is a higher qualification run by people
18 like intelligence corps and other specialist handling,
19 and that would have been usually done at the divisional
20 interrogation facility at Umm Qasr.

21 So if SO115 will be able to confirm to you that
22 that's the structure as how it was taught within
23 the units.

24 DAME ANNE RAFFERTY: Let's pause and ask him.

25 Right, SO115, does what Mr Cherry has just set out

1 ring true for you?

2 A. Yes, it does, madam.

3 DAME ANNE RAFFERTY: Thank you.

4 Thank you, Mr Cherry.

5 MR CHERRY: Thank you, Dame Anne.

6 That takes me to the second bit. It has been put
7 that SO98 described something that was a "tactical
8 interrogation of a violent nature". He would never have
9 done the course because he was the rank below and
10 therefore too junior.

11 It may be that there's some confusion because, on
12 the course that SO115 has done, he was always taught to
13 act lawfully and within the Law of Armed Conflict, but
14 one of the techniques that they were trained was
15 a system called a "harsh interrogation technique", not
16 "violent", but "harsh". It was more or less
17 the shouting and doing various things but never touching
18 the prisoner. I wonder whether that's the technique
19 that he would recall was one of the methods taught.

20 DAME ANNE RAFFERTY: Well, let's just steady the bus for
21 a moment. Thank you, Mr Cherry.

22 Right, SO115, step by step, do you recognise what
23 Mr Cherry has set out for you as one of the things
24 taught and described as "harsh"?

25 A. I do recognise it. I'm not quite sure who would use

1 harsh tactical questioning, whether it would have been
2 done at certainly my level. But yes, we were made aware
3 of the process that you could use to do harsh tactical
4 questioning.

5 DAME ANNE RAFFERTY: Thank you.

6 A. As discussed, yes.

7 DAME ANNE RAFFERTY: The second step -- just a minute.

8 MR CHERRY: Sorry.

9 DAME ANNE RAFFERTY: The second stage, but take care and
10 take time if you need, does the use of "harsh", as
11 Mr Cherry has just set it out for you, suggest to you
12 what you now think was meant by "violent"? And if you
13 can't answer that, please tell me.

14 A. Sorry, madam, I can't answer that.

15 DAME ANNE RAFFERTY: Thank you.

16 Right, Mr Cherry, next one?

17 A. Sorry, madam, can I just --

18 DAME ANNE RAFFERTY: I'm sorry, SO115. I didn't mean to
19 close you down. Do go on.

20 A. No, you're right to close me down. It's an afterthought
21 from me, in that it wasn't only the company sergeant
22 major level who done the tactical questioning course,
23 there was other ranks lower than that who were sent to
24 do the tactical questioning course.

25 So we have a section of intelligence at our level in

1 the unit, they would have possibly all been trained.
2 There was an individual who maintained our facility --
3 detention facility within Battlegroup Main, who was
4 a sergeant. He had done the course. So there is other
5 ranks within the structure who were -- were trained.

6 But I would like to elaborate on one point in that
7 the tactical questioning process would have been
8 directed at higher formation. At no time did I do
9 tactical questioning unless I was tasked to do so, and
10 then I would have expected others not to have done
11 tactical questioning unless they were specifically
12 tasked.

13 If others within the sub-unit done tactical
14 questioning, then I would assume that that was
15 controlled at higher formation, but I wasn't informed
16 that they were tasked to do it.

17 DAME ANNE RAFFERTY: Thank you.

18 Mr Cherry, there was another question, I think?

19 MR CHERRY: Just if it might jog SO115's memory. When he
20 did the course at that time, the description of
21 the "harsh", you saw a video, a man was led in wearing
22 a blindfold, the blindfold was taken off him and his
23 hands were bound in front of him. The questioner was
24 actually a dark-skinned soldier, you might remember
25 that, and as part of the shouting, he picked up a chair

1 and threw it against the wall.

2 That's what you would have seen on the "harsh"
3 video, there were three or four different varieties, in
4 case that might just jog your memory to that particular
5 one.

6 DAME ANNE RAFFERTY: Right, let's pause there.

7 SO115, does it?

8 A. I can't recall it.

9 DAME ANNE RAFFERTY: Thank you very much.

10 MR CHERRY: I've no further questions, Dame Anne. Thank
11 you.

12 DAME ANNE RAFFERTY: Thank you very much as ever, Mr Cherry.

13 Anyone else have any questions for SO115? I've
14 forgotten the order in which we should go.

15 MS BAILEY: It's QC Law next, since I think -- there we go,
16 yes.

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

18 DAME ANNE RAFFERTY: Thank you.

19 MS BAILEY: Then perhaps Mr French?

20 DAME ANNE RAFFERTY: We'll take silence as no.

21 MR FRENCH: No questions from us.

22 DAME ANNE RAFFERTY: Right. I got that one right then.

23 MS BAILEY: Then Mr Berlow?

24 MR BERLOW: No questions from me.

25 DAME ANNE RAFFERTY: Thank you.

1 MS BAILEY: Okay. Then Ms Rahman-Cook, perhaps, I think
2 will be the last.

3 MS RAHMAN-COOK: Nothing from me, thank you.

4 MS BAILEY: Thank you very much.

5 DAME ANNE RAFFERTY: Right, SO115, let's let you get on your
6 way, with repeated thanks from us. I know that you made
7 a lot of effort in an extremely busy day to come along
8 and help us. That hasn't passed us by, and we're
9 grateful to you anyway for being prepared to help, but
10 we're particularly grateful because it was a demanding
11 timetable for you to readjust and I know you've done it
12 for us. Thank you very much indeed.

13 A. Thank you, madam.

14 DAME ANNE RAFFERTY: Right.

15 So we now, I think, definitely need a break for
16 the transcribers; is that right?

17 You go, SO115. Thank you very much indeed. No need
18 to trouble you.

19 A. Thank you, madam.

20 (The witness withdrew)

21 MS JACKSON: Yes, you are quite right, Dame Anne, about
22 the transcriber break. I wonder if we could take until
23 4 o'clock before calling SO100.

24 DAME ANNE RAFFERTY: Let's do that and let's reconvene at 4.

25 Thank you all.

1 (3.49 pm)

2 (A short break)

3 (4.00 pm)

4 MS JACKSON: Okay, thank you. So, if possible, I would like
5 to call SO100.

6 SO100 (called)

7 Introduction by MS JACKSON

8 MS JACKSON: Can you see or hear me, SO100?

9 A. I can, yes.

10 Q. Excellent. I can hear you but I can't currently see
11 you. I'm getting a blank ... ah, I spoke too soon.

12 Thank you very much.

13 So, first, can I just check that you have a cipher
14 list before you?

15 A. I do, yes.

16 Q. Thank you.

17 And are you the witness that we have ciphered as
18 SO100?

19 A. Yes.

20 Q. Excellent.

21 And Opus, if I could get you to turn to {A/85/1},
22 please.

23 We should have there on the screen a witness
24 statement. SO100, do you recognise this as your witness
25 statement --

1 A. Yes.

2 Q. -- for these Investigations. Thank you.

3 If we can just turn to {A/85/14}, the final page of
4 that statement, page 14, there's a redacted signature
5 and the date 8 May 2023. Can I just confirm that you
6 have signed this statement and 8 May 2023 is the date
7 you signed it?

8 A. Yes.

9 Q. Thank you.

10 Having had the chance to go through this again, is
11 there anything that you need to amend or correct in that
12 statement before we ask you questions about it?

13 A. No. Go on ahead.

14 Q. Thank you.

15 I just wanted to check as well that prior to
16 producing the statement, you were given an initial
17 disclosure bundle by the Investigations that contained
18 your previous accounts to previous Investigations.

19 A. Correct.

20 Q. Do you have a copy of that bundle with you?

21 A. Yes, I've got them in front of me.

22 Q. Excellent. It's helpful in case there are any questions
23 you want to ask from that. Thank you.

24 In that case, I will pass you back to Dame Anne, who
25 will have some questions, then I will do as well.

1 Just before doing so, because I think you weren't in
2 the morning session where we did a brief note on
3 anonymity and how we approach that in these
4 Investigations, I've checked that you have the cipher
5 list, it sounds like you've got that to hand. Please
6 use ciphers instead of names if you have ciphers. In
7 the event that there's a person who you would like to
8 use the name of who you don't have a cipher for, please
9 do not say the name. It may be that you can give
10 a description of the person and the role, and please
11 instead communicate the name via your representative to
12 the Inquiry team, and that will avoid any accidental
13 slip-ups in terms of saying names that should be
14 anonymised.

15 Is that clear?

16 A. That's super clear, yes.

17 MS JACKSON: Thank you very much.

18 Okay, I'll pass you over to Dame Anne.

19 Questions from DAME ANNE RAFFERTY

20 DAME ANNE RAFFERTY: Thank you.

21 Good afternoon.

22 A. Good afternoon, madam.

23 DAME ANNE RAFFERTY: I know you can hear me. Can you see me
24 as well?

25 A. Yes, I can see you, madam.

1 DAME ANNE RAFFERTY: Thank you. First of all, thank you for
2 coming, and I know that throughout you've been very
3 receptive to coming and helping us, but I also know that
4 you realised you might be called away for work purposes
5 very suddenly and at the last minute, and yet you were
6 prepared to say you would come. So we really are --
7 we're aware of the efforts you've made and we're very
8 grateful. Do accept our thanks, please.

9 A. No problems. You're welcome, madam.

10 DAME ANNE RAFFERTY: Right, so you were, I think, a platoon
11 sergeant in 2003 in which we're interested; is that
12 right?

13 A. That's correct.

14 DAME ANNE RAFFERTY: I'm not quite sure, are you still
15 serving, or have you gone from the military?

16 A. No, I retired 11 years ago, madam.

17 DAME ANNE RAFFERTY: 11 years ago, all right.

18 I'm going to ask you some questions which only need
19 a basic paragraph of answer. They will be, I promise
20 you, entirely comfortable territory for you. Just give
21 us a paragraph on your military career; just start us
22 and stop us, if you will.

23 A. Okay, I joined the military as an adult, just and no
24 more, at 17 and three months, in January 1989. I went
25 to Glencoe and spent six months training. Then went to

1 my battalion, which was the Black Watch, who were
2 stationed in Berlin at the time. I then spent a few
3 months there before we were then moved to
4 Northern Ireland, and a baptism of fire as a young
5 18-year-old in late 1989. And then various postings,
6 culminating in going through a number of promotional
7 courses throughout the ranks, various operational tours
8 which I'm sure you're aware, a number of tours in
9 Northern Ireland, Iraq, the last tour in Afghanistan in
10 2010/11, and finished off as a WO1, regimental sergeant
11 major, at Aberdeen University Officers' Training Corps,
12 and I retired in 2012, madam.

13 DAME ANNE RAFFERTY: My goodness me, RSM. Mm.

14 And a similar question: 2003, out there in Basra,
15 just what was your role?

16 A. I was platoon sergeant, so I was part of
17 the mortar platoon, so that had a couple of hats that
18 I would wear. So one would be the platoon sergeant, so
19 traditionally platoon sergeant would be a similar role
20 to the company sergeant major but at a platoon level,
21 and the same as a regimental sergeant major at battalion
22 level. So I would look after the platoon, administrate
23 them, and support the platoon commander who would lead
24 the platoon.

25 The other hat I would wear would be as a section

1 commander in mortar terms, and I would be the senior
2 section commander who would control where the mortar
3 lines would be set up, how they would be supported and
4 when they would fire, and what munitions they would fire
5 and onto which positions. And we would work through
6 mortar fire controllers, who would be very close to
7 the enemy positions to allow us to do that. So that's
8 the war-fighting phase.

9 Then if I move on to, once we'd moved into Basra and
10 settled into Camp Stephen, then I took on a more --
11 again, I say a traditional role, but as a multiple
12 commander. If you're using a Northern Ireland
13 terminology, I would have a patrol of three or four
14 teams, depending on the size of the platoon, and then we
15 would conduct patrols, and we would drill them on
16 through on a patrols platoon, guard platoon, quick
17 reaction force platoon, and that's, for the period of
18 time after the war-fighting phase, that was the hats
19 that I would wear throughout that period.

20 DAME ANNE RAFFERTY: Give me the P again. The G is guards,
21 the QR is quick reaction. What's the P?

22 A. Patrols.

23 DAME ANNE RAFFERTY: Patrols, thank you. Right.

24 What was your chain of command? Up from you went
25 where?

1 A. So I would report from a tactical point of view through
2 my platoon commander, platoon commander to
3 second-in-command of the company, and then ultimately to
4 the company commander.

5 DAME ANNE RAFFERTY: Thank you.

6 A. But also from an administrative point of view, madam,
7 I would report into the company sergeant major.

8 DAME ANNE RAFFERTY: Ah, yes.

9 A. So for bombs and bullets, company sergeant major. For
10 direction on what other operations were coming up, that
11 would be through platoon 2IC and company commander.

12 DAME ANNE RAFFERTY: Thank you.

13 So let's think about training and instruction for
14 a moment. So put yourself back out there in C Company
15 in your role. Did you feel well prepared for your role?

16 A. I think we were as well prepared as we could be for
17 the war-fighting phase, based on the timelines that were
18 given that I recall. I was actually on a course in
19 January, in England, and was fast-tracked to finish that
20 course -- that was a mortar-specific course -- to then
21 head back when the news was publicised that UK PLC was
22 going into Iraq.

23 DAME ANNE RAFFERTY: Are you conscious now of any
24 deficiencies, or do you still reckon, given
25 the circumstances, it was as good as it could be?

1 A. So from a -- my personal view is that we were
2 ill-prepared for going from a war-fighting phase to
3 being the police.

4 DAME ANNE RAFFERTY: Yes.

5 A. And, yes, it wasn't nice. It wasn't -- it was very hard
6 to transition.

7 DAME ANNE RAFFERTY: Yes, understood.

8 Can you put a little bit of flesh on the bones of
9 this for me. Prisoner of war handling. Before
10 May 2003, what training had you had about how to do it?

11 A. We did have prisoner of war handling training just to,
12 you know, it was all from a tactical level. So they
13 would be secured, and then the idea was that you then
14 moved them, made sure that they were safe, you had to
15 get them to a position of safety, which they then became
16 kind of non-combatants, and then they had to be moved
17 outwith our chain of command, back up the chain to be --
18 you know, and then be dealt with up there.

19 Other than the training, I'm not really aware -- I'm
20 aware, but I'm not -- I didn't have experience of what
21 would happen to enemy prisoners of war once we left our
22 locations.

23 DAME ANNE RAFFERTY: And did you need that for what role you
24 performed, or were you adequately trained -- I'm so
25 sorry. Were you appropriately trained for the role you

1 were performing?

2 A. Yes. So I think from a prisoner of war handling
3 perspective, I don't recall specifically coming across
4 prisoners of war during the war-fighting phase whilst we
5 were moving out of Kuwait and into Basra itself.

6 DAME ANNE RAFFERTY: LOAC, Law of Armed Conflict?

7 A. Yes, we all --

8 DAME ANNE RAFFERTY: (Overspeaking) - trained?

9 A. Yes, so we got Law of Armed Conflict training -- now, we
10 would get that annually, as I recall, but also we did
11 get a session in Kuwait before we left to go over
12 the border, and that was -- it was quite surreal, I have
13 to say, because Law of Armed Conflict traditionally is
14 in the context of in a classroom where you're in
15 a hypothetical situation where, you know, if you're on,
16 you know, the Russians coming over the Rhine, so to
17 speak, in Germany, and you'd be dealing with prisoners
18 of war.

19 But in the context of just about to go across
20 the border where you could actually come across
21 prisoners of war -- sorry, Law of Armed Conflict, my
22 apologies -- it was more of a reminder that this was you
23 were going to go into Iraq on a war footing. It wasn't
24 Northern Ireland, and you didn't have to wait to be
25 fired upon, and if there was a distinct enemy, it was

1 maximum violence and you were to overmatch them to win
2 the war. And I'm sorry, but that sounds quite brutal.

3 DAME ANNE RAFFERTY: Can you remember now -- you might not
4 be able to; tell me if you can't -- how long that
5 specific training was that you had in Kuwait before you
6 crossed the border?

7 A. Oh, I can't recall the duration.

8 DAME ANNE RAFFERTY: That's fine. Don't worry. Don't
9 worry, thank you.

10 So put yourself back into Camp Stephen again.

11 A. Sure.

12 DAME ANNE RAFFERTY: All camps have a culture of their own,
13 which I'm quite sure you understand as a concept. What
14 was the culture at Camp Stephen?

15 A. It was quite disciplined. It was very structured and
16 rigid. As I said, we were very much in a sort of
17 roulement of three distinct roles. You were either on
18 guard looking after the security of the camp itself, or
19 you would be on the quick reaction force, and you would
20 be there to support the third element, which was
21 the patrols platoon, but could also be used in another
22 means to support a wider (a) another company, or another
23 platoon, or if a particular unit was in distress, that's
24 what the QRF would be used for.

25 DAME ANNE RAFFERTY: Thank you. And how was order and

1 discipline maintained?

2 A. Through rigid structure, the rank structure. As in
3 peace time; we used exactly the same structure as we do.
4 Privates report to lance corporals, reporting to
5 corporals and sergeants. And colour sergeants do
6 the administration. And we report into the company
7 sergeant majors. Officers for leadership and overall
8 control. And that's how it was, it was very structured.

9 DAME ANNE RAFFERTY: You'd been around a bit by the time you
10 got there in 2003, and you've been around a bit
11 subsequently. Give us an idea, if you can, of how
12 the camps -- how did Camp Stephen compare to other
13 military environments during your career? You can use
14 any measure you like. Was it better organised? Worse
15 organised? You can use organisation or culture or
16 efficiency. Do you understand what I'm asking you?

17 A. Yes, I do, totally. So, very surprised exactly how
18 structured it was. Considering that we commandeered
19 that location. There was no -- we didn't move from one
20 camp to another. And military camps are very
21 structured, there's a very clear access, control,
22 the fence, the cameras, the -- you know, the whole
23 structure inside the camp is very regimented.

24 For a number of weeks prior to moving into
25 Camp Stephen, we had nothing to -- we were living out of

1 our vehicles, because there's no -- there is no camp,
2 there is no location. So it was very spartan in its ...
3 So to then move into a commandeered facility, which
4 happened to have a boundary stone wall and a number of
5 buildings, to then all of a sudden just set up: this is
6 the guard platoon, this is the QRF, this is the patrols
7 platoon, this is how we're going to then work into the
8 routine, this is how we're going to ...

9 We had to set up our own sangars and whole life
10 support, which was in our vehicles, to then bring it in,
11 to then set up a supply chain to the other network of
12 commandeered buildings and then to Battlegroup Main,
13 which, again, was in a commandeered facility, and then
14 eventually -- and the only reason I know this -- and
15 then eventually across the border back into Kuwait.

16 And the only reason I'm aware of that link is
17 because we escorted one of my soldiers who was killed in
18 action in the first few days of the war, Lance Corporal
19 Barry Stephen, so I was part of the team that moved him
20 out of Iraq onto the aircraft and subsequently back to
21 Scotland.

22 DAME ANNE RAFFERTY: And he is the Stephen of Camp Stephen?

23 A. Correct.

24 DAME ANNE RAFFERTY: Yes.

25 War ends, you are still there.

1 A. Yes.

2 DAME ANNE RAFFERTY: Troops go into the post-war phase.

3 Was there a change in the atmosphere at Camp Stephen,
4 and if there was, what was it?

5 A. The -- the change, it actually started prior to moving
6 into Camp Stephen.

7 DAME ANNE RAFFERTY: Okay.

8 A. It was one of the more temporary compounds that we were
9 in, and -- I'm reading it -- SO114 --

10 DAME ANNE RAFFERTY: Yes.

11 A. -- was the first patrol to come out of that location
12 without his helmet on. He wore the Tam O'Shanter and
13 the patrol that went out with him all wore
14 Tam O'Shanter. I'm just recalling --

15 DAME ANNE RAFFERTY: Yes.

16 A. -- from my memory, so it can be -- it's -- I'm reliving,
17 I'm afraid, as I'm going through some of the --
18 the stories.

19 So, SO114 was one of the ones that removed his
20 helmet and then went on one of the patrols. So, we kind
21 of transitioned and handed over to another unit, who
22 came in to take over from us, that allowed us to move
23 into Basra itself after. So we kind of -- it was toing
24 and froing, so it was quite confusing, because that
25 transition was in a place called Khor Al Zubair, and

1 that was before we'd moved into Basra. So we then went
2 back to wearing helmets, and then to do the break in to
3 Basra.

4 DAME ANNE RAFFERTY: Ah, yes.

5 A. So, there was a -- we'd -- we'd -- it's -- they call it
6 a "four block war", and I can't remember the four
7 blocks, but essentially, we really had delivering water
8 and supplies in one part of the town, patrolling and
9 TOSs in one part of town and kinetic fighting a mile or
10 two outside of that town. It was bizarre.

11 DAME ANNE RAFFERTY: Once you hit the post-war phase, when
12 it really was post-war --

13 A. Yes.

14 DAME ANNE RAFFERTY: -- did the atmosphere change?

15 A. The atmosphere did change. We went from deliberate
16 operations to identify and capture high value targets --
17 I only recall two instances where we did that -- to then
18 routine patrols and peace-enforcement-type operations.
19 We did receive an order to downscale our ammunition,
20 which we refused, but that order did come in certainly
21 -- I remember the order, it was -- I don't know, it
22 obviously got promulgated from somewhere else, somewhere
23 that there clearly wasn't fighting in, and we said that
24 we weren't -- and it was more of the grenades and
25 the subsequent ammunition that you would carry rather

1 than just the bullets.

2 DAME ANNE RAFFERTY: Did Camp Stephen carry on as
3 Camp Stephen, as you've described, heavily structured,
4 remarkably disciplined, very organised, really
5 engineered, or did you detect any change from that or
6 how it was played out?

7 A. I think there was a -- there was a relaxation at some
8 point throughout the time I was there, but I can't
9 recall exactly when.

10 DAME ANNE RAFFERTY: Okay.

11 A. But I do know there was a -- quite a significant shift
12 in the stance when the United Nations lifted
13 the sanctions.

14 DAME ANNE RAFFERTY: Okay, understood.

15 A. Because ... okay. I don't recall when that was, though.

16 DAME ANNE RAFFERTY: Don't worry. Don't worry.

17 So, soldiers and civilians out there in Basra, much
18 interaction, if there was? Could you give a descriptor
19 of the interactions? Could you put a label on it for
20 me?

21 A. Yes. So, we were doing 12-hour patrols. So, within
22 the patrol's cycle, you were either on days or you were
23 on nights and you were out for 12 hours, so it was kind
24 of gruelling. So, you would come across a spectrum of
25 people trying to rebuild. You had the lawlessness that

1 was going on and you had a lot of tribal interactions
2 that we potentially got in between of, and we would try
3 and, you know, try our best to facilitate that. And --
4 but you also had areas of the city that were being
5 patrolled by their own communities in the absence of
6 police, which was -- meant that it was very uneasy, from
7 our perspective, to understand who was carrying weapons
8 but not an active threat, who were carrying weapons and
9 committing crimes, or who was -- who were potentially
10 there to cause us harm.

11 DAME ANNE RAFFERTY: Where, if at all, in all this did
12 initiative sit for the soldiers when they were thinking
13 about maintaining law and order? Was it encouraged,
14 was it discouraged, did it never arise?

15 A. It was the maintenance of law and order. We knew that
16 as soon as the war-fighting phase finished we were
17 tasked specifically with providing law and order. There
18 was no Iraqi Army or police to speak of, it was a lot of
19 tribal interactions and -- and fighting going on, and we
20 were set out -- we basically fell back onto those
21 individuals who had served in Northern Ireland to lean
22 on their experience, the yellow card, for example,
23 you know Rules of Engagement changed, and there was
24 a very distinct difference in what we were doing
25 previously to what we were going to be doing going

1 forward.

2 DAME ANNE RAFFERTY: Thank you.

3 A. We just had more ammunition.

4 DAME ANNE RAFFERTY: Final question from me before I invite
5 Ms Jackson to see what she wants to ask you. What was
6 your view of the company sergeant major?

7 A. In respect of?

8 DAME ANNE RAFFERTY: Anything you like.

9 A. My view is he was -- he look after us as a company, he
10 was very professional, and he worked quite closely with
11 the company commander ensuring that we all got out of
12 there in one piece, as far as we could.

13 DAME ANNE RAFFERTY: And when he gave instructions, what
14 were they, understandable, immediately followed,
15 difficult?

16 A. No, I don't think there was anything very difficult to
17 understand when the company sergeant major gave
18 instruction. In -- on one of the photographs, you might
19 see there's a table under one of the sort of parapets.

20 DAME ANNE RAFFERTY: Yes.

21 A. So that was where we would get our orders and we would
22 have our nightly operations on what was going to be
23 happening for the next 24 hours, for example. So it was
24 very clear, on the intent of what SO -- I don't know
25 what; I can't see his name -- 101 was looking for.

1 DAME ANNE RAFFERTY: Thank you. I will hand you over to
2 Ms Jackson.

3 Questions from MS JACKSON

4 MS JACKSON: Thank you very much, Dame Anne, and thank you
5 SO100.

6 As Dame Anne said, I do have a small number of
7 questions that relate to the search operation during
8 which Mousa Ali was detained, if that's okay.

9 A. Okay.

10 Q. And I understand your evidence, and I'll just get Opus
11 to bring up your statement on the screen, and that's at
12 {A/85/6}, paragraph 55. Your evidence is that you were
13 part of the search team on 13 May 2003, and I was
14 hoping, first of all, could you just describe for us
15 a bit more what your role was in that search operation?

16 A. So, I was -- again, as I mentioned earlier, a couple of
17 hats to be worn. So, I was a vehicle commander
18 specifically. So there was a number of vehicles
19 involved; I was commanding one of them. That was an
20 intelligence-led operation to potentially pick up
21 a [redacted]. So my role was --

22 MS JACKSON: I'm just going to cut the stream, if that's
23 okay. I'm so sorry to interrupt you, SO100.

24 Opus, can you please confirm that you have stopped
25 the stream.

1 THE VIRTUAL HEARING MANAGER: Stopped streaming.

2 MS JACKSON: Thanks very much. Sorry, we've been told that

3 the [redacted] that you just referred to is something

4 that is being redacted from the public stream, so I'm

5 just -- thank you for that, but I'm just going to ask

6 again if you wouldn't mind picking that up but without

7 that specific reference to the [redacted] as

8 the operation -- as part of the target of the operation.

9 A. Okay.

10 MS JACKSON: Is that okay? Is that clear?

11 A. That's fine, yes.

12 So we had a deliberate operation --

13 MS JACKSON: Sorry, I'll just pause you for second again.

14 Opus, are you able to resume the stream, and let us

15 know when that has taken place.

16 THE VIRTUAL HEARING MANAGER: 60 seconds for the delay to

17 start.

18 MS JACKSON: Thank you. So we can pick up?

19 THE VIRTUAL HEARING MANAGER: Yes, you may.

20 MS JACKSON: Thank you very much.

21 Sorry about that, SO100. So, I think you were

22 telling me what your role was in the search operation.

23 A. Yeah, so my role was as a vehicle commander, but also

24 taking on the role as platoon sergeant again,

25 historically, as part of that operation.

1 Q. Thank you.

2 And do you recall whether Mousa Ali, who was
3 obviously detained during the course of that operation,
4 was one of the targets of the search?

5 A. I can't recall. I can obviously tell you, subsequently,
6 that he wasn't the intended person that we were looking
7 for, but I didn't know that at the time.

8 Q. Thank you.

9 And I understand it's your evidence that you did go
10 into the house in which Mousa Ali was restrained, and if
11 we just have a look at paragraph 56 of your statement,
12 which is there on the screen already, you say there,
13 quoting from your 23 May 2003 statement -- and I'm just
14 going to read this out, if that's okay, SO100, because
15 the people watching from the live stream don't have
16 the document in front of them -- you say:

17 "When the AK 47 was brought from Mr ALI's bedroom
18 he attempted to run away. Therefore ..."

19 And it's not ciphered. I'll bring up the name in
20 a second.

21 "... and I restrained him by placing one of his
22 arms into a goose neck. I assisted [this other soldier]
23 who is an Arrest and Restraint instructor. During the
24 initial struggle the 3 of us fell to the floor. When
25 the three of us got up from the floor and Mr ALI was

1 under control I noticed a small amount of blood on
2 the floor, but I could see no visible injuries to
3 Mr ALI, [the other soldier] or myself."

4 If you'll just bear with me for one second,
5 I believe the other soldier -- oh, I can't see it on my
6 cipher list, but maybe I'm being dumb. Someone will
7 assist me. In any event, we'll get that if we can.

8 So, just firstly, are you able to describe in a bit
9 more detail the struggle that you describe in
10 paragraph 56?

11 A. Not really. I mean, this statement was given in 2003.
12 I think, probably, maybe a week after the event, and
13 then subsequently in 2013, I believe, so I'm -- I'm not
14 -- I can't fill the gaps. What I can say is that myself
15 and the other soldier who were there at the time did
16 restrain the -- Mr Ali and we did all fall to the floor,
17 and when we got up, he didn't -- nobody appeared to be
18 physically injured.

19 Q. Thank you.

20 And as I hope is clear, we're not asking you to
21 conjure memories that don't exist. If you can no longer
22 recall more detail, then that's absolutely fine from our
23 perspective. Thank you.

24 I am told that the individual actually doesn't have
25 a cipher applied, so we'll navigate that for

1 the purposes of this, but --

2 A. Okay.

3 Q. -- I think you should have an unredacted version
4 already.

5 Do you recall now who it was who had decided that
6 Mousa Ali needed to be restrained in that context?

7 A. I think he was -- so, again, I'm filling a gap, because
8 I think he was restrained based on the fact that he had
9 a weapon that was hidden and then tried to run. So,
10 again, I'm surmising, because if no weapon was found, if
11 -- and if he didn't run, I couldn't say whether he would
12 have been detained or not.

13 Q. But was it yourself and the other soldier to decided to
14 detain him, was there anybody else who was giving
15 instructions for his detention -- restraint, I should
16 say, sorry -- giving instructions for him to be
17 restrained?

18 A. He was -- as far as I recall, he was restrained based on
19 the fact that the weapon and ammunition was found and --
20 and he tried to run. The decision to not then release
21 him but then take him back to Camp Stephen wasn't made
22 by me that I recall.

23 Q. Thank you. You pre-empted my next question. That's
24 very helpful. Thank you, SO100.

25 Still in that paragraph, you talk there about

1 placing one of his arms into a goose neck. Would you
2 just be able to explain to us what that is, a goose
3 neck?

4 A. It's a -- it's an arrest and restraint technique. It's
5 -- I'm not going to show you, but it allows you to
6 control an individual, to move them while on their feet
7 in a direction that they may or may not want to move of
8 their own volition. It applies pressure on the joint,
9 and it's an accepted arrest and restraint technique
10 that's -- that's not taught to everybody but is taught
11 to those that attend arrest and restraint courses, or
12 who are arrest and restraint instructors.

13 Q. Thank you.

14 I see that your evidence here is that the other
15 soldier who was assisting is such an instructor?

16 A. Correct.

17 Q. Had you yourself been trained in the use of this
18 particular hold?

19 A. No.

20 Q. Thank you.

21 Still in this section again, it continues:

22 "When the three of us got up from the floor and
23 Mr Ali was under control ..."

24 First of all, what do you mean by "under control" in
25 this context?

1 A. So that would be back into an arrest and restraint
2 position so we were able to control him, either a goose
3 neck or another restraint position that we could then
4 move him from inside the house to outside the house in
5 a controlled manner.

6 Q. Thank you.

7 Do you recall whether any Plasticuffs or other form
8 of restraint had been applied to him at this point?

9 A. I can't recall. We probably were -- I can't remember
10 whether we were using Plasticuffs or not and I can't
11 remember what I said in my statement. I'm sure if it's
12 there you can pull it up. I can't recall. Unless it's
13 in my statement, but I'm -- if it's in my statement that
14 we did, then we probably did.

15 Q. That's okay, thanks.

16 Sorry, yes, I will just take you to it. So at
17 paragraph 68, if we can go over the page, please, Opus,
18 to page 7 {A/85/7}, you do there say that you were aware
19 that Mousa Ali was wearing Plasticuffs, but the question
20 was more about the timing as to when they were applied
21 and I think you've given us your response to that, thank
22 you.

23 Were you involved in taking Mousa Ali to
24 the vehicle, do you recall?

25 A. I honestly can't recall. I'm not sure whose vehicle.

1 He might have been in my vehicle, but I can't recall
2 which vehicle he was in.

3 Q. That's okay.

4 Do you recall -- and it may be that you've answered
5 this as well -- whether Mousa Ali was in the vehicle
6 that you were travelling in to return to Camp Stephen?

7 A. No, I'm not sure.

8 Q. Thank you.

9 A. I may have alluded to that in the statement. I can't
10 recall. I'm sure you can bring it up.

11 Q. No, that's helpful, thank you.

12 And I think I can, again, anticipate your answer to
13 this question, but do you recall whether you were
14 involved in, for want of a better word, unloading
15 the detainees upon return to Camp Stephen?

16 A. So, again, they would have been -- we were part of
17 the -- I can't remember if we were patrols. Probably
18 not. We'd probably have been in quick reaction forces
19 as part of going into the deliberate operation, but we
20 would have then handed over the -- Mr Ali to the guard
21 platoon to then be taken (inaudible). I didn't
22 physically walk him from the vehicle to the camp; it was
23 other folks that would have done that.

24 Q. Thank you. That's very helpful, thank you, SO100.

25 Now, just couple more questions, but what I'm going

1 to do is ask, can Opus please bring up {A/86.1/12}, and
2 while they do that, I'll just contextualise this. You
3 may be aware that Mousa Ali's son, Bashar Ali, was also
4 in the property at the time of the search operation and
5 was also detained and taken back to Camp Stephen. Are
6 you aware of that already?

7 A. I'm aware that there was more than one person detained.

8 Q. And do you have a direct recollection of Mousa Ali's
9 son, or the person you --

10 A. I know there was other people in the house. I couldn't
11 say for certain whether it was his son.

12 Q. Thank you.

13 So, with that context, Mousa Ali's son Bashar Ali
14 was detained and did give evidence to both
15 Royal Military Police in 2003 and to the IHAT
16 Investigations in 2014. I just want to put some
17 sections of the account he gave in 2003 to
18 the Royal Military Police to you for your comment,
19 because he describes actions that he says took place
20 during the course of the search operation.

21 A. Okay.

22 Q. So, firstly, if I could get you to -- no, we're on
23 page 12 already.

24 If we could just zoom in towards the centre of
25 the page, if that's okay, please, Opus.

1 So, about halfway down, we can see -- apologies,
2 these are slightly unwieldy documents, so I just need to
3 find the right section. Yes, so we have there, just
4 right in the middle, it says "BAJ" and it says:

5 "Then when one of them started to search
6 the kitchen~..."

7 And then he says:

8 "... he brought out [found] a pouch."

9 The way this document is structured is that we've
10 got an interview that's taking place; there was an
11 interpreter present. The transcript therefore records
12 the response that was given by the interviewee, what
13 the interpreter interpreted and then the questions asked
14 by the questioner, but then the whole interview was
15 transcribed and interpreted afterwards, which is why
16 we've got this link. So I'll try and short-circuit it
17 a bit.

18 He is there saying:

19 "... one of them start to search the kitchen ... he
20 ... [found] a pouch ..."

21 The interpreter calls that "a bag". Then Bashar Ali
22 says:

23 "No, a military pouch ...

24 "A pouch ... from the kitchen ... he took it from
25 the kitchen and started shouting ... a pouch ...

1 a pouch."

2 And:

3 "He was shaking it ..."

4 Then, yes, the interpreter explains:

5 "... the soldier was in the kitchen searching he
6 found a military style back pack and he carried the back
7 pack in his hand."

8 Just on that, does any of that sound familiar to
9 you? Does it ring a bell at all?

10 A. It's not -- I don't recall that being in my statement,
11 but we -- I think the weapon and ammunition was found in
12 the kitchen behind the cooker, as far as I recall. So,
13 that could be correct.

14 Q. Thank you.

15 And then if we carry on -- apologies, again, I'm
16 just trying to find things in this document. Yes, so on
17 page 13, over the page, please, Opus, {A/86.1/13}, at
18 the top, it carries on with the pouch being handed to
19 a soldier friend. Then Bashar Ali says in a kind of
20 the second entry from the top:

21 "He held my father from here ..."

22 Then it says:

23 "... [he puts a right-hand on the back of his neck
24 and pulled his T-shirt in the process] ... and him ...
25 he pulled him and dragged him out ... he went."

1 Does that sound like it's something that you recall?

2 A. No, that's not -- I can't recall. Where -- where is it

3 I'm looking, the ...?

4 Q. Sorry, Opus, could we please just zoom in a little bit.

5 This is page 14, I think, on your screen. Sorry, we're

6 looking for page 13, please, Opus {A/86/13} and zoom in,

7 and also where we get the first "BAJ", from there. So

8 you can see you've got, right at the top there, you've

9 got:

10 "He held my father from here ..."

11 A. Okay. I can't recall that, but it might be useful if I

12 put some context around the operation, without

13 mentioning the detail. Do you want me to go on?

14 Q. In terms of carrying on, if you can do so without

15 mentioning the thing that we --

16 A. Right, okay. Right, without mentioning the --

17 the specific name, then that's the type of operation

18 that we were on and that's the type of people that we

19 were looking for --

20 Q. Thank you -- sorry, I didn't mean to interrupt.

21 A. So that -- that throws you from a peace enforcement

22 situation back on to a war footing, and then -- so,

23 depending on that type of operation, if it was that type

24 of operation, then you had to pendulum between providing

25 security to looking for certain individuals.

1 Q. Thank you. So, just to clarify that, could you just
2 explain to me a bit more then how the rules of play, as
3 it were, the appropriate restraint mechanisms and use of
4 force might have varied depending upon the type of
5 operation?

6 A. Other than what's in my statement, I can't really
7 comment further on that. We used agreed arrest and
8 restraint techniques. How that's been translated across
9 to his son's interpretation, I can't -- I couldn't
10 possibly comment on that.

11 Q. That's fine. Thank you, SO100.

12 And just one more question on that particular
13 section --

14 A. Okay.

15 Q. -- because that does describe Bashar Ali's father, so
16 Mousa Ali, being held from the back of his neck. Is
17 that something -- could the goose hold that you
18 described earlier be something that fits that
19 explanation?

20 A. So, a goose neck has -- your hand ends up under your
21 arm. So it's like the side of a teapot, okay, just to
22 put it into context, and you control the person that
23 way? You would -- or you could have a hand -- another
24 -- the other hand on the back of the person's clothing
25 at the top of the neck to then control them moving in

1 a particular direction.

2 Q. Thank you, that's helpful. So, again, that description:

3 "He held my father from here [he puts his right hand
4 on the back of his neck and pulled his T-shirt in
5 the process]."

6 Is it possible that Bashar Ali is there describing
7 the goose neck hold that you explained earlier?

8 A. It's possible, and -- as I'm not an arrest and restraint
9 instructor, but my colleague at the time was.

10 Q. Thank you.

11 Then if we go a bit further down that same page,
12 page 13. So, I'm looking for section that starts:

13 "Yes, he lowered it down over their eyes."

14 Just the one above that. So it says:

15 "He came for me ... he told me ..."

16 This is talking about the soldier who took his
17 father away:

18 "... stand up ... stand up ... stand up. When
19 I stood up he went to my mother and the wife of my
20 brother and he lowered their Hijab ..."

21 Which is described there as:

22 "... [a veil ... a cover for the hair which Muslim
23 women wear] [he is gesturing and it looks like he is
24 pulling down something over his face] ... he covered
25 them ... he lowered down their Hijab."

1 And then it carries on along that line. Is that
2 something that you recall, the hijabs being lowered of
3 any women in the house?

4 A. We didn't touch any of the women.

5 Q. Thank you.

6 Is that something that you recall taking place ever
7 during the course of search operations?

8 A. I'm not aware, and I'm certainly not -- didn't touch any
9 of the women, or young teenagers, or young people in
10 the course of my operations in Iraq.

11 Q. Thank you.

12 Then, still on the same page but a bit lower down,
13 just near the bottom now, it says, the fourth kind of
14 entry up from the bottom:

15 "BAJ ..."

16 Opus, hopefully you can find it when I start it:

17 "... he lowered it down ... then he told me to stand
18 up ..."

19 If you can find that, Opus. I think it's just
20 zooming in on the bottom section of that document.

21 Perfect, thank you.

22 So:

23 "He [the soldier again] ... then ... told me to
24 stand up. I stood up with him ... when I stood up he
25 took me to my brother's room ... he put me in there and

1 closed the door of the room. Then he pushed me to the
2 wall with his hand on here [he puts his right hand on
3 the front of his neck] ... he suffocated me."

4 The interpreter clarifies:

5 "He suffocated you on the wall ...?"

6 And Bashar Ali says, "Yes".

7 Again, is that anything that you recall taking place
8 during this search operation?

9 A. Absolutely not.

10 Q. Thank you.

11 Then on to the next page again, please, Opus
12 {A/86/1/14}.

13 The evidence carries on at the top. You've got
14 the interpreter there summarising:

15 "He said when he made standing up then he was taken
16 to his brother's room and the soldier grabbed him from
17 his neck."

18 Bashar Ali agrees. The interpreter asks Bashar Ali:

19 "Then he squeezed it hard?"

20 Bashar Ali responds:

21 "Yes ... he suffocated me from here [he puts his
22 right hand on the front of his neck] ... and he was
23 beating me ... he beat me until I fell [to] the ground."

24 Then the interpreter clarifies, a bit lower down:

25 "How was he beating you?"

1 And Bashar Ali says:

2 "He was slapping me."

3 And the investigating officer asks:

4 "Was that punching or slapping."

5 And the interpreter says:

6 "No ... slashes."

7 The clarification:

8 "Slapping.

9 "Slaps.

10 "Yes slapping on the face ...

11 "Yes."

12 So, we have there a picture given of beating that
13 involved slapping in the face. Is that something that
14 you recall taking place during this search operation?

15 A. No, we were there to arrest or capture an individual or
16 individuals on a deliberate operation. Adults. Not
17 children and not women.

18 Q. Just to clarify, there's no suggestion that Bashar Ali
19 is a child.

20 A. Oh, I'm sorry. I apologise.

21 Q. He's understood to be an adult son. But more the acts
22 of beating and slapping.

23 A. Oh, right, I apologise. No. No.

24 Q. Apologies. I could have clarified that.

25 A. I just -- it's my -- it's my misunderstanding.

1 Q. But the same question again, and I don't think it
2 necessarily changes it. Does the beating and slapping
3 described in that account --

4 A. No.

5 Q. -- aid you with your recollection?

6 Thank you.

7 Then just finally, Opus, could I please ask you to
8 turn to page 16 {A/86.1/16}, and we're looking towards
9 the centre of the page again. We've got Bashar Ali
10 saying:

11 "Then he held me from here [he puts his hand ...]
12 ..."

13 Again, this the same soldier.

14 "... [he puts his hand on the back of his neck
15 grabbing the collar of his T-shirt from the back and
16 pulls the collar] ... then he held me here [he is
17 grabbing the collar of his T-shirt from the back and he
18 was pulling it."

19 The interpreter says:

20 "Afterwards he was dragged from his collar."

21 And Bashar Ali says more of the same, and then:

22 "... he was taken into the armoured vehicle."

23 Again, the same question. Does any of that fit with
24 your recollection of what take place in the house during
25 the search operation?

1 A. You know, grabbing and pulling and pushing, so that's --
2 that's not -- I'm not unfamiliar with that, but not
3 choking and not slapping and punching.

4 MS JACKSON: Thank you. That's incredibly helpful, SO100.
5 I don't have any more questions for you. I'm just going
6 to check with the team to see if anyone does. I think
7 that we're in the clear.

8 Dame Anne, did you have anything further you would
9 like to ask?

10 DAME ANNE RAFFERTY: No, thank you.

11 MS JACKSON: Thank you.

12 So I'll just go through the representatives now,
13 SO100. Could I please start with Mr Cherry. Was there
14 anything that you wanted to ask?

15 MR CHERRY: Just one question, Dame Anne.

16 SO100 was a person who was based in Camp Stephen and
17 maybe he would be able to assist us. We've had
18 different descriptions of the stream outside of
19 the camp. One witness says it's about a metre wide,
20 a witness earlier today says 20 to 30 metres wide and
21 I wonder if SO100 could clarify what he recollects of
22 it.

23 DAME ANNE RAFFERTY: Do you know, SO100? Can you help us at
24 all?

25 A. I do recall there being a stream and I think that's

1 exactly what it was; it was more of a stream or a burn.

2 I don't think it was any wider than -- I don't know how

3 big a stream is when you turn a burn into a river.

4 I don't know, but I couldn't --

5 DAME ANNE RAFFERTY: Thank you.

6 A. -- I couldn't comment.

7 DAME ANNE RAFFERTY: Anything else, Mr Cherry?

8 MR CHERRY: No, thank you, Dame Anne.

9 DAME ANNE RAFFERTY: Thank you, as ever.

10 MS JACKSON: Thank you, Mr Cherry.

11 Can I go to Ms Rahman-Cook?

12 MS RAHMAN-COOK: No, thank you. Nothing from me.

13 MS JACKSON: Thank you very much.

14 Mr French, if you're with us? Oh, apologies, sorry,

15 Mr French, you're representing --

16 MR FRENCH: I am indeed, yes. I have no questions for my

17 own client.

18 MS JACKSON: That's okay. I will check with you before we

19 sign off, but I'll go to Mr Berlow first.

20 MR BERLOW: No questions from me.

21 DAME ANNE RAFFERTY: Thank you.

22 And Ms Al Qurnawi and Mr Turner from QC Law?

23 MS AL QURNAWI: No questions from us. Thank you.

24 MS JACKSON: Thank you very much.

25 I'll assume that that lack of question hasn't

1 changed your answer, Mr French.

2 MR FRENCH: No.

3 MS JACKSON: In that case, SO100, thank you. You are
4 released as a witness and that concludes the evidence
5 from today.

6 Dame Anne, I don't know if there was anything else
7 you wanted to say.

8 DAME ANNE RAFFERTY: No, I'd just like to repeat our general
9 thanks to everybody who has played a part and tried so
10 hard to help the Investigation. I know I keep saying
11 it, but I keep saying it because we mean it. We're very
12 grateful.

13 A. Thank you.

14 MR BERLOW: Thank you.

15 MS JACKSON: Thank you. I think that concludes the hearings
16 and we expect that that does conclude all of the oral
17 evidence in these Investigations. If there are any
18 follow-up questions that we think it's appropriate to
19 put to witnesses, we will do so in writing, but we don't
20 necessarily expect to do that, and we will be in touch
21 with all representatives as we progress to concluding
22 the report.

23 DAME ANNE RAFFERTY: Good.

24 MR BERLOW: Thank you.

25 MR CHERRY: Thank you.

1 MS RAHMAN-COOK: Thank you.

2 MS AL QURNAWI: Thank you.

3 (4.56 pm)

4 (The hearing concluded)

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