

MOD-83-0000699-A

On behalf of: SO89
Witness: SO89
No of witness statement: Supplementary statement
Date: 12 April 2023

IN THE MATTER OF THE IRAQ FATALITY INVESTIGATIONS

**AND IN THE MATTER OF AN INVESTIGATION INTO THE DEATHS OF RADHI NAMA
AND MOUSA ALI**

**AND IN THE MATTER OF AN INVESTIGATION INTO THE DEATH OF AHMED
JABBAR KARIM ALI**

SUPPLEMENTARY WITNESS STATEMENT OF SO89

I, SO89, state as follows:

I make this supplementary statement further to my reformatted witness statement dated 23 February 2023.

On 24 February 2023, I provided my solicitors, Maddox Legal Limited of Octagon Point, 5 Cheapside, London, EC2V 6AA (“Maddox”), with my answers to the IFI’s List of Supplementary Questions dated 26 January 2023 (“my Answers”).

Maddox have duly re-formatted my Answers in line with the Inspector’s requirements into this supplementary statement. The paragraph numbers match the numbers of the supplementary questions posed by the IFI.

I understand from Maddox that they have not made any changes or additions the substance of my Answers except as follows:

- Crucially, to make sure my Answers are now capable of comprehension without reference to the supplementary questions posed.
- Maddox have sense checked the substance of my Answers and made any obvious amendments in this regard, including checking for any spelling and grammatical errors.

Both of my statements are made in circumstances where:

- The IFI has refused to provide disclosure and I have not been made aware of all of the material within the IFI’s remit.

- The events in question happened 20 years' ago and have been fully investigated. My memories are poor and impaired.

Both of my statements are made without prejudice to any disclosure that may be provided by the IFI or any third party.

The facts and matters stated in my supplementary statement are within my knowledge, save where I state otherwise, and I believe them to be true. Where I refer to information supplied by others, the source of the information is identified; facts and matters derived from other sources are true to the best of my knowledge and belief.

A. Detainees at Camp Stephen

1. At paragraph 8 of my witness statement, I say that "*I believe that this man was the only detainee in the camp throughout my tour.*" I repeat this evidence throughout my statement.

At paragraph 42, I state that "*I do have a memory of two persons in the EPW area at some point in time... The other detainee must have been moved or released.*" In my previous statements, I also refer to there being two detainees in the EPW tent when I arrived.

1.1 I have been asked to clarify how many detainees I was aware of. I was aware of one detainee. This was the male that I had occasion to guard that day. I do, however, have a vague memory of being asked at some stage about another male detainee involved in "*waterboarding*". I have no memory of that whatsoever. It may well be that there were two detainees in the EPW area when we returned to Camp Steven that day; however, when I was detailed to guard duty, there was only one detainee in the EPW area, and if there was another detainee, I was not involved with him. I can only presume that he had been removed or had left the camp, but with the passage of time since, I really cannot be certain.

1.2 I have been asked whether I was aware that a detainee died after being held at Camp Stephen on or around 8 May 2003.

I subsequently became aware that a detainee had died after being in Camp Steven. I have no idea if it was on or around 8 May 2003. This was, as far as I am aware, the male that I had been guarding for a period of time that day, and who collapsed and was removed by medics. I was later informed that the male had been resuscitated in the ambulance, but later died of a cardiac arrest or heart attack.

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

The manner in which the detainee was lifted back to his feet was with the assistance of myself and Private **SO103**. We faced the detainee, one on either side. I then placed my right arm under the detainee's right armpit; Private **SO103** placed his left arm under the detainee's left armpit, and we assisted the detainee back onto his feet. I remember he was a big guy, about 25 stone in weight.

3. At paragraph 48.1 of my witness statement, I describe making the detainee perform exercises on "*a kind of rota basis*". At paragraph 49.3.1, I state what the exercises I rotated were.

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

- 3.2 I have been asked whether I gave the detainee any breaks. At the end of each circuit, the detainee was given water to drink. It was extremely hot. After the detainee had finished a circuit of exercise, he was returned to the stress position, which was his default position.
4. At paragraphs 48.1 and 49.3.1 of my witness statement, I confirm that I made the detainee take exercise with jerry cans filled with water.
- 4.1 I have been asked where I found the jerry cans. I believe that they were already in the EPW area. We were not the first persons at the EPW area. I do not recall going anywhere to look for the jerry cans because when I took up guard duty of the male, I did not leave the EPW area.
- 4.2 I did not fill the jerry cans as they already contained water.
- 4.3 I have been asked to describe the dimensions and weight of the jerry cans. The jerry cans were the green military type used for fuel and water. They were metal with a flip locking lid. The cans probably contained somewhere in the region of 20 to 25 liters of fluid, in this case water. I suppose they were about the size of a bag of cement and would have weighed about 20 kilos.
5. At paragraph 43.1 of my statement, I explain that the detainee was "*saying repeatedly please please, mister mister*" in response to a question about the detainee's condition on arrival.

At paragraphs 49.5-49.7, I say that I did not respond to "*please*" or "*mister*" on 2 or 3 occasions because "*shortly after he had said please and mister he collapsed onto the floor*".

- 5.1 The detainee was repeatedly saying "*please please mister mister*" more or less from the minute that Private SO103 and I arrived to guard him. To me, it was like he was pleading his innocence in an effort to get away. I think that is all he could say. I cannot pinpoint exactly when he said it, but he was saying it sporadically throughout the period I was guarding him.
- 5.2 I say in response to paragraph 41.1 that I "*lifted him back to his feet*" and have referred in my previous statements to lifting the detainee up on more than one occasion after he fell to the floor. I lifted the detainee back to his feet on a couple of occasions both before and after he spoke to me. He said "*please please mister mister*" many times throughout my time with him and during his exercises.
- 5.3 I cannot confirm whether the detainee said "*sleep*" to me at any point. I do not recall referring to the detainee saying "*sleep*" to me in my previous accounts, but it is fair to say that I have no memory of him saying that now.
6. At paragraph 51, I say that I "*could have had him maintain the stress position throughout however felt that any types of movement would be beneficial to him.*" After the detainee started speaking to me and falling down, I did not continue to think that any types of movement would be beneficial; I eased off and provided the detainee with water. From memory, it was not long after that that the detainee collapsed.
7. At paragraph 55.1, I state that "*Laterally whilst he was in the stress position*".

I simply meant lastly, whilst the detainee was in the stress position (which is a squatting position), he was not grabbing at his chest or indicating an illness or a heart attack in the lead

up to his collapse. The last thing that the detainee did whilst in the stress position was keel over onto his left side, at which point, I observed fluid, perhaps foam or vomit, coming from his mouth. At that point, Private SO103 called for a medic.

8. I have no idea why I did not mention that I saw "*fluid perhaps foam or vomit coming from his mouth*" when the detainee fell over in my previous statements. It is not something that I would ever forget and to be honest, I do not know why I had never mentioned this before. The only thing I can think of is that at the material time of providing the previous statements, I was not asked about it or asked to describe in detail exactly what I saw.
9. At paragraph 57 of my statement, I was asked who arrived in the EPW area after the detainee collapsed. I state that "*we immediately went to the Sanger points around camp*".
 - 9.1 "*Sanger points*" were posts set around the camp. If you imagine, for example, the four corners of the camp, each corner had a "*Sanger Point*", which is, in essence, sandbags built up to about chest height to protect you from enemy fire. You can observe the outside areas from these points safely.
 - 9.2 I cannot recall why I went to the Sanger points nor whether we were ordered to do so.

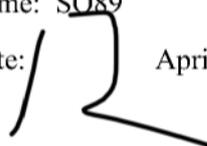
STATEMENT OF TRUTH

I believe that the facts stated in this witness statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

SO89

Signed:

Name: SO89

Date:  April 2023