



**MOD-83-0000590-A**

**In the matter of an investigation into the deaths of**

**Mr Radhi Nama and Mr Mousa Ali**

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WITNESS STATEMENT OF COLONEL ██████████ SO88  
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**Background**

1. I am Colonel ██████████ SO88. I am still a serving officer ██████████  
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2. I attended RMA Sandhurst in 1988 and on commissioning joined 1BW ██████████. Whilst in that unit I completed three operational tours of duty in Northern Ireland and I served in Kosovo ██████████. I had also served outside 1BW in a Specialist Military Unit prior to the 2003 Iraq tour and have subsequently commanded another Specialist Military Unit.
3. To the best of my knowledge, I have made statements or given recorded evidence on eight occasions since 2003 regarding the deaths of Radhi Nama and Mousa Ali, and at the time I made those statements or reports that was my best recollection at the time. The time interval of 19 years and all the other statements and records that I have read make it almost impossible for me to be absolutely certain on any particular fact of what I did or did not do in May 2003. I stand by all these previous statements as they were made closer to the time and I was trying to assist with my best recollections when I made them.
4. In May 2003 I commanded Charlie Company (C Coy), 1<sup>st</sup> Battalion The Black Watch (1BW). I commenced the appointment in September 2002.
5. When 1BW initially deployed to Iraq, C Coy being the 1BW weapons support company did not operate together, unlike a rifle company. We provided specialist weapons support from each of my platoons to the other rifle companies and therefore my role was in battalion headquarters. Immediately after coalition forces moved into Basra city, C Coy was reformed to provide security and control of a geographic area in the city, in the same way that the other rifle companies were doing.

6. As a company commander, I reported to the commanding officer, and subordinate to me were three platoon commanders and a company headquarters.

### **Training and Instruction**

7. I believe that the training we received prior to Operation IRAQI FREEDOM was inadequate. It seems to me, then and now, that the political delays and ambiguity led to uncertainty and a lack of time for preparation and therefore the sort of high-quality training that is conducted before operations now, was absent then. The anticipated fighting that we were training for was understood to be high intensity war fighting and the post war environment was inadequately considered or prepared for, politically and militarily.
8. There was no training for the post-war fighting or peacekeeping role prior to the deployment. We were only briefed on Rules of Engagement for war-fighting and the Law of Armed Conflict (LOAC), but there was no training on any proposed rules for the post-war period. That occurred in-theatre as the army transitioned from war-fighting to an army of occupation.
9. There was no training on the maintaining of law and order or the prevention of looting other than that ordinarily forming part of the Geneva Conventions.
10. Training on detention and prisoner handling did take place before we deployed but was oriented towards the law of armed conflict and handling prisoners of war. With support of those under my command, without any instruction or specific pre-deployment training that I recall, it was my decision when we were in Camp Stephen, that detainees would undergo a medical examination on arrival, and that the detention tent was placed near the front gate and in clear sight of the sentry tower at the front gate – providing both security and oversight. I made this decision in the light of previous operational experience. For example, in Northern Ireland it had become routine for detention processes to be implemented to try to prevent subsequent accusations of abuse.

### **Detainees at Camp Stephen**

11. My role regarding detainees at Camp Stephen was one of direction and overall command, but I had a limited direct responsibility for, or contact with, detainees. I delegated this to the Company Sergeant Major (CSM) or the Company Quartermaster Sergeant (CQMS). Systems were put in place on how to receive and deal with detainees, over which I would have understanding or input into their creation. This was in accordance with normal infantry practice, where the CSM takes the lead on prisoner handling. The CQMS is his immediate deputy and is normally based in the camp and so would need to cover and back up the duty. This is deliberate in allowing a commander to maximise time conducting operations; This was the case for me, with large areas and huge populations, well beyond the capacity of C Coy (or 1BW) to properly manage, demanding very long hours on the ground in demanding temperatures and conditions.

12. In practice, the patrols on the ground would detain a person, and would radio C Coy HQ, and if the company second-in-command or CSM required my approval or direction then a decision was made as to whether they should be brought back for detention. But my approval was not necessary nor was it practical to have my level of approval. On arrival at the camp a process of handover between those initially detaining the person and the CSM or CQMS and those responsible for guarding the detainees at the detention tent would take place, which included the medic conducting an examination.
13. I believe, that in May 2003, we were able to capture prisoners of war, such as fedayeen fighters, or detain those who were impeding the mission of the coalition forces, such as looters or criminals.
14. Initially I believe that there was no direction on how long detainees could be held for, and their release was based on whether they would be sent to 1BW HQ, or not. A fragmentary order (FRAGO) was issued after these deaths and I have been provided with what I believe is the relevant document, FRAGO 152, dated the 20th of May, which detailed that detainees must be handed over to the RMP at Umm Qasr within six hours. I have previously stated in the Baha Mousa Inquiry that I believed that I recalled the issuing of this order because I realised at the time that meeting this timeline was nearly impossible. It simply was not practical given the distances when there was a restriction on travel at night or when the detention centre was only open between certain hours to receive detainees.
15. It is my recollection that it would be usual for all C Coy detainees to be brought to Camp Stephen for processing, however it is possible that some may have been taken directly to 1BW HQ. The purpose of bringing them to Camp Stephen would be to provide a filter before onward processing and attention, and the majority of detainees were released from C Coy because the system was simply overwhelmed and only the most serious or verifiable offences would result in onward detention.
16. It is difficult to describe the complete breakdown in law and order that we encountered in Basra initially. It was utter mayhem and chaos. The level of theft and looting severely affected the population and our mission. For example, the generator was stolen from the local hospital which resulted in patients dying. Looting of the high voltage power cables for the copper resulted in the loss of power in the city.
17. Initially units within 1BW did not take action against those looting, as the focus was still on enemy fighters, which were still prevalent within the city and who engaged my patrols in firefights and with Rocket Propelled Grenades (RPG's) for some weeks after the end of the war fighting phase. Within my area of control there was an oil refinery, a large food storage depot, and a metal factory which were clearly key national infrastructure and which needed to be protected.
18. Not all detainees taken by C Coy would be reported up the chain of command, and this needed only to occur once the decision was taken at the company level to refer

them for further detention. This decision could then be denied by 1BW HQ, perhaps for the reasons given above, which is why many detainees were then released from the Company location.

19. I have been asked to explain my understanding of the term high-value target (HVT). This phrase is a rarity in relation to detainees in the post war period and as far as I can recall only applied to one operation involving Mousa Ali.
20. We had been briefed during the war fighting phase that there were HVT and they were identified using the symbols of a "pack of cards". We did expect to take prisoners of war and the threat they presented would mean they were treated differently and with greater security precautions than would detainees.
21. My recollection of how they were handled is that there was an overspill area for detainees and it was our policy that if a PoW was captured then they would be placed inside the tent while those detainees of a lesser threat or those detained for looting would be placed in the overspill area.
22. Initially there were no interpreters, or funding in place to provide interpreters, however C Coy did manage to employ four interpreters and then later when funding and systems were in place were able to fully pay them. C Coy did have an interpreter at Camp Stephen to specifically aid in detainee processing, but with a very limited number of interpreters, I think only four in total for all tasks, although later this may have increased, they were rarely available to be deployed on the ground with all patrols and the most important tasks would be allocated an interpreter.
23. I cannot recall if there were specific circumstances whereby the detainee processes in place at C Coy were not adhered to. There may have been circumstances such as if the medic was deployed somewhere urgently that a medical examination did not take place. Others, who were more closely involved in the process, may be aware of other such examples.
24. The EPW Tent was a military issued 9 foot by 9 foot square tent, usually referred to as a "9 by 9", that every infantry company is issued with, and therefore was readily available. Given that C Coy had buildings in Camp Stephen to occupy, the 9 by 9 was available, and either myself or WO2 [REDACTED] SO101 probably directed that it was used. Its purpose was to provide a place, protecting the detainees from being outside in the open elements, which also shielded the goings-on inside the Camp from the detainees.
25. There are windows in the tent on both sides above waist height, so when opened this allowed a flow of air, and as long as the detainees were sitting did not allow them to observe the camp. Furthermore, to shield from the heat, a camouflage net was placed over the tent which created a 'dappled' shade effect on the tent whilst allowing air to freely move. The tent was inside the camp, and to my recollection, was to the right side of the entrance road as one entered the camp gate. The

building the Recce Platoon occupied was on the opposite side of the entrance road, and the sentry tower was adjoined to this building.

26. The bench/table where detainees were questioned was outside the front of the Recce Platoon building; this was in open sight. Near the tent was a similar (small) sized areas which with tape and poles was very simply marked off as the 'overflow' detainee holding area. Detainees were held outside the Camp entrance whilst being searched and processed, and before being taken inside.
27. As well as guarding Camp Stephen, security duties for the camp guard included providing guards for detainees, I believe a minimum of two guards at any one time, from a group of four assigned this duty. This ensured that this was adequate security to avoid a single guard being attacked, as well as oversight, and if one soldier needed to relieve themselves for a short period. The guard duties were allocated on a duty roster between the platoons. This is a normal infantry routine and usually arranged under the control of the CSM who would detail the Platoon Sergeants to provide the guards as part of their duties.
28. Each day a different team of soldiers were assigned to guard or be prepared to guard detainees. The detainee tent was close to the front entrance and within earshot and directly within view of the sentry tower and the gate guards. I do not recognise the description of a pit into which detainees were placed.
29. The oversight of detainees at camp Stephen, was largely under the CSM, WO2 SO101 or the CQMS if the company sergeant major was unavailable. One of these two should always have been present, as well as the medic and the interpreter.
30. Water was provided to the detainees by the guard; however I believe food was not considered necessary to be provided for most detainees given the period of time that detainees were at Camp Stephen. Initially as all soldiers were eating individual ration packs it would be difficult to provide more than biscuits. Later on food could have been made available as a field kitchen was established with cooks to provide centralised feeding for C Coy. I cannot give any specific details of how this worked in practice as I had oversight of the process only and not daily involvement.
31. My recollection of questioning of detainees was that it was only to be carried out by the CSM or the CQMS, and this was to be conducted at a table in full visibility of the sentry tower to provide security, and with the interpreter present, after having been medically examined. Under the law of armed conflict questioning of captured persons can only involve asking for name rank number and religion, whereas questioning of detainees could involve asking what they were doing or knowledge of crime, however I do not believe this was set out clearly at the time from higher directives and so I believe we made common sense approaches to what could be questioned.

32. I have been asked to comment on my knowledge of Tactical questioning (TQ). This refers to a particular qualification that can only be obtained by conducting a specific course. I subsequently have been made aware that it trains those conducting questioning how to conduct more advanced questioning in an operational environment. As I had not done the course, I did not know its contents at the time. I cannot now recall if anyone in Charlie company was qualified to TQ, but I do not think anyone was.
33. The hooding of PW's after capture and of detainees after arrest, as I have previously stated in statements was commonplace and we understood that it was an acceptable practice. Detainees as I have previously stated were hooded with hessian sandbags only. Whilst I cannot now give any instances of it occurring, I would have expected it to be routine conduct until the order was received to prohibit it.
34. I have been asked if I can recall the procedures for informing the Next of Kin of any detainee of their death. I cannot recall that there any such procedures specified at the time about informing next of kin in the event of a detainee's death. The events and situation in Basra were extremely chaotic, and several incidents had been reported of enemy killed in action who were given a war burial, and LOAC regulations existed about how this is conducted, the marking of graves, and reporting of the location of gravesites, although this type of activity can only occur when hostilities have ended. There were no instructions at the time on how we were to deal with the death of any detainee in our custody as far as I can recall. There was no instruction on the disposal of the body, and hence why they were taken to a hospital. I would have presumed that the hospital would have established procedures. There was no briefing of how families should be informed, but at the time I presumed this was done via the Red Cross (ICRC). Specific details about informing the family of Radhi Nama are dealt with later in this statement.

#### Culture at Camp Stephen

35. I have been asked to comment about a number of specific facts around the culture within C Coy, which I will address here. It will be useful to understand the organisation of C Coy, and how authority and the chain of command works, especially regarding some specific points pertaining to the CSM, WO2 [REDACTED] SO101 [REDACTED], and a Corporal [REDACTED] SO102 [REDACTED].
36. C Coy is the support weapons company, which means it has two large platoons (Mortar Platoon and Anti-Tank platoon) and a normal sized Reconnaissance Platoon. The Mortar and Anti-Tank platoons are each almost double the size of a normal infantry rifle platoon, so that the entire company was over 200 personnel, compared to a normal rifle company of 100 to 120. On one hand this may seem like command was more difficult and that soldiers would have less supervision, in fact the reality is the opposite.
37. As the Support Company commander I had four captains under my command: a company second-in-command (which is normal) and a captain in charge of each of

the three platoons, whereas a Rifle Company platoon is normally commanded by a Lt or 2Lt. This is unusual and the seniority and experience of these officers is extremely important as it allows them in normal operations to operate with increased independence, but between May and October 2003 they operated under my command altogether in Camp Stephen.

38. Each of the three platoons also had a Colour Sergeant (CSgt) as a second-in-command, as well as a Sergeant as the Platoon Sergeant – which compares to a normal infantry rifle company where each rifle platoon only has a sergeant.
39. In addition, soldiers in a support company are usually slightly older and more experienced than rifle platoon soldiers as they usually move to support company after having initially served in a rifle platoon to gain infantry experience.
40. This meant there was a great deal of experience within the company, including from myself, having conducted, as I have outlined at the start of the statement a high number of operations compared to most of my peers.
41. The CSM, WO2 [REDACTED] SO101, was a strong leader but he was also incredibly disciplined and he respected officers completely, including myself. He required a strong style of leadership for his role as CSM of Support Company when he was dealing with such a large company and with so many other experienced and high-ranking platoon commanders and senior NCOs.
42. Strong leadership is a good thing: it is necessary to show strong leadership with soldiers. In my first week as C Coy commander in Germany, one of the soldiers came back in late and drunk, and I punished him with a level of financial fine which was questioned by the military legal authorities who provide oversight of the military justice system, but it set an example to the soldiers that I would treat them firmly. WO2 [REDACTED] SO101 commanded by respect and with a touch of fear. Those who did not do as he directed could expect to be dealt with strictly. C Coy was known to have a fairly high number of those on report, or charge, for the misdemeanours, and he would give me advice and support me in awarding strict punishments. He was not universally liked, and there was a natural tension between him and the platoon second-in-commands who were also senior NCOs and had their own style of management. He was also not the most experienced company sergeant major in armoured infantry tactics, and one particular Colour Sergeant (one rank below him) sometimes tried to challenge him in public – which was not a suitable way to behave.
43. WO2 [REDACTED] SO101 was subsequently the subject of an investigation into an un-demanded firing of a chain gun, which had injured a sergeant in another company, and this was taken by some as an example of his lack of armoured infantry experience. It also created some resentment within the Senior NCO's because of the injury caused to one of their own, which may colour their perceptions and reports of him.

44. I knew him well and had a high regard for his professionalism. It would not be unusual for WO2 [SO101] to berate a soldier very loudly in public for something they had done wrong or neglected to do. In my opinion weak leadership can lead to mistakes.
45. There was also some tension between the platoons over a variety of issues once we moved past war-fighting, such as the Reconnaissance Platoon was smaller and therefore often had to work much harder than the other two platoons who had more personnel, or the Mortar Platoon which had had a soldier killed in action (Corporal Stephen) and therefore were still dealing with his loss, or the Anti-Tank platoon in which both the platoon commander and second in command were not convinced that we should be attempting to stop looting.
46. So the culture in C Coy, was in my opinion, a fair culture where people knew where they stood and what would happen if they did something wrong. Yet, one where the senior level of commanders could raise and challenge me about things they disagreed with. Finally, it is worth mentioning that in C Coy HQ the second in command was a capable and intelligent person though the most junior captain of the four, and the CQMS who was one of the most capable I have ever known. At some point, in order to strengthen the experience in C Coy HQ, I swapped the junior captain to become in charge of one of the platoons, putting a more experienced captain to C Coy HQ and therefore the running of operations and all the minute-by-minute decisions needed.
47. The platoon commanders and my second-in-command attended a daily briefing around a table at C Coy HQ (a building within Camp Stephen) and they would sit around the table whilst I sat in the middle of the table - they were not in front of me like a school class, as they had a leaders' role in how we conducted this operation. This occurred daily around dusk after the 1BW daily briefing.
48. I have been asked about my understanding of the term "beasting". This usually refers to those on a drill or parade square who are made to march at high speed as a punishment for some misdemeanour and can also mean anything that is physically demanding such as crawling in fieldcraft lessons. I did not see any such behaviour in Iraq.
49. I never witnessed any threats made to detainees, as far as I was aware no individuals mistreated detainees. I was not aware of troops complaining about the treatment of detainees or civilians at Camp Stephen and as I have already stated in my statement to the SPLI "I have no recollection of Padre speaking to me, but recall Corporal [SO102] been monitored as overly aggressive. I cannot say for sure if this was during war fighting phase.... I have no recollection of the REME SNCO speaking to me or raising any concerns, unless he is referring to Cpl [SO102]'s behaviour. I have no recollection of a female RMP asking me and telling me about men being held naked in the detention area. She would have reported any impropriety through her chain of command in any event". I would also add that if anyone had woken me in the middle of the night in an exhausted state catching a few hours sleep, then I might

well not have remembered it or acted in my usual manner, but I would also find it highly unusual for it not to have been raised the following morning.

50. Iraqi civilians should have been treated fairly, and with a local fixer called Tariq, several interpreters, and a couple of telephone secretaries which we hired locally (and before any other unit that we knew of), meant that there was a natural relationship between the soldiers and the Iraqis in Camp. It would not have gone unnoticed to the soldiers that I spoke a limited amount of Arabic and took any opportunity to talk to people on the street, or meet those who we thought were of influence, and just outside Camp Stephen there lived an ex-Iraqi pilot, whom along with about 5 other local men, on several evenings I would sit feeling perfectly safe within eyesight of the camp sentry tower to talk to. I believe my direction to the officers and the platoon seconds-in-command was to treat civilians firmly but fairly.
51. Looting as I have already explained was utterly widespread initially, and I directed my soldiers to not turn a blind eye to any looting, although it would be impossible to detain all those conducting it, they were to at least stop them and send them away without their loot, even if we knew they would return later at least we were not seen to be standing idly by, as this would lead to more severe acts such as rape or murder if they thought we did nothing to prevent crime. I don't believe this meant the soldiers felt they could take matters into their own hands, although I accept it must have been frustrating for them at times to have simply let many of the looters go on the roadside, or after they had been brought back to Camp Stephen and then see them released – which meant they may have several kilometres to walk home, which in my opinion was at least some deterrence, if only a way to pre-occupy the looters' time.
52. Corporal SO102 was one of the many NCOs within C Coy, and I would not describe him as any more influential than his rank deserved, although he was a straight-talking and confident individual. He was in the mortar platoon, which suffered the loss of Corporal Stephen and this may have affected him. Corporal SO102 had been involved in an assault on an enemy position in which I recall he had killed, almost single-handedly, four adversaries. He did find adjusting to the less threatening environment more difficult, and although I cannot recall now how this was raised to me, I presume it was via his Platoon Sergeant, Platoon second-in-command, and Platoon Commander.
53. I was made aware of this, and even now I believe I can recall going up onto a rooftop to talk with Cpl SO102 about his behaviour and explained to him he needed to calm down and rationalise that it was no longer a war fighting environment, and that if he did not then he would be removed. I believe he was at pains not to be removed to the point where he pleaded with me not to send him away for a period. The less threatening environment needs some explanation as it is a relative matter compared to war fighting, and there were still threats, including the mortar platoon commander and some of his men having a firefight with an enemy team who had a machine gun which effectively pinned-down my soldiers. I do not recall any incidents involving mistreatment of detainees by Cpl SO102.

## **Death of Radhi Nama**

### ***Events of 8 May 2003***

54. I do not recall when I was told that the father of the target of the operation had been detained, but in any case the evidence found at the house provided adequate reason to detain him. In my statement of 9 May 2003 I stated "about 11:00 hours that morning we were in the process of making a decision as to the disposal of the detainee" which does not seem an unreasonable amount of time given that the search operation ended at around 0900hrs and the distance between the detainees house and the camp was approximately 45 minutes and then followed by processing and questioning it does not seem a long period of time after the detainee had been processed. I would not consider that this was an unreasonably long period of time to be in detention.
55. My recollection is that Radhi Nama was alive with respiratory problems but being given resuscitation by the company medic when he was placed in the ambulance, and he was to be transported to 1BW HQ about 15 to 20 minutes away, however when enroute the vehicle convoy were redirected by C Coy HQ to take him to the Czech hospital. There was then a navigation problem with the convoy who did not know where this new location was and only some time later - perhaps as much 2 hours - the convoy arrived at the Hospital.
56. It may seem in the UK to be a normal decision to take a casualty to the nearest hospital but I consider it would have been a fair and rational decision for us to have taken Radhi Nama to 1BW HQ and not a local hospital - even if we knew where the local hospital was.
57. I do not believe I was part of this decision-making, which was likely to have been made by 1BW HQ. I have understood at some later date, and I believe only from other statements, that he was taken to the Czech hospital because the doctor at 1BW HQ was away at the time.

### ***Reporting of the incident***

58. The death of Radhi Nama would almost immediately have been reported by radio to 1BW HQ by C Coy HQ which would have been the responsibility of the officer or senior NCO on watchkeeper duty at the time, or the company second-in-command. I believe that soldiers were sent back to the address whilst Radhi Nama was in custody to see if his son had gone to the house, given that word of his father's arrest detention would have clearly got out. I do not recall what time this second visit took place, although I believe I would have known, or approved it at the time. It seems likely to have taken place before Radhi Nama fell ill and before I was informed by the medic, on his return from the Czech Hospital some time later, that Radhi Nama had died.

59. Later that evening, after learning of his death I believe I was also informed that the RMP had been informed by 1BW HQ and would conduct an investigation. I have a very vague recollection that I held a discussion which took place after it had got dark, which would have been around 7 pm. This is likely to have taken place after I got back from battalion headquarters, having likely attended the daily conference at around 5 pm.
60. I cannot now recall if I gave direction or discussed that those involved directly should prepare statements. It would seem a logical thing to have directed or considered, given my prior experience in counter-terrorism operations. As far as I can recall the RMP came to camp Stephen the next morning and conducted an investigation, during which I gave a statement, along with all those I believe who were involved. Nothing was brought to my attention which suggested anything untoward had occurred, either at the time or in the months that followed. At no time was it expressed or implied that this matter should not be discussed, in fact to my recollection it was discussed around the table the night he died and I again have a vague memory that the CSM stated that those involved would be fully investigated.

#### ***Informing the family***

61. I do not believe I knew whose responsibility it was to inform the next of kin in the event of a detainee death, although I may have presumed it was the ICRC. It was my decision to inform the family of Radhi Nama's death, and I took this decision believing they should be told, even though I did not feel it was something I was required to do, I felt it was the right thing to do.
62. It was already late on in the night that Radhi Nama died after everything was confirmed and meetings had taken place, and with the RMP during the next day, I think it was on the evening of 9 May that I found the time to do this. I sat at the C Coy HQ table and dictated to my interpreter who wrote the words in Arabic. I think I asked him to read the letter back to me in English. The exact wording he used may not have been precisely accurate to my dictation. I did not wish to state that he was dead as this would be callous, nor did I wish to be misleading, so I believe I aimed to be ambiguous. I preferred that they went to the hospital and found out that he had died.
63. The exact wording such as "to find out about his health condition" was not intended to be misleading, and whilst the previous IHAT and SPLI investigations seemed to think this was evidence of a cover-up, the intention was actually well meant.
64. I may not have given an address for the military hospital because I did not know where it was, although the interpreter used the term "old military hospital", perhaps instead of Czech military hospital. I do not know what original words I said to the interpreter were, regarding the phrase "according to the British rules for treatment of detainees", but the earlier part of the sentence portrayed my intent to state that he been treated well.

65. At the point the letter was written it was my understanding that no one had acted improperly, that the military police had conducted questioning, and that he had died of a heart attack which is what I had been informed had happened.
66. In hindsight, for all the condemnation this letter has brought to me, I wish I had written nothing, although this would have left the family with even less understanding of what had happened.

### Death of Mousa Ali

#### *Search operation 13 May 2003*

67. I understand from statements that I have read that the specialist military unit (SMU) arrived on the morning of the 13th May and briefed me. I do not recall this now. I do not recall the number of people in the SMU, but believe it was around [REDACTED], nor if they had their own transportation although this seems probable.
68. Although I cannot now recall, nor do I have records to support my belief that this operation must have been sanctioned by 1BW HQ, and more likely Brigade Headquarters, due to the involvement of the SMU. The reason C Coy was tasked to support their detention operation, was due to the fact that the target location was within the area C Coy was responsible for.
69. In my view we provided the cordon, in other words the surrounding security perimeter, according to the SMU direction so as to allow them to conduct the search, as well as conducting some searches in a different location which was unrelated to the target of their search but useful to provide obfuscation, perhaps for the security of a human intelligence source.
70. I would describe the operation as led by the SMU and a joint operation. For example, I believe it was their request that 2 of my multiples were used for the size of the cordon and where vehicles were to be positioned. I do recall that they were to conduct the searches for the HVT whilst we provided the external security.
71. I deployed on the operation, knowing that potentially there could have been a firefight involved if the commander was a high-value leader of the Fedayeen. I do not recall how the SMU travelled to the location, or if they had their own vehicles. I do not recall if they had interpreters or if they spoke good Arabic.
72. I recall that we waited whilst they conducted the searches. Reporting back to C Coy HQ would have been conducted by radio, and from my previous statements I know that I have stated that I maintained radio communications from my vehicle on the cordon. I would likely have wanted to be informed on the conduct of the other searches, so that my soldiers there were not left behind if the SMU search operation at the main site had concluded.

73. I know from other statements that the SMU conducted additional searches, possibly based on information they were finding, and from my statement on 25th of May 2003 I know that they searched more houses than originally planned and made further arrests in other locations. My recollection of the operation was that the search had detained General Kassim, and from my statement on the 25th of May I believe I was informed that he had been detained with a further two persons although their details were unknown to me.
74. I think I recall being surprised that the SMU then handed their detainees to us, as I had understood or presumed that they would wish to take any HVT to a different location for questioning by those who were specialist interrogators or TQ qualified. I was aware that the target was an HVT, and from my statement of 25 May 2003 know him to be General Kassim, leader of the Al Kuds.
75. When the searches had concluded I can recall that three detainees being brought to the cordon, although I did not witness them emerge from a house, but the mental image is of them being brought towards our vehicles by the SMU. They were placed in our vehicles and to the best of my knowledge we were directed to take them back to Camp Stephen although I cannot recollect who gave this direction. At this point, I believe my understanding was that they had detained General Kassim. There was satisfaction that we had been successful. I cannot be sure, but I believe this was reported on the radio to C Coy HQ, and I would imagine that this was then passed further on to 1BW HQ.
76. On arrival back at camp Stephen, the usual processing of the three detainees would likely have taken place. I do recall that at some point there was some confusion around names and identification, and this became challenging, because it was presumed that the detainees were withholding their names. Later, I believe it became clear that they were giving their correct name. There was therefore repeated questioning about their identity. At some point it was realised that General Kassim had not been detained.
77. As far as I am aware there was no mistreatment of these detainees. As far as I recall I did not visit the detainee tent but I do recall seeing WO2 [REDACTED] SO101 with the interpreter sitting at the detainee questioning table (near the front entrance, outside the Reconnaissance platoon accommodation) and questioning one of the detainees. It is possible this mental image is of a different detainee. I do not recall if the SMU were still at Camp Stephen at this time.

#### ***Reporting the incident***

78. I believe I learned of the death of Mousa Ali whilst I was at C Coy HQ building, and someone informed me. Whilst I have no evidence to produce, it would be inconceivable to me that this was not immediately reported to 1BW HQ.
79. I believe that the medic was reported to have confirmed he was dead and therefore would not initiate resuscitation, although this is not from my personal observation.

80. I do not recall the exact detail of why Mr Mousa Ali was not taken to a military doctor for examination, but it would be unlikely to have been my authority to determine where the body was taken, and I therefore presume there was direction from 1BW HQ that he was to be taken to a local morgue on the basis that he was already dead.
81. As far as I am aware, and I do have a dim recollection, that we were told by 1BW HQ that on this occasion the SIB would be investigating because it was the second death, but that due to their busy schedule they were unable to attend our location immediately.
82. The SIB visited to take statements on the 25th of May. This was regrettable because a more timely investigation would have been advantageous. The enquiry has asked me to comment in relation to paragraph 23 of the First Outline Statement that "... at 16:35 hours on 16 May 2003 an Iraqi male visited the attended the police station at Regimental HQ of 1RMP" and why this seems to be the first recorded knowledge by 1 RMP of the death of Mousa Ali. I am unable to explain the reporting and recording procedures within 1 RMP. My Company reported the matter to 1BW HQ and they reported matters to and tasked the RMP and SIB. I am unable to provide any information of who then reported it to the RMP or when they did so.
83. I do not recall anybody expressing or implying that the death of Mousa Ali should not be discussed, and I would imagine I certainly discussed it with my commanding officer, or others at Battalion HQ after his death.
84. I am not aware of anybody who spoke to Bashir Ali after his father collapsed instructing him to "tell them nothing happened".

#### ***Mousa Ali's family***

85. There were no directed procedures that I was aware of at the time for informing the family or next of kin of a detainee in the event of a death, and because this was the second detainee to die in C Coy detention, and without a medical evaluation, I believe I felt unwilling to write a letter, and did not feel I had a duty to inform the family.
86. I do not know who informed the family or how the family were informed of the death.

#### **Existence and awareness of 'wetting'**

#### ***Wetting generally***

87. I did not know the term 'wetting' and had never heard this before the reports of other incidents in 2003 later became public.

88. I have never witnessed detainees being placed into water or threatened with being placed into water, being transported to bodies of water, or having water poured over them.
89. I find it difficult to accept that any detainees could be transported to bodies of water from Camp Stephen without C Coy HQ or my knowing about it, and there were no large bodies of water which I recall being within a close distance. The Shat Al Arab canals were a considerable distance away, past 1BW HQ and past another company area of responsibility on the far side of the 1BW HQ.

***Reporting of wetting incidents***

90. I have been asked to comment on whether there was a requirement to report and incidents of wetting and if I can recall any such incidents taking place. My response is that I have no knowledge of any such incident and there was no reporting requirement in place to my knowledge.

***Chain of Command***

***Knowledge of senior commanders***

91. The problem of looters was likely discussed at the daily BHQ meetings although I cannot recall this. Initially in the very first few days of the coalition forces moving into Basra, there was a lack of clarity on our role to stop looting. Within a very short period of time, as I recall, orders were issued that directed that the coalition force was also the "interim authority" and therefore had a responsibility to maintain law and order. This gave us authority to detain civilians that were interfering with the mission.
92. In dealing with looters there was never any mention of the use of water. I find this quite extraordinary to be even considered as a possibility.

***Group Orders***

93. I usually attended 1BW HQ on a daily basis at around 5 pm when all commanders attended a daily briefing. My role was to receive orders from 1BW HQ and then to pass them down to C Coy. Although insecure radios existed, these face-to-face briefings ensured good command and communication. If I was unable to attend, then I would be required to send either my second-in-command or my CSM in my place.
94. I do not recall a discussion about the level of force to detain looters at 1BW HQ level, but I have a vague recollection that at C Coy level there was a disparity of opinion between one platoon who did not feel we should be detaining, or stopping looting and therefore I have a recollection that there was a discussion about how much force and what we were to do with looters, with an understanding that to detain all looters would be impossible, and we should focus on those who were looting key

infrastructure, and detain them, even if prosecution was unlikely, that the mere detention would provide a deterrent. Given my previous experience in Northern Ireland it is possible that I would have given orders such as "the minimum use of reasonable force in order to detain".

95. On one operation in the metal factory where large-scale groups were stealing hundreds of tons of steel with convoys of trucks with cranes, I did specifically arrange for batons to be provided to those involved in C Coy, in order to avoid the use of lethal force being used in the dark, in a dangerous environment. By issuing less than lethal force equipment, instructions should also have been issued about their use, and that minimum force was only to be used to effect detention, or to defend oneself. I believe this worked well and preserved life while maintaining security. They were only issued for that operation, that I recall.
96. As set out above, the use of water as a deterrent was not considered and therefore was not sanctioned.

#### *'Wetting' at Camp Stephen*

97. At Camp Stephen there was a small ditch on the other side of a car park area in front of the front gate and within direct view of the sentry tower, although I cannot recall the depth of this drainage ditch, I do not recall it being a significant size.
98. I did not witness any detainees being put into this ditch.
99. It has been suggested that I was required to put a stop to detainees being thrown into this ditch. My response to this suggestion is that I do not recall any such incident.

#### Statement of truth

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

S088

Signed

Dated 2 Dec 2022