



MOD-83-0000540-A

On behalf of: SO89  
Witness: SO89  
No of witness statement: Re-formatted statement  
Date: 23 February 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**

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**REFORMATTED WITNESS STATEMENT OF SO89**

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**I, SO89, state as follows:**

I made a witness statement on 22 June 2022 in response to the Inspector's Ruling on Initial Disclosure dated 29 April 2022 and the accompanying list of questions received from the IFI on 6 May 2022 ("my Original Statement").

I understand from my solicitors, Maddox Legal Limited of Octagon Point, 5 Cheapside, London, EC2V 6AA ("Maddox"), that it is the IFI's position that my Original Statement was not in the format requested by the Inspector in her written instructions. I further understand from Maddox that the reasoning that the IFI has provided is that the Original Statement is not a free-standing narrative document because it frequently imports into the body of the text the questions posed to me, rather than producing stand-alone paragraphs which address each question posed.

Upon the IFI's request, Maddox have duly re-formatted my Original Statement in line with the Inspector's request.

My re-formatted statement is set out below. The paragraph numbers match the numbers of the questions posed by the IFI.

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

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

My re-formatted statement is made in circumstances where the IFI has refused to provide disclosure and without prejudice to any disclosure that may be provided by the IFI or any third party.

The facts and matters stated in my re-formatted 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.

I have received a List of Supplementary Questions from the IFI dated 26 January 2023 in response to my Original Statement. I am in the process of preparing answers to these questions to be provided to Maddox. Maddox will then re-format the answers into a supplementary witness statement and send this to the IFI.

#### **A. Background**

1. I have been asked to provide an overview of my military career, including any military commendations or awards I have received.

I joined the Army [REDACTED]. I trained initially at Glencorse Barracks in Edinburgh (Stage 1) and then Catterick (Stage 2). I joined A Company, 1 Black Watch in Fallenbostal, Germany. We were in Germany until 2002 then I came back to Warminster. In Germany, I worked with Tanks. In between Germany and Warmister, I trained in Canada and served in the peacekeeping force in Kosovo. I was then posted to Iraq with the entire Black Watch Battalion, which was made up of 4 companies and HQ.

I was in the Charlie Company in Iraq. You had to apply to join the Charlie Company. It was made up of experienced soldiers. Contained within Charlie was the Anti-Tank platoon, the Mortar Platoon and the Recon Platoon. We arrived in early March 2003. We were based in the Basra area.

I am no longer still serving. I left the Army in May 2005. My original service number was [REDACTED] My Rank on leaving the Army was that of Private.

2. I have previously given the following statements in relation to this incident:

##### 2.1 RMP 23 May 2003.

I gave this statement whilst still in Iraq.

##### 2.2 IHAT 29 July 2013

This was to two military personnel who arrived without any notice at my grandparents' house where I was living to take a second statement, some ten years after my first statement.

##### 2.3 IHAT interview 12 April 2016

This was at Falkirk Police Office with my solicitor Mr Matthew Berlow. I was also asked to attend at Methil Police office in Fife at some point after Falkirk to give a further statement. I gave a no comment statement.

I have considered these accounts carefully and to the best of my recollection I can confirm their contents.

I do not wish to amend or clarify any part of these statements. I stand by them.

3. I was employed with the Anti-Tank Platoon, 1 BW in May 2003. I have been asked to set out when I commenced that role and give details as to what my role involved.

Our role was that of a Flanking company (Missile Infantry Light Anti-Tank). Recon Platoon and ourselves in the Anti-Tank Platoon would fire missiles to enemy tanks when called upon. The Mortar Platoon and Recon Platoon were separate.

4. I have been asked to identify the command chain at Camp Stephen in May 2003 and to state who reported to me and to whom I reported.

As a private, everyone is above you. Immediately above my rank was a Lance Corporal. Thereafter, a Corporal and then a Sergeant. You then have the CSM (Colour Sergeant Major) who would be in your Platoon. [REDACTED] SO101 was our CSM. Above him would be the Company Commander Captain [REDACTED] SO88.

5. I was not able to speak Arabic in May 2003. We had a tour guide phrase book. All I knew was "Salam, Ali Khoum".

## **B. Training and instruction**

6. I have been asked whether at any time prior to and including May 2003, I received any training, briefing or instruction on the following. If so, I have been asked to give details and set out the contents of any such training/ briefing/ instruction:

- 6.1 The Rules of Engagement in the post-war fighting phase of Operation TELIC;

More than likely but I genuinely cannot recall.

- 6.2 Maintaining law and order and the prevention of looting;

More than likely but I genuinely cannot recall.

- 6.3 The use of restraint techniques;

I refer to "restraint" as "stress positions".

I was trained in restraint techniques via the PT course in Sennelager, Germany. It was an 8 week course, including Risk Assessment, Circuit training etc. In that course we were also shown restraint techniques, pressure points and stress positions.

I believe it is part of the course and it was not, as far as I was aware, given due to the fact that we were deploying to Iraq.

- 6.4 Prisoner handling;

No training at all.

- 6.5 The processing of detainees and the requirements for medical examination;

None given.

- 6.6 Training, briefing or instruction specific to my role at Camp Stephen.

I knew my role within the Camp. I was not involved in prisoner processing and only on one occasion did I see a prisoner within the camp. My job was carrying out patrols out with the camp as directed. During these periods I would be within the Warrior Tank and on other occasions on foot patrols engaging with the locals.

7. In my statement to IHAT dated 29 July 2013, I state:

*“Prior to deployment on Op Telic 1 from Fallingbostel, Germany we had been on exercise to Canada. I remember we had riot training i.e. public order and I also attended a fitness course which took place in Sennelager, Germany in 2002 because I had been asked if I wanted to do a physical training course. On that course we were taught about using the squatting position, squatting with our back straight, this was used to make detainees feel uncomfortable although used not just for detainees.”*

In this regard:

- 7.1 I have been asked to set out the content and purpose of the ‘physical training’ course.

To endorse my Army career, keep fit and have the ability to train others. I could run fitness within the Platoon and was also a Company Physical Training Instructor when my training was completed. Whilst in Camp Stephen, I set up a gym for the lads to use during their down time and also carried out PT and fitness training.

- 7.2 This training did not specify the circumstances and conditions under which the squatting position should be used on detainees. It was never covered.

- 7.3 I have been asked whether other members of C Coy were trained in ‘physical training’.

Before me, yes, and a couple were on my course from a different Platoon within the Black Watch.

## **B. Detainees at Camp Stephen**

8. I had no role with regards to detainees at Camp Stephen at all. In fact, this was the only occasion that I had been asked to guard a detainee. I believe it was to relieve the two others. I believe that this man was the only detainee in the camp throughout my tour. I was there for about 6 months in total.
9. I have been asked under what circumstances detainees would be taken to Camp Stephen and who would make this decision.

This was the only time someone was brought back and that is not a decision process that I would be involved in. I believe this was an individual who had been captured by SMU that day and the decision was made to bring him to Camp Stephen, either by SMU or a Senior officer, I don't know who.

10. I have no idea specifically who was responsible for detainees at Camp Stephen in May 2003; however, I would imagine the Officer Commanding would be in overall charge of that.
11. I have been asked to explain, so far as I am able to, the process and procedures for processing detainees at Camp Stephen. In doing so, I have been asked to address the following:

11.1 I have no idea at all what paperwork had to be completed for detainees at Camp Stephen, and who would complete any relevant paperwork. I was never instructed or shown

how and further to that, as I have previously mentioned, I believe that this detainee was the only detainee who was within Camp Stephen during my tour.

11.2 I have no idea what a 'Slammer' form is. Perhaps if I saw one, I would recognise it.

11.3 I have no idea what the procedure was for the handover of detainees upon arrival at Camp Stephen and where they were taken upon arrival. It was never made known to me.

11.4 I have no idea whether the arrival of detainees would be reported up the Chain of Command. It was not a regular thing that I ever saw. I never brought anyone back at all.

12. I have no idea about how High Value Targets (HVTs) were identified and recorded and whether the process differed where the detainee was identified as a HVT.

13. I have been asked whether a medical check would take place, and in particular:

13.1 What the timeframe for completing the medical check was.

I have no idea about this at all.

13.2 Who would arrange for the medical check to take place.

I have no idea, but I would imagine it would come from the Command structure.

13.3 I have no idea who conducted the medical check, but I presume, if this was done, it would have been done by a medic. I was never aware of anything like that taking place.

13.4 Where the medical check would take place.

I have no idea at all.

14. I have been asked whether interpreters were used and / or available during processing and/ or detention.

I have no idea about whether interpreters were used with any detainee or prisoner when processed. Interpreters were used out on the street to communicate with the locals. Again my involvement with a detainee relates only to this single occasion.

15. I do not know anything about whether the process and procedures for processing detainees would always be followed at Camp Stephen as I was never involved in it nor was I ever witness to it if it went on.

16. I refer in my previous statements to the "EPW cage".

16.1 I have been asked whether this is the same as the EPW area.

The EPW area was simply where the tent was pitched. It was a tent with an open curtained front. There were no solid walls. It was basically cargo nets that you would use on an assault course held up on wooden poles making it tent like.

16.2 I have been asked to describe how this location was constructed and any facilities and furniture it contained.

As I have said above, it was tent like, made up of cargo nets on wooden poles to the right hand side of the complex as you entered Camp Stephen. There was nothing within the area, no furniture, desks, chairs or even a toilet facility.

17. I have been asked whether there was ever any physical contact with detainees.

Again, I was only involved on one occasion with a detainee and the only physical contact that I had with him was to assist him back to his feet when he laid down or fell over.

18. I have no idea what would happen to detainees after they were processed and who would make decisions in this regard; however, I would imagine it would either be a senior NCO or the Officer Commanding.

19. I have not got a clue how long detainees would be held at Camp Stephen for and where they would go after leaving Camp Stephen. I have no information I can give about detainees as I was not involved with them other than on this one and only occasion. I never saw any other detainees within Camp Stephen during my tour there.

20. I have been asked how detainees were guarded at Camp Stephen and to give details covering how many guards were required for each detainee, whether there was a rota for guard duty, how guard duty was handed over and who was in charge of the rota (if such a rota existed).

Basically, what I was aware of on this one any only occasion with a detainee was that there were two guards/soldiers on site with the detainee to ensure that he didn't simply run off. He was not shackled or handcuffed. I don't think there was any such Rota system and there were no handover procedures that I was aware of.

21. I have no idea if there were any procedures or practices in place for providing water and/ or food to detainees. I certainly gave the detainee water, more than once. I was never involved with feeding him.

22. I have no idea at all under what circumstances detainees might be questioned at Camp Stephen.

22.1 I have no idea at all who would authorise questioning, that authorisation would probably come from HQ or the Intel Cell.

22.2 I have no idea at all who would conduct questioning, but would imagine someone who was specifically trained in that task.

23. With regards to 'tactical questioning':

23.1 My understanding of the term 'tactical questioning' is trying to elicit information; however, again, I was never involved in any Tactical Questioning or trained in it.

23.2 I was not aware of 'tactical questioning' being used by members of C Coy at all.

23.3 I don't know if any members of C Coy were trained to conduct 'tactical questioning'. I know that I was not trained in it.

23.4 I have no idea at all whether props would ever be used for the purposes of questioning or tactical questioning.

24. I have been asked whether detainees at Camp Stephen were ever hooded.

I only ever saw one individual and he was never hooded at any time in my presence for the duration that I guarded him.

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

Yes, I did that. I had instructed via a Simon Says routine. i.e. demonstrating with the assistance of Private [REDACTED] SO103 - the squatting down with hands on heads or hands out in front position. I also made the detainee exercise with Gerry cans filled with water and gave him water to drink from that.

26. I never witnessed the use of plasticuffing on detainees at Camp Stephen.
27. I never witnessed any ill-treatment of detainees at Camp Stephen. I only witnessed what I described above, the stress position that I had that one detainee carry out.
28. I am sorry, but I have no knowledge of the procedures at the relevant time for informing the next of kin / family of a detainee in the event of their death.

#### **D. Death of Mousa Ali**

##### **a. Search operation of 13 May 2003**

29. My statement to IHAT dated 29 July 2013 states that I was on the search operation on 13 May 2003, *“but only in the capacity of back up”* and that I *“did not see any detainees or [Specialist Military Units] on the ground”*.

I confirm this account. I only saw [REDACTED] SMU back at the camp.

30. I have been asked whether this was a C Coy operation, or was it joint with or led by Specialist Military Units (SMUs).

I think Intel said that this was [REDACTED] SMU operation. We were only there as backup to assist if required.

31. I have been asked to give details of any briefing I received. In doing so, I have been asked to include who delivered the briefing, the contents of the briefing and who I was briefed with.

Going by my Army knowledge, this would normally be delivered by the Officer Commanding, which was standard practice. I cannot recall the briefing or who gave it; however, I am sure there would have been one given. The duty as I recall it was to flank either side of the [REDACTED] SMU who were spearheading the Operation. The briefing would have been for the whole of the platoon.

32. I do not recall being told the names of the target or targets of the search operation. As such, I do not recall whether Mousa Ali's name was included as a target. I didn't even know the name Mousa Ali until 2013 when I gave the second statement.

33. I do not recall any SMU personnel participating in the search operation. Only that to the best of my knowledge it was an [REDACTED] SMU Operation.

34. I have no idea if interpreters were used or present during the operation.

35. I have been asked how reporting, by radio or otherwise, was conducted during the operation.

I have no idea how the communications were set up. I was sitting in the back of an armoured vehicle and could not even see what was going on during the operation.

36. I did not participate in or witness any ill-treatment of the civilians during the search operation. I was not involved in the Operation itself as we were only in the vicinity to be utilised if required. I was in a Warrior Tank vehicle on flanking duty. I did not witness the search. I was at the back of the tank and could not see out.

## **b. Events at Camp Stephen**

### *Guard duty*

37. I have no idea who was tasked with guarding the detainees and the times they were on guard duty in the EPW area as this was the first and only occasion I had been asked to do this and the only time I ever witnessed a detainee within Camp Stephen. In fact, I recall the circumstances were that I was heading somewhere within the camp and as I neared the EPW area, I was called upon with my colleague Private [REDACTED] SO103 to go and guard the detainee so that the two soldiers who were currently there could be relieved. I was given no instructions at all.
38. It is not true that I was tasked with guarding the detainees along with Pte [REDACTED] SO103. We were only asked on one occasion detailed above in order to relieve the two soldiers who were at the area known as EPW cage. I believe that the reason we were asked was quite simply because we caught someone's eye in passing the area. If it was not me who had been passing, I am sure that the next soldier who came along would have been assigned this task.

38.1 I cannot describe what guard duty involved and how this duty was allocated as I had never carried out guard duty on a detainee before. The duty was never allocated as such, as I have said I was merely walking by when I was told to go and relieve two soldiers who were presently guarding the detainee. There was no instructions given other than to guard the prisoner and relieve the other two soldiers who were in that position.

38.2 My experience is that whenever you carried out any type of Camp Guard duty, it would always be performed in pairs and it was never performed alone.

38.3 I have been asked to give details regarding my training, instructions and briefing for the guard duty role.

No instructions were ever given for guard duty roles in Iraq.

38.4 I have no idea why my platoon was involved in performing guard duties on the same rotation as Recce Platoon. The four of us, myself, [REDACTED] SO103, [REDACTED] SO104 and [REDACTED] SO106 were all anti-tank platoon. I knew private [REDACTED] SO105 as a person but he was from RECCE Platoon.

39. I was given no briefing whatsoever about the detainees upon commencing guard duty. I was merely told to go and guard the detainee as I was passing by. It was a common sense thing, we were only there to prevent the detainee from running off.
40. I was never told that any of the detainees had any injuries or medical conditions. Afterwards, when the detainee had been taken to hospital, I heard from various buzzes going round the camp that he had some sort of a heart condition. I can't recall who said it. It was just chatter about the camp. I'm not sure who told me, however we were certainly told that it was nothing to do with us, that he had a heart condition and that was the reason for his collapse.

41. No one else was present in the EPW area while I was on guard duty. There was no handover and nothing was discussed. The detainee was within the area inside the tent. I was not aware of anyone else around the local area or nearby. There may have been personnel around but none that I was aware of.

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

There was only one detainee who was placed within the area itself. I was Aware; however, that there had been two detainees at some point, but I only ever dealt with the one. He was the only person within the tent area when [REDACTED] SO103 and I took over the guarding of him. The second detainee had already been removed, to where and by whom I do not know. The only time my detainee was moved was when we lifted him back to his feet and ultimately, when he was moved by medics after his collapse.

41.2 None of the detainees were removed from and / or returned to the EPW area, only what I have described in 41.1 above.

41.3 No interpreter was present in the EPW area.

I assume one could have been requested if you thought there was a need for it, but I really do not know; we were not there to speak to the detainee.

42. My 2003 RMP statement recalls two detainees being present upon my arrival, but in my 2013 IHAT statement I can only recall Mousa Ali being there.

I confirm my evidence in this regard. I do have a memory of two persons in the EPW area at some point in time, perhaps on an occasion that I had walked by that area. I was not involved with them at that time; however, when I was detailed to guard the detainee, he was alone. The other detainee must have been moved or released. I have no idea about what had happened to him prior to my involvement in guarding the detainee.

43. With respect to the detainee on my arrival:

43.1 I have been asked to describe the detainees' condition on my arrival.

I would say that he was sweating heavily, profusely, it was above 40 degrees heat. He was approximately 25 stone in weight. He was not standing, I believe he was on his knees when I started to guard him. He was saying repeatedly "*please please, mister mister*" as if pleading his innocence, but to be fair I had no idea why he was there in the first place. I had no information as to why he was there at all. You do not tend to ask those types of questions as it is none of your business. If I needed to know why he was there I am sure that I would have been told.

43.2 I have been asked to set out whether any of the detainees were hooded.

I only dealt with one detainee. He was never hooded in my presence and I can picture his face to this day.

44. In my 2003 RMP statement, I state that "*Both men were kneeling with their hands on their heads.*" Your 2013 statement to IHAT states that "*When [Pte [REDACTED] SO103] and I took over, the fat man [i.e. Mousa Ali] was in the squat position i.e. stress position.*"

In this regard:

44.1 I have been asked what I mean by “*squat position i.e. stress position*” and whether this is different to “*kneeling with their hands on their head*”. If different, I have been asked to confirm what position Mousa Ali was in when I arrived.

In the squatting or stress position your knees are not on the floor. You are down on your "hunkers", i.e. with your backside down by your ankles in a squatting position, but your backside is not sitting on the ground. I believe that in my 2003 statement I had mentioned that there were two Individuals, but by the time [REDACTED] SO103 and I arrived, the other individual had already left. I have no idea where he went or was taken to.

44.2 To the best of my knowledge and recollection, the detainee that I was involved with was on his knees when I came on station.

44.3 I had been taught to use a “*squat position*” but no one instructed me to use it.

44.4 I was not informed of how long the detainee had been in this position at the time of my arrival.

44.5 I was not given any instructions to keep the detainee in this position nor at all about anything.

45. I have been asked to describe the temperature and weather conditions at the time, and whether anything was offered or done to cool the detainees down.

It was beyond hot, over 40 degrees, but I ensured that the detainee was well-watered. He was in shade under the tent.

46. I have been asked whether the detainees were offered and/ or given water or food at any time.

During my tenure, I gave him water but no food. I was probably with him for less than an hour in total. There was no requirement to feed him and no instructions were given to feed him. I gave him water due to the extreme heat as he looked fatigued and was sweating profusely.

47. I confirm it is correct that I was not present during: (i) a medical check of the detainees, or (ii) the questioning of the detainees.

48. My account to the RMP investigators in 2003 makes no mention of the use of the squatting position, ‘exercising’ Mousa Ali, playing with his mind, making him feel uncomfortable, pouring water over him or “mucking about and having a bit of fun.” These are all referenced in my 2013 account.

48.1 I maintain this account; however, we never poured water over him. We did muck him about, but this was a bit of banter and there was no interrogation at all. He had just been kneeling and I put him in the stress position, basically to change the position that he had been in. I also had him carry out various holds with the Gerry cans full of water and I gave him exercises to relieve the boredom. I did this on a kind of rota basis. I do not speak Arabic and so my instructions were relayed on a Simple Simon says basis. i.e. I had Private [REDACTED] SO103 demonstrate first what I wanted the detainee to do. The detainee then followed the instructions.

48.2 I have been asked to explain why these were not mentioned in 2003.

To the best of my knowledge I was never asked about that in 2003 but I was in 2013, some 10 years later. That is the only explanation I can think of.

49. I have been asked to give my full account of events while I was on guard duty prior to Mousa Ali's collapse. In doing so, I have been asked to specifically address the following:

49.1 The Squatting position is similar to the correct lifting technique, straight back with bent knees. I used the squatting position or stress position on Mousa Ali as I have described earlier.

49.2 I understand 'exercising' is used to stimulate the muscles in the body and to give the body a cardiac workout.

49.3 I did 'exercise' Mousa Ali.

43.9.1 I only used the stress position and had him lift Gerry cans of water. I had him hold the water out to his front and to the side of his body with both arms outstretched. I rotated this exercise.

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

49.4 I did not play with Mousa Ali's mind at all.

49.5 I did not pour water on Mousa Ali at any time but I gave him water to drink on several occasions due to the heat and his exercising.

49.6 I have been asked whether Mousa Ali communicated or attempted to communicate with me.

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

49.7 I did not respond to Mousa Ali as shortly after he has said "please" and "mister", he collapsed onto the floor.

50. I have been asked what Pte SO103's role was while guarding Mousa Ali and in the events leading up to his collapse and death.

SO103 was following my instructions in order to convey to the detainee what I wanted him to do - the Simple Simon role. He also provided him with water.

51. My reasoning for doing any of the things described at 49 above was to pass the time and to allow the detainee the opportunity of movement. I could have had him maintain the stress position throughout; however, felt that any types of movement would be beneficial to him.

52. I have never received any instructions while at Camp Stephen with regards to using physical techniques on detainees.

53. I had not previously used similar techniques on detainees at Camp Stephen. As I have said on numerous occasions now, this was the one and only detainee I was ever involved with during my tour in Iraq.

I was not aware of others previously using similar techniques on detainees at Camp Stephen.

54. I am not aware that anyone at Camp Stephen was aware of my use or intended 'exercising' on detainees or use of the squat position.

55. Mousa Ali collapsed while I was on guard duty.

55.1 When Mousa Ali collapsed, he appeared to be exhausted due to the heat. He had been sweating profusely throughout the time that I was there and obviously prior to my arrival. He had a good colour, he was not pale in any way. He made no complaints as such. He appeared to be pleading his innocence as it were. He did not grab at his chest or do anything to indicate to me any sudden illness or heart attack. Laterally, whilst he was in the stress position (i.e. not standing), he, without warning, keeled over to his left side onto the ground. At this time I saw fluid perhaps foam or vomit coming from his mouth.

55.2 I have no idea why Mousa Ali collapsed. I am not medically qualified, but if I were to guess, I would say possibly heat exhaustion. I imagine that the fact that he was overweight was a massive factor. Perhaps he had an underlying condition that I was unaware of.

55.3 I cannot recall specifically how Pte [REDACTED] SO103 and I responded to Mousa Ali's collapse; however, on his collapse [REDACTED] SO103 ran off to seek medical help and I remained with the detainee. I did not touch him, approach him or give CPR/ mouth to mouth for various reasons.

56. In regard to how Mousa Ali's condition was reported, I believe [REDACTED] SO103 got medical help and we, that is [REDACTED] SO103 and I, left the area for the medics to deal with the detainee. What happened after that I cannot recall, but both [REDACTED] SO103 and I took up positions at the Sangers, which were located in each corner of the camp.

*Events following Mousa Ali's collapse*

57. In regard to who arrived at the EPW area following Mousa Ali's collapse, [REDACTED] SO103 got the Medic and we, [REDACTED] SO103 and I, immediately went to the Sanger points around camp for guard duty.

58. No one asked me to move the detainee at any time.

59. I do not recall the C Coy Medic attending and examining Mousa Ali. I must have left by that point.

60. I do not recall whether anyone present suggested Mousa Ali had: (i) had a fit and/ or (ii) an issue with his heart.

61. I did not believe Mousa Ali to be dead when he collapsed as he was still breathing when I left.

62. No one asked me about what had happened to Mousa Ali in the event leading up to his collapse at the time. It was only when I gave my statement in Iraq to SIB/RMP that I was asked. I cannot recall when he was pronounced dead, but I think we got told he was in resus in an ambulance. At some point after that I heard he had died, probably in the next day or two.

63. Mousa Ali was subsequently taken to the Regimental Aid Post.

63.1 I was not present when he was transferred; I was at the Sanger point.

63.2 As I was not present when he was transferred, I cannot give details as to what took place.

64. I must have left the EPW area as soon as the medics arrived although I do not recall them arriving. I recall we were instructed by someone, I cannot recall who, to take up position on the flank sangers.

**c. General questions regarding Mousa Ali's detention**

65. I have been asked whether I witnessed and/ or was aware of:

65.1 Any ill-treatment of any of the three detainees.

I did not witness any of this at all.

65.2 The placing of any of the detainees in a pit or hole at Camp Stephen.

I never witnessed anything like this at any time. I was not aware of any pit or hole in Camp Steven.

65.3 The place of any of the detainees on or near a tank or tank tracks.

I never witnessed that.

66. I did not witness anything that I think might be relevant to why Mousa Ali died.

**d. Allegations of ill-treatment made by Bashar Ali**

*Arrival at Camp Stephen*

67. Bashar Ali told RMP interviewers on 11 June 2003 that when they arrived at Camp Stephen:

*"They got us out from the armoured vehicle... they covered us with sacks [he is gesturing .. he mans (sic) they covered their faces or heads]."*

In his IHAT interview of 9 April 2014, he stated that:

*"as soon as we arrived they put bags over our head ... I had the bag placed over my head straight away when I stepped out from the vehicle."*

I am not aware of any of the detainees being hooded on arrival at Camp Stephen. I never witnessed any detainees other than the one detainee I was involved with and he was never hooded nor plasticuffed at any time.

68. I have been referred to Bashar Ali's transcript of interview with the RMP on 11 June 2003, in which he told interviewers that he, his father and SO107 were tortured and beaten while being removed from the vehicle upon arrival at Camp Stephen [p.373].

*"They started beating us ... They were beating us continuously as soon as we got off the transporter [the armoured vehicle / tank] ... they were killing us."*

Later, when asked by the interviewer at p.[418] *"How were they hitting/beating you?"*, he responded:

*"With the boots ... Kicking ... they punched me on my face.. it was swollen ... ten.. maybe eight [punches].. on the same, cheek"*

Bashar Ali told interviewers he, his father and [REDACTED] SO107 were then taken to a “camouflaged tent” where they continued to be kicked and beaten p.[419].

I have further been referred to the transcript of Bashar Ali’s IHAT interview dated 9 – 11 April 2014, in which Bashar Ali gave an account of an “hour” of “non-stop torture” upon arrival at Camp Stephen. He told interviewers:

*“We were tortured and then I fall ... I fall over my face and we were ... water, dust, sand and blood all over our bodies ... they played football by our”;*

When asked to describe how the soldiers tortured him, he stated:

*“kicking, kicking, always kicking, they had boots up to here ... I was at the beginning standing up and then I was made to sit ... afterwards when they start beating me and then I was laying on the ground” (IHAT interview, 9 April 2014);*

When asked what they used to beat him, he stated:

*“their hands and their feet ... only their hands and kicking me with their feet”*

I cannot comment on these accounts as I never on any occasion witnessed this. I know I am repeating myself, but I only ever saw the one detainee and he was never treated like this at all during the time I was with him. I never saw any other person abuse the detainee that I was involved with in any way shape or form.

69. Bashar Ali was asked by IHAT interviewers for details as to whether he was ever made to sit or stand in one particular position, he responded:

*“Yes during the torture [he later confirmed this to be during the ‘black hour of torture’]... (Bashar goes on the floor and his knees and places his hands behind his head) ... They made me suffer or the torture in that position was about five minutes less more ... ten minutes, fifteen minutes and then afterwards I fall over my face*

...

*They kept on hitting me until I passed out and they had to wake me up with water.”*

He was asked whether he was made to go back into that same position again if he fell to the floor and responded:

*“Yes, yes they did that, they made me sit like that.”*

I do not know who Bashar Ali is. To the best of my knowledge I have never seen him. All I can say is that the detainee I was involved with was on his knees on my arrival, but not with his hands behind his head.

70. Bashar Ali told IHAT interviewers in respect of Mousa Ali:

*“He was making the noises complaining about the pain and he said ‘I can’t take this anymore, please leave me alone’, he was scared and crying”*

I was not aware of Mousa Ali making noises or crying.

71. Bashar Ali told the RMP that (a) British soldier(s) put a cigarette out on his foot “during the hitting/beatings” (p.439).

I am not aware of this happening.

72. I have been referred to Bashar Ali's RMP interview at p.[374], which states that after being beaten and taken to the camouflage tent:

*"they began [opening?] ... water and poured it on us ... they kept on pouring water on us."*

In his interview with IHAT on 9 April 2013, Bashar Ali stated that, upon leaving the vehicle and being hooded:

*"they started pouring water over us and they start torturing us and hitting, beating us ...hot waters ... on our heads [clarified as on to their sacks]."*

I am not aware of water being poured over any of the detainees while at Camp Stephen.

#### *Placing in pit and hole*

73. I have been referred to pp.374-375 of Bashar Ali's RMP interview, which states:

*"After they beat us...hurt us and all that... someone came and held us [he is gesturing with his right arm.. tightening/pulling/squeezing it] from here.. me and my father ... he made us walk and then he threw us in me and my father into a position [he means a hole in the ground]."*

He later demonstrated that he was held in a gooseneck hold to be taken to the pit (p.420).

Bashar Ali's account to IHAT in April 2014 was that, he was put in a hole in the ground and stones were thrown at him:

*"... and then they took me and put me in the hole in the ground and start stoning me."*

*"And they took me inside the hole in the ground, it was like a hole or (his word) a septic tank and then they start hitting me with stones ..."*

*"I had a bag over my head, I couldn't see, I felt that I was going down like a hole in the ground. Then when they started hitting me with stones ... and they were screaming and shouting also, after that I was taken out, to outside and they removed the bag off my head"*

*"I could feel I was going down, it was up to my belt, I then go lower ... I was sitting and I was scared like this ... I think it was made of sand, soil."*

*"[the soldiers] were making noises ... it was sound, it was torture"*

Bashar Ali confirmed that the hole was in the open air and he received nothing to shade him from the sun. He believed it to be around 4-5pm.

When asked whether more than one person was throwing stones, Bashar Ali responded:

*"I don't know if it was one or more but it was coming from here or here, I think it's more, I couldn't see because I had a bag over my head."*

In respect of the above accounts:

- 73.1 I have no clear recollection of there being a hole, pit or septic tank at Camp Steven.

73.2 I am not aware of any of the detainees being placed in a pit or hole.

73.3 I am not aware of, nor did I participate in, the throwing of stones at Bashar Ali while he was in a pit or hole.

#### *Tank tracks*

74. In his account to the RMP in 2003, Bashar Ali told interviewers that:

*“When they took us out of the hole ... they put us near the tracks of the tank ... They made us lay down, and they started beating us.. very close to the tracks .. our heads were close to the tracks ... they took us back to the tents, at the tents they beat us very hard.”*

He later stated:

*“my head was close to it.. very close to it.. ... I hit the iron.”*

Bashar Ali’s account to IHAT on 9 April 2014 was that he was taken, by foot, away from his father and neighbour to another location about 30 metres away. He told interviewers:

*“they took me straight and I was tortured then, then they took me, put my head under the truck and I could feel it when it was running.”*

He later stated that he did not know if the engine was running, but he thought that it was (p.481). He confirmed to interviewers that he was there for about five minutes, approximately, and that no assaults took place at the tank track.

I have been asked to comment on these accounts, addressing the following:

74.1 There were tank tracks at Camp Stephen.

74.2 I was not aware of, nor did I witness or participate in the taking of any of the detainees to tank tracks.

74.3 I was not aware of the detainees being taken back to a tent and beaten.

#### **e. Reporting of the incident**

75. No one talked to me about the events surrounding Mousa Ali’s collapse in the EPW area at that time.

76. My 2013 IHAT statement states:

*“With regards to SO103 when he knew he was to be seen by the SIB he got anxious and worried compared to the other three of us. He took it the worst. He had seen that the fat man was dead and we weren’t just spoken to by RMP by SIB.”*

I have been asked to explain what I meant by this statement. SO103 potentially saw someone die. I believe he was just worried about being interviewed by persons from the "Special" branch.

77. I have been asked whether any record was made or paperwork completed regarding the incident after Mousa Ali was confirmed dead.

I did not complete any paperwork, and I was never asked to do so. I am unaware as to what paperwork may or may not have been completed or by whom.

78. I do not know who was responsible for reporting Mousa Ali's death. At a guess, probably someone within the command structure, perhaps a Medic at HQ.
79. I have no idea how and when Mousa Ali's death was reported or conveyed up the chain of command and / or to the RMP.
80. I have no idea why there was a delay in informing the RMP of the incident; I was not involved in that process.
81. I have no recollection of speaking to anyone about the events after Mousa Ali's death at all.
82. I do not think anyone at any time expressed or implied to me that I should not discuss this matter. If it was expressed, I would imagine that it would have come from the RMP.
83. I have been asked whether I am aware of anyone speaking to Bashar Ali and / or threatening him to stay silent after the incident.

I have no idea who Bashir Ali is, but from reading statements, I am aware it is the deceased person's father. I am not aware of anyone speaking to this individual.

#### **f. Mr Mousa Ali's Family**

84. I have no idea when Mousa Ali's family were informed of his death.
85. It is understood that the family were not aware of Mousa Ali's death and/ or of Bashar Ali's location until at least the RMP commenced investigations.

I do not know anything about this. I was not involved in any next of kin work and was not aware when exactly the RMP commenced their investigations.

#### **E. Culture at Camp Stephen**

86. I have been asked to describe the culture at Camp Stephen between May and October 2003.

C Company was based there. It was made up of three platoons: anti-tank; recon; and mortar. This amounted to between 120 - 150 men (approx.). We were a good unit, all senior and experienced soldiers. We got along well with each other. There was the usual banter that occurred, but all in all, it was what I would describe as good humoured. We were in a war zone at the end of the day. The mood changed on a daily basis depending on what we were presented with or what we were doing.

87. I have been asked how Iraqi civilians were generally viewed and / or treated by those at Camp Stephen.

Ration packs were handed out to locals and we were giving them chocolate. The local kids and civilians appeared to like the British soldiers. They did not really like the American troops. They were poor in general, and poorly clothed (often with no shoes). We played football with them and I would say that, given the situation, we got on well with them and kept it in as friendly a manner as possible given the job that we had to do. The locals would wave to us when we passed by them in the tanks. I would say that in general they were viewed sympathetically and treated with respect.

88. I cannot comment on how detainees were generally viewed and / or treated by those at Camp Stephen as I was only involved with the one detainee.
89. I cannot comment on how detainees were treated when they were in the EPW cage as I was only involved with the one detainee.
90. The term “beasting” means motivating to get maximum effort from the person on the task either by demonstration/ shouting loudly/ verbally forcing.
91. Hand on heart, I never witnessed any individual mistreat detainees and / or civilians at Camp Stephen.
92. I cannot describe any incidents of mistreatment because, as set out at 91 above, I did not witness any.
93. I cannot identify any individuals that mistreated detainees because, as set out at 91 above, I did not witness any.
94. I never witnessed any threats made to detainees.
95. I cannot comment on how individuals who mistreated detainees were considered by others in the Camp because, as set out at 91 above, I did not witness any such mistreatment.
96. I never witnessed troops complaining about the treatment of detainees and / or civilians at Camp Stephen.
97. I have been asked to describe the degree of oversight that commanders had of troops at Camp Stephen.

Company Commander oversaw the whole of Charlie Company. There was a Platoon Commander for each of the three platoons: CSM; Colour Sergeant; Corporal etc. I did not have many dealings with them, they worked in the HQ, which was in a totally different area altogether. It was probably an hour away by Warrior Tank. I presume that the oversight they had would have come from the senior NCO's who, I would imagine, reported to them on a daily basis.

98. I have been asked to describe the degree of freedom that NCOs and / or patrol commanders had over those under their command at Camp Stephen.

It was not laid back. NCO's were there to keep order and discipline, and to give and carry out orders from the Command structure and to see that those orders, whatever they may be, were carried out as per the instructions. It is a disciplined service and one in which we were all used to working to.

99. All NCOs, in my opinion, were good guys, none of whom were particularly influential within Camp Stephen. You had your own jobs to do, such as to mop corridors, clean showers, clean the sleep area, ditch the gash etc. They were all respected. I would not say that any of the NCOs were more influential than each other. As set out at 98 above, it is a disciplined service.

100. It has been suggested that CSM WO2 [REDACTED] SO101 was particularly influential at Camp Stephen, and that he ‘dictated’ what happened within the Camp.

100.1 I have been asked to describe WO2 [REDACTED] SO101's role and influence within the Camp.

He was a well-respected senior NCO. He was probably one of the best that I have worked with. He was good with you, but if you fell into bother, you knew about it. He was what I would describe as firm but fair in his actions and did not suffer fools gladly. His role was like a manager, he did not dictate to you, he would give the instructions to the Company. When he was around you behaved in a totally professional manner as you did not want to fall foul of him.

100.2 I have no knowledge of any incidents of mistreatment of detainees in which WO2 [REDACTED] SO101 was involved.

100.3 I have no knowledge of any incidents of mistreatment of detainees in which WO2 [REDACTED] SO101 was involved. I do not know if he was involved with detainees at any time.

100.4 There are no other incidents I can think of in which WO2 [REDACTED] SO101 was involved which I believe may be relevant.

101. I am unable to comment on whether Cpl [REDACTED] SO102 was also influential at Camp Stephen as I cannot place the name or the individual.

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

### ***a. 'Wetting' generally***

102. I have been asked whether I understand the term "wetting".

I would hazard a guess at pouring water over an individual or perhaps a person who wets themselves due to fear.

103. I do not recall ever witnessing detainees being: (i) placed into water, (ii) threatened with being placed into water, and / or (iii) transported to bodies of water (including canals, rivers, ditches, and pools). I do not recall any of these areas and there were no bodies of water near to or in Camp Stephen to the best of my knowledge.

104. I cannot comment on why detainees were transported to or placed into bodies of water because I never witnessed that nor was I aware of that happening.

105. I cannot comment on what happened when detainees were placed into water because I never witnessed that nor was I aware of that happening.

106. I have never witnessed nor was I aware of any soldiers on patrol putting detainees into water, or throwing them into the Shat Al-Arab River. I do not recognise the Shat Al-Arab River nor where that may be. I do not recall any rivers, only street sewers, which were open and stunk.

107. I never witnessed any restraining devices (such as plasticuffs) being placed on detainees before they were placed into water. I never witnessed detainees being placed into water at all.

108. I never witnessed force being used on detainees whilst they were being placed into water. I never witnessed detainees being placed into water at all.

109. I cannot comment on whether detainees were ever in danger whilst being placed into water because I never witnessed that nor was I aware of that happening.

110. I have no idea how long the practice of placing detainees into water continued nor whether that was even a practice. I was certainly unaware of it If it was.

***b. Reporting of 'wetting' incidents***

111. I have no knowledge about whether there was a requirement to report incidents of detainees entering or being placed into bodies of water.

112. I cannot describe any process for reporting of incidents because, as set out at 111 above, I have no knowledge about whether there was a requirement to report incidents.

113. I have no knowledge about whether incidents were reported.

114. I have no knowledge about whether any incidents were not reported.

***c. Chain of Command***

115. I do not know whether senior commanders were aware of water being used on detainees.

116. No directions were given to use water generally as a deterrent to looting.

117. I cannot recall any direction provided by commanders about: (i) the use of water on detainees, or (ii) placing detainees into water.

118. I am unaware of whether there was a practice of using water on detainees and thus, I cannot comment on whether any reason was given for such a practice.

***d. 'Wetting' at Camp Stephen***

119. I have no recollection of a stream outside Camp Stephen.

120. I never witnessed any detainees being put in, or going into, a stream outside Camp Stephen nor have I ever heard of this practice.

121. For the reasons set out at 119 and 120 above, I am unable to comment any further on detainees being put in, or going into, a stream outside Camp Stephen.

122. I was never involved in any incidents (either as an observer or as a participant) of detainees being put into water.

123. I never witnessed detainees being brought back to Camp Stephen after having been placed in water.

124. For the reasons set out at 119 and 120 above, I am unable to comment on whether any incidents of detainees placed into the stream were well-known to those within the Camp.

125. For the reasons set out at 119 and 120 above, I am unable to comment on what the view of those in Camp Stephen was to this practice.

***e. Orders***

126. I do not recall Major [REDACTED] SO88 being required to put a stop to detainees being thrown into a stream near Camp Stephen. I am not certain if Major [REDACTED] SO88 was Company Commander or Platoon Commander. He was probably the Company Commander. I think it was him who granted me the PTI course when I was in Germany.

127. For the reason set out at 126 above, I am unable to comment any further on the requirement for Major [REDACTED] SO88 to put a stop to detainees being thrown into the stream.

#### 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.

[REDACTED] SO89

Name: SO89

Date: 23 February 2023