



MOD-83-0000587-A

On behalf of: SO90
Witness: SO90
No of witness statement: Re-formatted statement
Date: 22 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**

REFORMATTED WITNESS STATEMENT OF SO90

I, SO90, 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 contains multiple paragraphs which consist of 'yes' or 'no' answers and/or very short answers which are not capable of comprehension without reference to the questions 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 have also been asked to confirm when I left the service, and the rank I had obtained when I left.

I joined the Army Reserves in 1979 and achieved the rank of Sgt by 1989.

I then decided to join the regular forces. I joined my local Regiment, the Black Watch. After a short training period at Penicuik, I joined the Unit [REDACTED] as a Private Soldier in Ballykinler, Northern Ireland. I joined D Company and served there as a soldier [REDACTED] in Northern Ireland. During this time, I was selected to attend a JNCO Cadre held on the mainland. After successful completion, I was then promoted to Section 2IC Lance Corporal, continuing to serve in D Company as a section 2IC.

After the tour finished in Northern Ireland, we moved to Tern Hill [REDACTED] where I continued in the role of a section 2IC.

[REDACTED] I attended the section Commanders Battle Course. After successful completion, I attained the Rank of Full Corporal and then Moved to C Company, joining the Mortar Platoon when the Unit moved to Hong Kong [REDACTED].

From Hong Kong I returned to complete my Junior Mortar Qualification Course.

I returned to Hong Kong where I took part in an exercise in Hawaii and continued in my role as a Mortar Fire Controller.

The Unit then moved to Pirbright in 1994 where I attended a Senior Mortar Course, qualifying to be a section Commander/ Senior Mortar Controller.

[REDACTED] I was an Observation Post Commander and received a GOCS Commendation.

The Unit then moved to Fort George [REDACTED]

From Fort George, the Unit completed Exercises in Kenya and Canada.

[REDACTED] the Unit moved to Germany, taking up an Armoured Infantry Role where I became the Mortar 2IC. From Germany, we completed Exercises in Poland and Canada. We also completed a six-month Peace Keeping tour of the former Yugoslavia in 2001 where I served as the Company Intelligence Officer.

After this tour, we recovered back to Germany.

In 2003, we were deployed on OP Telic Iraq.

After our return to Germany, we then moved as a Unit to Warminster to be the Infantry Battle School Demonstration Battalion. [REDACTED]

The Unit were again Deployed to Iraq in 2004 for a six-month tour. During this time, our Unit was chosen to move north of the country to support the American Forces. After completion of this tour, we moved back to Warminster where the Unit then moved to Belfast.

I then moved to take up the position of the Senior Permanent Staff Instructor (SPSI) with [REDACTED]

[REDACTED] I was posted to the Mortar Division in Warminster to teach Officers and Senior Non-Commissioned Officers on their Career Course. I taught them all aspects of how to successfully run a Mortar Platoon and Plan Live firing.

[REDACTED] At the time of leaving the Regular Army I had achieved the Rank of Warrant Officer.

2. I have previously given the following statements or accounts, which I have read carefully. I have been asked whether I still confirm their contents and, if not, what aspect of the statement or account I would like to amend or clarify. I comment as follows:

2.1 23 May 2003.

I refute that I gave this statement at the time as there are words and statements within it which I did not state.

2.2 17 October 2012.

During this interview, I did not state that I agreed with the previous statement.

2.3 14 December 2016.

I still confirm the contents of this statement.

3. I was employed as 2 IC Mortar Platoon and Intelligence Officer for C Coy, 1 BW in May 2003. I have been asked to set out when I commenced that role and to give details as to what my role involved.

As a Mortar 2 IC, I was responsible to the Unit. I had to ensure that the Unit had adequate indirect Fire Support available to it. This way, we could provide support to any Unit within range. If or when required, this involved making sure any one of the two sections were steady and ready to fire at a moment's notice, and at any time, day or night, in the offensive battle. I had to ensure that we had enough ammunition rations and other equipment required to complete this task to the full. I would also keep the Battle Group 2 IC up to date with sitreps and Ammunition states, ensuring he had all the information when planning his courses of action.

As an intelligence Officer, I was responsible for ensuring all patrol traces were marked on the Honesty Map to ensure we were not patrolling one area too many times. I was also responsible for de-briefing patrols to see what information they gathered, if any. I would then pass this information to the IO or the Company Commander. During this time, no patrols came in with any information as the public would not engage.

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.

I had two other team members. No one reported to me at this time. I reported to the Company Commander or his 2 IC if he was not available.

5. I was not able to speak Arabic in February 2003.

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.

We were not given any instruction.

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

We were not provided with specific training on this.

- 6.3 The use of restraint techniques.

Prior to Op Telic we were given short periods on this.

- 6.4 Prisoner handling.

Prior to Op Telic we were taught Prisoner Handling.

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

We were not provided with specific training on this.

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

I was not provided specific briefing or training.

C. Detainees at Camp Stephen

7. I had no specific role with regards to detainees at Camp Stephen.

8. I have been asked under what circumstances detainees would be taken to Camp Stephen and who would make this decision.
 10. This could be the decision of the patrol commander.
9. The Company Sargent Major was responsible for any, and all detainees at Camp Stephen in May 2003.
10. 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:
 - 10.1 I was not aware of any paperwork that was required to be completed for detainees at Camp Stephen.
 - 10.2 I cannot recall the use of a 'Slammer' form.
 - 10.3 I have been asked what the procedure was for the handover of detainees upon arrival at Camp Stephen and there they were taken upon arrival.

If any Detainees were brought in, they would be placed under guard in the EPW Area.
 - 10.4 If any Detainees were brought in, the Company Sargent Major would be informed.
 - 10.5 There were no procedures for identifying and recording High Value Targets
11. I have been asked if a medical check would take place. I comment as following.
 - 11.1 I do not know what the timeframe was for completing the medical check.
 - 11.2 I have been asked who would arrange for the medical check. The Company Medic would be called initially.
 - 11.3 The Company Medic would conduct the medical check.
 - 11.4 The medical check would take place in the EPW Area.
 - 11.5 I would not know what the medical check comprised.
12. Interpreters were used and/ or available during processing and/ or detention.
13. I was not aware of a process and/ or procedures for processing detainees at Camp Stephen.
14. The EPW Area was an area just inside the front gate to the right as you came in. This this area was covered by cam nets to provide shade.
15. I was not are of any physical contact with detainees.
16. Any detainees were the responsibility of the Company Sargent Major. If detainees were processed, they would be handed over to the Battle Group Holding Cell.
17. I detainees were held at Camp Stephen, they would be moved as soon as possible to the Battle Group HQ Holding Cell.

18. At Camp Stephen, any detainees were guarded by members of the 3 platoons who took turns patrolling and guarding the base. 2 Soldiers from these platoons would be placed on guard. Each platoon was responsible for the rota.
19. I have been asked what procedures or practices in place, if any, for providing water and/ or food to detainees.

Water was provided in place at the EPW Area.
20. Detainees would only be questioned at Camp Stephen with the full authority of the Company Commander.
21. With regards to 'tactical questioning':
 - 21.1 This would be carried out by a trained interrogator only. I was not aware of anyone in the Company carrying out this activity.
 - 21.2 I stated in my witness statement of 17 October 2012 that, as the Intel Office, I could question detainees at Camp Stephen, but I was not "*TQ trained*".
 - 21.2.1 '*TQ trained*' means someone who would be trained to carry out questioning who can pitch questions at the right level and sequence to achieve a favourable answer.
 - 21.2.2 We did not receive any specific training in the questioning of detainees.
 - 21.3 I was not aware of anyone at Camp Stephen being "*TQ trained*".
22. Props were never used for the purposes of questioning or tactical questioning when I was present.
23. All detainees at Camp Stephen were hooded until they reached the EPQ area where they would be de-hooded.
24. I never witnessed the use of stress positions on detainees at Camp Stephen.
25. I never witnessed the use of plasticuffing on detainees at Camp Stephen.
26. I never witnessed any ill-treatment of detainees at Camp Stephen.
27. I do not believe there were any procedures at the relevant time for informing the next of kin/ family of a detainee in the event of their death.

D. Death of Radhi Nama

a. Search operation: 8 May 2003

28. I did not detain Radhi Nama. I argued with the Company Commander ref this in the house.
29. No force was used to detain and transport Radhi Nama.
30. I did not see any injuries present.
31. I did not hood Radhi Nama nor use cuffs.

32. I was informed of Radhi Nama's medical history after the OC handed the letter in to the house.
33. I have been asked who I handed Radhi Nama over to at Camp Stephen. Radhi was placed in the EPW area with no hood or Plasticuffs.
34. The last time I saw Radhi Nama was sometime later that day as I had asked the guard if he had been fed.

b. Informing Radhi Nama's family

35. I have been asked what caused me to go back to Radhi Nama's home on 9 May 2003.

I was travelling in the back of the Company Commanders Land Rover to attend the daily Orders Group at Battle Group HQ. The Company Commander proceeded to the house with a letter.

36. I was informed of Radhi Nama's death when awoken by Mr [REDACTED] SO95.
37. I had no interaction with Radhi Nama's daughter about his death.
38. I do not know if Radhi Nama's family were informed of his death.
39. I did not participate in or witness any ill-treatment of any of the detainees.
40. I did not witness anything that I think might be relevant to why the detainee died.

E. Death of Mousa Ali

a. Search operation: 13 May 2003

Preparation

41. I have been asked to give details of my involvement, if any, in the search operation that took place on 13 May 2003.

I only attended the outer cordon of this operation as I had not attended the briefing. I had no involvement with the search operation other than keeping an eye out for any armed persons or groups on the perimeter.

42. In my witness statement dated 17 October 2012, I state that "*Intelligence received in the Battalion Intell Cell ... went up the chain for acting upon but not down to the Company.*"

what I meant by this statement is that there was very little information coming into the Battalion Intelligence cell at all, which meant that all of the patrols were not being engaged by the general public.

43. I have been asked whether this was a C Coy operation, or joint with or led by what the IFI refer to as 'Specialist Military Units'.

I did not attend the briefing, but I believe it was Specialist Military Unit led with C Company Supporting.

44. I state in my witness statement of 23 May 2003 that "*About 1500 hrs on 13 May 03, members of the SMUs] arrived at our location in order to conduct a joint operation ...*". In my witness

statement of 17 October 2012, I state that "it was only the second [SMU] op that C Coy had been involved in".

In this case providing Support to the specialist Military Unit means that we would provide security on their outer cordon to allow them to carry out their specific task.

45. I did not attend any briefings.
46. I was not made aware of the target(s) for the search operation. have been asked whether I was made aware of the target(s) for the search operation.
47. The Company Commander from C Coy was in charge of the operation and he carried out the briefings and handed out the taskings for the operation.
48. ■■■ SMU Soldiers participated in the operation.
49. I believe all of the British soldiers participating in the operation had beards at the time.
50. I do not know if interpreters were present on the operation as I had a limited role.
51. I do not know how reporting, by radio or otherwise, would be conducted during the operation as I had not attended the briefing.
52. Nothing was reported to me with regards to the search operation.

Events of search operation

53. Three people were detained during the search operation, Mousa Ali and his son, Bashar Ali, were detained at Mousa Ali's house, and a man believed to be General Karim (but who was actually ■■■^{SO107} ■■■) was detained as his property. I was not involved in the search of either property nor the detention of any of these individuals.
54. I state in my 23 May 2003 witness statement that I was "aware that three people were arrested in total" during the operation.

I first become aware that three men had been detained when the Company Commander returned to the Vehicle and relayed this information.
55. I cannot comment on why Mousa Ali's house was searched and who made the decision to do so as I have no knowledge that this happened.
56. I confirm that I was not involved in the search of Mousa Ali's house.
57. I did not see any of the three detainees during the course of the search operation.
58. I was not aware of any of the detainees wearing hoods during the search operation.
59. I did not witness any of the detainees being placed into a vehicle.
60. I did not travel back to Camp Stephen in the same vehicle as the detainees.
61. I do not know whether any of the detainees were offered or provided with food or water.

62. I did not participate in or witness any ill-treatment during the search operation.

b. Events at Camp Stephen

63. I first become aware of the detainees' arrival at Camp Stephen when they arrived back from the Operation. Shortly after we arrived back.

64. On arrival at Camp Stephen, the detainees were unloaded from the vehicles and escorted to the EPW area.

65. I have been asked who was making decisions in respect of the detainees. Any detainees were the responsibility of the Company Sergeant Major.

66. I do not recall whether any of the detainees were hooded upon arrival at Camp Stephen.

67. I did not witness any paperwork being completed in respect of the three detainees.

68. The C Coy Medic was told to perform a medical check by the Company Sergeant Major.

69. It is suggested that I went to the EPW cage and questioned one of the detainees.

69.1 I have been asked to give a full account of how this came about.

I questioned the General in the Interview Area not the EPW Area. I started by asking him his name and rank. It was then that I realised I would gain nothing from further questioning and instructed the guard to return him to the EPW area. I then went to my room.

69.2 I was acting on instructions from the Company Sergeant Major. I objected as these were not actually our detainees and were due to be transferred the following day.

70. I state in my statement of 23 May 2003 that *"I was then [upon returning to Camp Stephen after the search operation] informed by a member of the [SMU] that General Karim may have knowledge as to the whereabouts of the weapons and explosives we were looking for..."*.

70.1 I do not know the name of the SMU Member who informed me of this.

70.2 This SMU member had been present on the search operation.

70.3 When I received this information, there were also several members of the Company present including the Company Sergeant Major and the officer commanding.

71. I did not need to inform anyone that I was going to question one of the detainees as the instruction came from the Sergeant Major in front of the Company Commander.

72. I have been asked to identify everyone who was present in the EPW area while I was there and describe their locations. I did not go to the EPW area, I went to the Interview area.

72.1 Members of the reconnaissance Platoon were tasked with guarding the detainees while I was present in the Interview area.

72.2 I did not witness any of the detainees move, or be moved, within the EPW area.

72.3 I did not witness any of the detainees being removed from and/ or returned to the EPW area. The only detainee moved at this time was the General when he was moved to the question tent.

73. An interpreter would have been available in the EPW area.

74. I cannot describe the detainees' condition on my arrival as I did not see all of the detainees.

75. I cannot comment on the position of the detainees in the EPW area because, as set out at 72 above, I did not go to this area.

76. I cannot comment on whether any of the detainees were hooded because, as set out at 72 above, I did not go to this area.

77. I was not told anything about the detainees upon my arrival.

78. I was not present for any instruction or briefing of the guards.

79. 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 a hot day. There should have been water in the EPW area for consumption.

80. I am not aware whether the detainees were offered and/ or given water or food at any time.

81. There were jerry cans filled with water in the EPW area.

c. Questioning the detainee

82. My previous accounts refer to me going to the EPW cage and taking out for questioning a detainee I variously refer to as 'General Karim' and 'General Kassim' (believed to be SO107 [REDACTED])

I did not go to the EPW cage. I had the General brought to the question Area.

82.1 I was informed by the Seagent Major to ask the General questions.

82.2 I did not know anything about this detainee when I questioned him.

82.3 I had no knowledge as to whether this detainee had been a target of the search operation.

82.4 I have been asked whether I learnt at any point that this detainee was not a target of the search operation. As set out at 82.3 above, I had no knowledge in this regard.

83. I have been asked to give details regarding my questioning of the detainee believed to be SO107 [REDACTED]

83.1 The Female Interpreter was present when I questioned him.

83.2 I questioned him at the Question Interview Area.

83.3 I used the Female Interpreter.

83.4 I asked him the following: (1) his name; (2) his address; and (3) if he knew where any weapons were located. It was at this point that I realised that he was not our detainee and I

should not actually be asking questions. I had him returned to the EPW cage by members of the Guard.

83.5 The detainee responded to my questions.

83.6 I questioned him for at most, 5 minutes.

84. After I finished questioning [REDACTED] SO107, I went to bed.

85. I have been asked whether I saw either of the other two detainees after I took [REDACTED] SO107 away to be questioned. As set out at 82 above, I did not go to the EPW cage. I had the General brought to the question Area. I did not see either of the other two detainees.

d. Mousa Ali's collapse

86. It is correct that I was not present in the EPW area at or around the time that Mousa Ali collapsed.

87. I learned of Mousa Ali's collapse at tea meal as I slept through lunch and no one informed me.

88. I did not return to the EPW area following Mousa Ali's collapse.

e. Allegations of ill-treatment made by Bashar Ali

89. I have been referred to p.373 of Bashar Ali's interview with the RMP on 11 June 2003, in which he stated that 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 at pp.463, 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 was not aware of any of the detainees being hooded on arrival at Camp Stephen.

90. 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 [REDACTED] 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 been referred further to the transcript of Bashar Ali's IHAT interview of April 2014, in which Bashar Ali gave an account of an "hour" of "non-stop torture" upon arrival at Camp Stephen. He told interviewers at p.465:

"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 at p.466:

"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"

When asked what they used to beat him, he stated at p.467:

"their hands and their feet ... only their hands and kicking me with their feet"

I did not witness the beating and/or kicking of any of the detainees upon their arrival at Camp Stephen.

91. 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 at p.478:

"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 did not witness Bashar Ali nor any of the detainees being made to kneel with their hands behind their heads.

92. Bashar Ali told IHAT interviewers in respect of Mousa Ali [p.472]:

"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.

93. Bashar Ali told the RMP that (a) British soldier(s) put a cigarette out on his foot (p.439). I was not aware of this happening.

94. I have been referred to Bashar Ali's 2003 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 2014 interview IHAT, Bashar Ali stated at p.465 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

95. 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 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 ..." [p.465]

"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" [p.475]

"[the soldiers] were making noises ... it was sound, it was torture" [p.468]

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 at p.483:

"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:

95.1 I am not aware of any pit, hole or septic tank at Camp Stephen.

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

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

Tank tracks

96. In his account to the RMP in 2003, Bashar Ali told interviewers at p.375 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."* [p.431]

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 at p.470: "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:

96.1 There were warrior Fighting Vehicles at Camp Stephen.

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

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

f. Reporting of the incident

97. I was not made aware of any record made or paperwork completed regarding the incident after Mousa Ali was confirmed dead.

98. I have been asked who was responsible for reporting Mousa Ali's death. This would have been reported up the chain by Radio from the Operations Room.

99. I was not made aware of any procedural requirements for reporting the incident (i) to the chain of command and (ii) to the RMP, other than ensuring that any deaths were reported up to the chain of command.

100. I was not made aware of whether Mousa Ali's death was reported up the chain of command and/or to the RMP.

101. I believe the RMP became involved in investigating the incident the following day.

102. I cannot explain why there was a delay in informing the RMP of the incident as I was not made aware of the incident until later in the day.

103. I did not speak to anyone about the events after Mousa Ali's death.

104. At the time, no one expressed or implied to me that I should not discuss this matter.

105. I am not aware of anyone speaking to Bashar Ali and/ or threatening him to stay silent after the incident.

g. Informing Mousa Ali's Family

106. I was not made aware of any procedures at the relevant time for informing the next of kin/ family of a detainee in the event of their death.

107. I do not know when Mousa Ali's family were informed of his death.

108. There is a suggestion that the family were not aware of Mousa Ali's death and/ or Bashar Ali's location until at least the RMP commenced investigations. For the reasons set out at 106 and 107 above, I am unable to explain why.

F. Culture at Camp Stephen

109. There was an uneasy culture at Camp Stephen at the time of the incident. Each Platoon mainly kept to their own area and tended not to mix. They would get their food and then return immediately to their own Bunk Areas.
110. In the main, Iraqi civilians were treated with due respect by those at Camp Stephen.
111. As far as I witnessed, detainees were treated fairly by those at Camp Stephen.
112. When detainees were in the EPW cage, they were guarded by Soldiers who kept a short distance from them.
113. A "beasting", to me, means being made to carry out physical fitness.
114. I never witnessed the mistreatment of detainees at Camp Stephen.
115. As I never witnessed the mistreatment of detainees, I am unable to comment on what sort of mistreatment I witnessed.
116. As I never witnessed the mistreatment of detainees, I am unable to identify any individuals who mistreated detainees.
117. I did not witness any threats made to detainees.
118. As I never witnessed the mistreatment of detainees, I am unable to comment on how individuals who mistreated detainees were considered by others in the Camp.
119. I never witnessed any troops complaining about the treatment of detainees and/ or civilians at Camp Stephen.
120. I would describe the degree of oversight that commanders had on troops at Camp Stephen as quite high.
121. 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. I would say that junior commanders did not have freedoms as they were all bunked close together.
122. There were no NCOs who were particularly influential within Camp Stephen.
123. It is understood that WO2 [REDACTED] SO101 was particularly influential at Camp Stephen, and that he 'dictated' what happened within the Camp. I recognise this description. The Company Sergeant Major was very much a dictator and liked to be in control of every aspect. I considered him quite dangerous at that time.
- 123.1 I have been asked to describe WO2 [REDACTED] SO101's role and influence within the Camp.
- The Company Sergeant major liked to influence every aspect within the camp and made everyone aware of it.
- 123.2 I did not witness any incidents of detention of detainees in which WO2 [REDACTED] SO101 was involved.
- 123.3 I did not witness any incidents of mistreatment of detainees in which WO2 [REDACTED] SO101 was involved.

123.4 I did not witness any other incidents in which WO2 [SO101] was involved which I believe may be relevant.

124. It is understood that Cpl [SO102] was also influential at Camp Stephen.

124.1 I have been asked to describe Cpr [SO102]'s role and influence within the Camp.

I did not think Cpl [SO102] was influential. I recognised him to be more of a follower to the Company Sergeant Major. I would not say that he had a role apart from being a patrol commander.

124.2 I cannot remember any incidents of detention of detainees in which [SO102] was involved.

124.3 I did not witness any incidents of mistreatment of detainees in which [SO102] was involved.

124.4 I did not witness any other incidents in which [SO102] was involved which I believe may be relevant.

G. Existence and awareness of 'wetting'

a. 'Wetting' generally

125. I do not understand the term "wetting".

126. I never witnessed 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).

127. For the reasons set out at 126 above, I cannot comment on why detainees were transported to or placed into bodies of water. I do not believe that they were.

128. For the reasons set out at 126 above, I cannot comment on what happened when detainees were placed into water. I have no knowledge of detainees being placed into water.

129. I do not recall, nor do I have any knowledge of, any incidents of soldiers on patrol putting detainees into water, or throwing them into the Shat Al-Arab River.

130. For the reasons set out at 126 above, I cannot comment on whether any restraining devices (such as plasticuffs) were placed on detainees before they were placed into water.

131. For the reasons set out at 126 above, I cannot comment on whether force was used on detainees whilst they were being placed into water.

132. For the reasons set out at 126 above, I cannot comment on whether, in my view, detainees were ever in danger whilst being placed into water.

133. For the reasons set out at 126 above, I cannot comment on how long the practice of placing detainees into water continued.

b. Reporting of 'wetting' incidents

134. I have been asked whether there was a requirement to report incidents of detainees entering or being placed into bodies of water.

There would have been no such requirement.

135. For the reasons set out at 126 and 134 above, I cannot describe any requirement to report.

136. As there was not a requirement to report incidents, I have been asked whether incidents were in fact reported and if so how.

For the reasons set out at 126 above, I cannot comment; however, if there were any such incidents, then they would have been reported to the chain of command.

137. For the reasons set out at 126 above, I cannot comment on whether any incidents of detainees being placed in water were not reported.

c. Chain of Command

138. For the reasons set out at 126 above, it is not my view that senior commanders were aware of water being used on detainees.

139. I was not aware of any direction given to use water generally as a deterrent to looting.

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

141. I was not aware of a practice of using water on detainees.

d. 'Wetting' at Camp Stephen

142. I have been asked to describe the stream understood to be outside Camp Stephen.

I vaguely remember the vehicle parking area outside, but I am unsure if there was a stream.

143. I never witnessed any detainees being put in, or going into, the stream outside Camp Stephen. If I had, I would have reported the incident(s).

144. For the reason set out at 143 above, I cannot comment any further about detainees being put in, or going into, the stream outside Camp Stephen.

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

146. I was not aware of detainees ever being brought back to Camp Stephen after having been placed in water.

147. For the reason set out at 143 above, I cannot comment on whether incidents of detainees being placed into the stream outside Camp Stephen were well-known to those within the Camp.

148. For the reason set out at 143 above, I cannot comment on what the view of those in Camp Stephen was to this practice.

e. Orders

149. I was not aware of any requirement for [REDACTED] SO88 to put a stop to detainees being thrown into a stream near Camp Stephen.

150. For the reason set out at 149 above, I am unable to comment any further on any such requirement.

151. For the reason set out at 149 above, I am unable to comment on what my view of Major [REDACTED] SO88's order was at the time.

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] SO90
Signed: [REDACTED]

Name: SO90

Date: 22/02/23 February 2023