

MOD-83-0000686-A

Dated: 3 April 2023

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

Inspector: The Rt Hon Dame Anne Rafferty DBE

WITNESS STATEMENT OF

[REDACTED] SO93

I, [REDACTED] SO93, state as follows:-

I make this statement for the purposes of the investigation into the deaths of Radhi Nama and Mousa Ali and the investigation into the death of Ahmed Jabbar Karim Ali, in response to the List of Questions provided by the investigation on 15 March 2023.

A. Background

1. In general, it is worth my qualifying the answers in this Witness Statement by saying that I find it hard to recall exactly what happened in the time periods referred to given the amount of time that has elapsed since. I have relied in part on the disclosure provided by the Investigation to compose this Witness Statement.
2. It is also important to make clear at the outset that I personally did not have any particular dealings with looters. As I did not deal with them, it is difficult to be precise about their handling. I was primarily a watch-keeper at most points under question.
3. I joined the Coldstream Guards as a Junior Leader [REDACTED] progressed to Lance Sergeant before I deployed to Germany [REDACTED]. There I specialised in the Warrior Armed fighting

vehicle, both as a Gunnery Instructor, Driving and Maintenance Instructor with a vast knowledge of warrior tactics. This is the reason I was chosen to be the CSM (Company Sergeant Major) Gunner/ vehicle Commander. Tours Three in Northern Ireland, Bosnia, Kosovo and Iraq. I was not given any awards [REDACTED]

4. I left the service in 2006 attaining the rank of WO (Warrant Officer) Class 2.
5. I am directed to two previous statements and accounts given on: (i) 1 November 2004; and (ii) 15 May 2006. I am asked to read these carefully, and to either confirm their contents or state any aspects that I would like to amend or clarify.
6. I do not have anything to amend or clarify in my previous two Witness Statements and accounts which I provided on (i) 1 November 2004; and (ii) 15 May 2006.
7. Between about 8 March 2003 and 15 May 2003, I was deployed on Op Telic with No 1 Coy (Company), 1st Battalion Irish Guards.
8. Following war-fighting operations in Basra, Iraq, I found myself based at a location known as the Gymnasium, which was home to the HQ element of No 1 Coy. Within that location, I was employed within callsign '33A', which was the CSMs Warrior. I was employed within that callsign as Gunner. I was effectively working as right-hand man to then, WO2 [REDACTED], who, as the CSM, had by default become engaged in the duties of camp administrator and looter/prisoner handling officer.
9. Although WO2 [REDACTED] was employed a lot of the time looking after Iraqi prisoners, for the majority of the time I spent at the Gymnasium location, I was employed as Watchkeeper at the No 1 Coy Ops (Operations) Room.
10. On average, I would estimate I was employed in the Ops Room as Watchkeeper for between 4-6 hours every day.
11. I was unable to speak Arabic in May 2003.

B. Training and instruction

12. I was provided with training on the rules of engagement. However I was not provided with any training or briefing with regards to maintaining law and order and the prevention of looting, the detention of individuals, the use and dangers of water during detention, the use of restraint techniques, prisoner handling or the processing of detainees and the requirement for a medical examination. From previous roles and operations I was aware of the duties I conducted in the Gymnasium. There was no specific training, just the general passage of

information and word of mouth. My experience as a watch keeper came from being a senior NCO in Northern Ireland and working within the Battle group headquarters in Kosovo. I can confirm that I only entered Basra in a war fighting role.

C. The Gymnasium

13. In my statement dated 1 November 2004 I wrote: *“Following war-fighting operations at Basrah, Iraq, I found myself based at a location known as the Gymnasium, which was home to the HQ element of No 1 Coy.”*
14. Camp Stephen was not the same location as the Gymnasium, we were a satellite base. The Gymnasium was in Basra. It housed number one company Irish Guards. Prisoner processing facilities were there but I had no dealings with that side of the operation.
15. I immediately reported to the CSM. The chain of command was the Company Commander, then the Company 2IC.
16. I cannot recall having any dealings with Black Watch, who were a neighbouring area of responsibility. I am unable to describe the relationship between the Black Watch at Camp Stephen and the Irish Guards at the Gymnasium. I am unsure as to what operations Black Watch were undertaking. There were detainees for processing in the Gymnasium but I was not involved in this.
17. I am unable to comment under what circumstances detainees were taken in the Gymnasium, the decision makers or who was responsible for them. I did not witness the use of hooding or plasticcuffing, nor did I witness any ill-treatment of detainees. I am unsure as to the procedures for providing food or water to detainees.

D. Group Orders

18. I was never invited to Group Orders, therefore I do not know what was discussed.
19. I never attended meetings concerning discussions of problems associated with containing looters. I knew that looting and local grievances were taking place because law and order was breaking down. I have no specific examples of this that I can recall.
20. I am not sure if there were incidents in which looters were caught by troops who might not have had the capacity to deal with them. We always had a QRF (Quick Reaction Force) on stand by if help was requested. I am unsure which practices were identified to deal with looters once detained as this was not within my area of responsibility.
21. I am unable to comment on whether there was any discussion about how troops on the ground should deal with looters who were detained at Group Orders as I never attended meetings or Group Orders where this was discussed.

22. To my knowledge, it was never mentioned that troops were putting looters into water. I cannot comment on details of this practice as I am unsure. I do not know if this was described as effective or ineffective in discouraging looting. I never attended Group Orders in this regard.
23. Outside of Group Orders, I do not know whether orders were given to use water as a deterrent, what the substance of those orders was and to whom those orders were given. I do not know whether commanders were made aware of water being used a punishment or deterrent.

E. Post-war phase

24. With regards to the situation in the city once combat operations ended, to my knowledge, there was a high volume of looters and our Company did not have the manpower or facilities to hold all of them because of their numbers. Around this time, the Company Ops room was being scaled back, around 8 – 9 May 2003 to prepare for extraction
25. From early May 2003, I became aware of the practice of dealing with the issue of looting. Although I was not personally involved, there were not circumstances where there was not capacity to hold looters. In order to deal with the issue, attempts involved driving the looters away from the location where they were caught, the 'loot' being taken from them, and making them walk back rather than allowing them to return to where they were (and possibly conduct more looting). I am aware that a Warrior vehicle was used for this practice which was supposed to be guarding Basra General Hospital. Had I been specifically asked about this as watchkeeper, I would have said it should have remained in post and a QRF deployed instead, as this Warrior was security for the hospital. However, ultimately, this was at the commander's discretion. I understand looters were irregularly driven around four or five kilometres in the Warrior vehicle in the end.
26. I am told that in my statement of 1 November 2004 I wrote:
With regards looter handling, I was aware that in the latter days of the tour it became policy to drop looters off on the outskirts of town rather than bringing them to our location for processing. This situation evolved towards the end and was practiced by most callsigns with the consent of the No 1 Coy chain of command.
27. The point at which the practice of looter handling became 'policy' is difficult to say. Many of the other matters are beyond my knowledge, such as awareness and consent within the chain of command and where looters were detained before being transported. The Sergeant Major was responsible for administration and looters, not me.

28. I also confirmed in the same statement that I have certainly never heard before of any callsign taking looters out to a bridge or waterside location to drop off detained looters. Generally it would be the case that when doing so, callsigns out on patrol would not even radio through advising they intended to drop looters off in outer areas, unless it involved them travelling some distances.

F. Deaths of Radhi Nama and Mousa Ali

29. I am not aware of the deaths of Radhi Nama and Mousa Ali after being held at Camp Stephen.

G. Culture in Regiment

30. I would describe the culture in my regiment in May 2003 to be professional. We had Senior and Junior NCO maintaining discipline as you expect from a guard's regiment.

31. I never witnessed any bad behaviour towards Iraqi civilians by those in my regiment, discipline in my eyes is part of that. It is how we were trained. We conducted ourselves and those in our charge correctly knowing what was acceptable behaviour and what was not.

32. I understand "beasting" to mean Corporal punishment. This is a term used in all regiments. This was being used when I was a young soldier. This would mean 'get them sorted out' after making a mistake type of treatment. It was used as an alternative to other forms of punishment e.g. fines for infraction of military/service policy.

33. I am told that in my statement dated 1 November 2004 I confirm that, on average, I spent between 4 – 6 hours per day in the Ops Room as Watchkeeper where I had access to the radios.

34. I have never heard the term 'Ali Baba' and cannot comment on its origin, meaning and use. I do not know why this would be used over the radio. I am unsure of the term 'conditioning.'

35. I also never witnessed any ill treatment towards detainees or civilians by those in my regiment or anyone I worked alongside as I did not have dealings with detainees. If I did, I would not allow it. For this reason, I cannot comment on how individuals who mistreated detainees were viewed by other British military personnel. Nor have I witnessed any threats to detainees, certainly not threats that they would be made to get into water. I never saw or heard troops complaining about the treatment of detainees or civilians.

36. In relation to the degree of oversight the commander had of troops, I believe discipline was maintained at all levels. I do not know what degree of freedom NCOs and/or patrol commanders had over those under their command, as I cannot comment on individual commanders. There were no NCOs which were particularly influential.

H. Existence and awareness of 'wetting'

a. 'Wetting' generally

37. I do not understand the term "wetting" and have never heard the phrase until it was mentioned by the court martial.
38. I have never witnessed any detainees being placed into water, nor have I seen them threatened with being placed into water. I have never been transported to bodies of water. To be honest, I was quite shocked to learn about corporal punishment when I learnt of it at the court martial hearings.
39. I cannot comment on why detainees were transported to or placed into bodies of water or any other detail as I was not aware that this was a practice that occurred. I cannot recall any incidents where soldiers on patrol would put detainees into water or throw them into the Shat Al-Arab River.
40. I never witnessed any restraining devices, such as plasticuffs being placed on detainees before they were placed into water. I had never seen any force being used on detainees whilst they were placed into water. I was not aware of detainees being in danger whilst being placed into water. To be honest, I am not sure how long this practice continued for.

b. Reporting of 'wetting' incidents

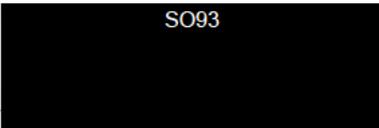
41. I do not know whether there was a requirement to report incidents of detainees entering or being placed into bodies of water.

c. Chain of Command

42. I do not know whether Senior Commanders were aware of water being used on detainees. I was not invited to the company command groups because my position did not warrant my presence, therefore I do not know what discussions took place and what practices were involved.
43. I do not know whether any directions were given to use water generally as a deterrent to looting. I am not aware of any directions by commanders regarding use of water on detainees or placing detainees into water. I am not aware of any directions by commanders regarding use of water on detainees or placing detainees into water.

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.

Signed  S093

Name:  S093

Dated this 31st day of March 2023