



MOD-83-0000691-A

**In the matter of an investigation into the deaths of
Mr Ahmed Jabbar Kareem Ali and others**

SECOND WITNESS STATEMENT OF
SO99 [REDACTED]

I, SO99 [REDACTED], will say as follows:

1. I am still serving in the army and now hold the rank of Colonel. [REDACTED]
[REDACTED] In 2003 I held the rank of Major and was a Company Commander in the Irish Guards commanding No 1 Company. [REDACTED]
[REDACTED]
2. I have made previous statements on 19 April 2004 and on 24 July 2016 and there is a transcript of the evidence I gave as a prosecution witness in the court martial trial on 17 and 18 May 2006 at Colchester military court. I stand by those statements and the witness evidence on oath in the transcript as being my best recollection at the time.
3. As I have previously stated, I was a Company Commander in 1 Irish Guards in May 2003, having taken up the appointment on [REDACTED]. My company had deployed to Iraq and we had been placed under the command of the Scots Guards Battle Group (BG) for the land battle until 9 April 2003 when we were transferred to be under the command of the Black Watch (BW) Battle Group. The decisions on unit and sub-unit deployments and attachments were taken at a higher level and I was not involved in that process.
4. My role remained the same throughout, that of an infantry company commander on operations. My duties were the command and control of the troops under my command to meet whatever task was set by my immediate commander to meet his mission goals. This is a wide ranging command task, but is a normal and expected role within the military chain of command.

Training and Instruction

5. Although we received mission specific training when we were preparing for the warfighting phase, I cannot recall that we were ever given any training briefing or instruction about the post-warfighting phase before we went into battle. I cannot recall that there were even any specific changes to the rules of engagement even at the end of the warfighting phase. We were not issued any rules of engagement card such as the Card Alpha issued for other operations.
6. In my earlier statement of 2016, I referred to the change from fighting mode in early April 2003. This referred to the change from a clear warfighting role to an occupation

and peace maintenance role which included elements of policing. Whilst I cannot recall a change in the rules of engagement there was a transition in how we were to operate in relation to the civilian population. There was still a real risk of hostile attacks by gun and Rocket Propelled Grenade and there was now a need to maintain law and order within the civilian community and to protect the fragile infrastructure remaining after the war.

7. There had been no training or briefing on the maintenance of law and order before the invasion and the conditions we faced were unlike any that my previous training and experience had prepared me for.
8. I had previously served in Northern Ireland, but the maintenance of law and order there was mainly a matter for the civilian police. I had been trained prior to my NI duties on basic restraint techniques and on processing arrested persons through to the police as soon as possible.
9. During my military training, I had received basic instructions on prisoner handling, but this was entirely focused on Prisoners of War and dealt only with their immediate capture and removal from the field of battle and their treatment in accordance with the Geneva Conventions at battlefield level. This commenced with my initial training at Sandhurst and then was routine during battle training and exercises and promotion courses throughout my service prior to 2003, although I cannot now say how and where that training was given. In the period just prior to the land invasion in 2003 there was more detailed training on the Law of Armed Conflict and the treatment and handling of Prisoners of War (PW). I was aware that they should receive medical treatment equally with my own soldiers as required under the Geneva Conventions.
10. As far as I can recall there was no specific training briefing or instructions about dealing with civilian detainees during the warfighting or in the post warfighting phase.

The Gymnasium

11. My company was tasked to command an Area of Responsibility (AOR) of Basrah, and we were one of four company sized AOR's forming the complete AOR given to the Black Watch Battle Group. Each company established a base within their own AOR and operated from that base. My company established a base in the Gymnasium within my AOR, and the other companies established their own bases within their own AOR's. Camp Stephen was the name of a company base in another company AOR.
12. As I indicated in my 2016 statement, I could point out on a map where my company base was located, but I have no more details of its address. There were no specific prisoner handling facilities in the base. Although we used a room in the camp at one point to hold suspected combatants, as accommodation was at a premium we would

usually set a detainee in the shade of a building for the relatively short duration they would be in the camp if they did not present a threat to us.

13. The chain of command in The Gymnasium in May 2003 was a normal chain of command for an infantry company. As company commander I was at the top and the platoon commanders were below me. Below them were the platoon sergeants and section commanders with individual riflemen below them. I was assisted in running the company by a Company 2IC, a Captain, and by my Company Sergeant Major (CSM) and CQMS within my command group at the company HQ. I reported to the CO of the Black Watch.
14. The only change to my normal command structure that I made in The Gymnasium I have already explained in a previous statement. As we were at full manning for the deployment and as I had an extra officer, when we moved into the static base in Basrah I divided my normal three platoon resources to form a fourth rifle platoon. This made the division of duties and tasks easier for the company.
15. There was very little meeting between my company soldiers and the Black Watch soldiers in another AOR. We would not normally leave our own AOR unless there was specific task elsewhere or escorting duties to BG HQ. I would doubt that most of my soldiers ever met a BW soldier from another company from our move into Basrah until we left Iraq as the duties were intense and we each operated within our own AOR. I went to BG HQ daily as part of my duties. The majority of soldiers within my company base would only be aware of other BW operations where they were briefed about them or needed to know about them, as we concentrated on our own tasks.
16. From time to time detainees would be brought to the base. The reasons could be various, but were normally because the individual represented a threat to our mission. Initially this included looters but as the problem of looting became overwhelming there was little point as nothing could be done about them. A combatant or a person who was a more serious threat because of possession of weapons or explosives would be arrested and detained.
17. The arrangements for handling detainees was the same as for PW's and would be controlled by the CSM. This is the standard procedure within the army and was used throughout the deployment. I do not have any recollection of any prisoners or detainees being questioned by my soldiers. I could not speak Arabic and had no soldier proficient in Arabic who could ask any questions. It would require an interpreter to be present.
18. I saw detainees being brought into the base hooded with sandbags and with their wrists tied with plasticuffs. These items were issued and used for the restraint of Prisoners of War or arrested detainees and I would have expected them to have been used by any soldier involved in the capture as that was their purpose and what we were trained to do for our own safety and security. The hoods and plasticuffs were removed when they were in the camp and the person was compliant as they

were no longer necessary for safety and security at that stage. In relation to the use of these basic restraint techniques I saw them as normal as I had received training for Northern Ireland and also basic infantry training on restraint techniques in combat and these were the approved methods at the time.

19. I did not see any detainee being ill-treated and it was not brought to my attention that it had happened. Had I known or seen such behaviour I would have stopped it and reported it immediately.
20. I know that we provided all detainees with bottled water but do not think we held any detainee for long enough that they required to be fed. They were either released very quickly or moved to BG HQ if they were to be detained as a threat to the mission.

Group Orders

21. There was a daily Orders Group (O Gp) meeting at BG HQ. This is a normal process both in barracks and on operations. I set out in my 2016 statement how these would normally be organised in Basrah. The CO would relay the orders he had received from his briefing at Brigade level and would allocate tasks to the companies. Matters would be discussed so that everybody could gauge the tempo of operations or any particular problems that were arising.
22. Following the CO's O Gp I would return to my own base and then hold a company level O Gp where I would relay the CO's orders and tasks and allocate them to my platoons and Coy HQ staff.
23. As I have previously set out in my statements and oral evidence, the city descended into chaos with rampant looting by many thousands of people in every company AOR. They were literally tearing the city apart. The problem was discussed at the BW BG Orders group and also at my company level meetings. It soon became clear that there was no possibility of stopping the civil disorder unless there was a tank on every street corner and our resources were insufficient. Sometimes the troops would be confronted with mass looting where it was not possible to arrest them at all but only try to disperse them, knowing that as soon as you moved away they would return.
24. It soon became clear that every AOR was overwhelmed with looters and there was nothing that could lawfully be done with them. There was no point arresting or detaining them as there were no police to hand them over to or courts to deal with them. Yet our orders were to maintain law and order and to prevent looting in the face of this mass civil disorder. Although this was endlessly discussed as a problem, there was simply was no solution or direction as to how we were to deal with the looters. We were all exasperated at the difficulty we faced. Several people at the BG O Gp described how they had dealt with incidents and I can add nothing more to the description of what occurred than I set out in my 2016 statement.

25. Some of the discussion would have been in the O Gp and some in discussions outside the formal setting as we were all trying to find a method to deal with the overwhelming chaos that had descended on the city. As well as the looting there were also robberies as well as historical grudges and tribal animosities being settled using firearms. This went on by day and night in the absence of the previous repression of the Saddam regime and any effective police force and bodies were just being dumped in the streets.
26. Various non-lethal methods were tried within the companies to disrupt deter and disperse looters. I have previously described hearing that this included marking thieves' foreheads with marker pens, dropping them away from their home or the scene so that they were inconvenienced. Forcing them into various water sources, rivers or dirty puddles was also seen as a deterrence by making them feel foolish and miserable. I cannot now recall who were the people describing these various actions, but I do not recall that any particular act was disapproved of or sanctioned by any senior commander, including myself.
27. No orders or prohibition were given on the use water or any other method of sanction or deterrence. No method was found that was a satisfactory solution to the problem and everything I heard discussed were just varieties of a non-lethal minor sanction imposed on a criminal caught in the act. In the exceptional circumstances we faced at that time I did not consider then that this amounted to ill-treatment although in retrospect it may not be seen as acceptable when compared to the UK in peacetime.
28. I can give no detail on how any of these non-lethal acts were carried out or who did the acts as I did not witness them. I merely heard discussion of the various non-lethal methods that had been tried with looters in different AOR's as it was being discussed by the senior commanders when in the BG HQ for the O Gp as well as at company level O Groups.
29. As it had been discussed between all the senior commanders in and around the BW BG O Gp meetings, I have no doubt in my mind that the other company commanders will have heard the discussions. My company did not front the river or waterway unlike two of the other company AOR's so it was not me that raised it in discussion. The only waterway in the Coy AOR was well to the rear of the AO in the vicinity of Bridge 4 and I considered it too far away from the centre of mass of our operations to be a factor.

Post-war phase

30. The city was in chaos. As I have previously stated and as I have set out above, there was a total breakdown of law and order and civil society had fallen apart. Lootings and killings were common and all attempts to prevent or deter crime failed. We were overwhelmed and under resourced and totally unprepared for what we faced.

Deaths of Rahdi Nama and Mousa Ali

31. I was not aware of the deaths of these two men when I was in Iraq.

Culture in Regiment

32. In the Irish Guards we viewed ourselves as a close family Regiment. We thought that we were fortunate to be at a high state of training readiness when we were tasked with going to Iraq. We were just concluding our armoured warfare training year and had recently conducted a series of high intensity war training exercises. I felt that I was taking my men into a war for which they had been prepared and trained.

33. Iraqi civilians were viewed with some sympathy as we knew of the regime under which they had lived. At the same time, we were cautious because we knew that the Baath party supporters were within the civilian population and that we had suffered casualties at the hands of the Iraqi army and state only days beforehand. There was irritation with looters, but we were more frustrated at the lack of infrastructure to change or stop it.

34. I have been asked to comment on my understanding of the term “beasting” and can say that it is a term that is normally associated with drill parades or physical fitness lessons being carried out at a higher rate of activity than normal. It is not a term that I heard used in Iraq for the treatment of any person. As mentioned earlier, I did not see or know of any civilian or detainee being ill-treated or threatened.

35. We were only under the operational command of the BW BG for a month, and I had little opportunity to discuss with them matters other than those operational problems raised here and in my previous statements. There appeared to be little difference between us in how we operated, and this was as I expected as the infantry are trained in the same way to the same standards. This is why we could be moved between BG’s with relative ease as operational needs dictated.

36. The degree of oversight provided by commanders to their soldiers at various levels would vary depending on their duty but would be similar across companies and BG’s. At the lowest levels private soldiers work very closely with junior NCO’s and are usually in very close proximity. Sections might work on tasks away from the immediate proximity of Platoon Commander or Platoon Sgt particularly when on patrol or guarding task. Above them, platoons are further removed from the Company Commander and so on up the Chain of Command.

37. Every NCO and Officer will carry out their duty or task as directed to meet the mission objective. They may have a narrow or very wide discretion of action depending on their orders or any restrictions that may have been set.

38. There are certain key NCO’s within a company who are selected for their appointment because they are influential and competent. Every Platoon Sgt and the CQMS fit into this category, and this would be normal for their rank and appointment.

39. The CSM, as a Warrant Officer Class 2, would be one of the top five soldiers in the Battalion and would be expected to be a strong leader and set an example to all the NCO's and men of the company. Accordingly, he carried considerable influence with both the soldiers and the officers, including myself. I would take his advice and guidance and relied on his considerable knowledge and experience. In addition, a warrior company is established with an additional SNCO as the Warrior Warrant Officer, in this case he carried a similar level of influence as the CSM.

Existence and awareness of "wetting"

40. I only became aware of the phrase after the war, and it seemed to be a phrase used in the press to describe a variety of actions. It has been used to describe a variety of actions involving water ranging from pushing a person into a shallow puddle to forcing a person into a running river causing drowning.

41. As set out earlier I had no personal knowledge of it occurring whilst in Iraq. Several months after we had returned from Iraq, I became aware that some soldiers from my company had left their allocated place of duty on our final day on operations in Iraq and had driven four looters to a river and forced them into the water where one of them drowned. I gave evidence as a prosecution witness at the trial of the soldiers in 2006.

42. I have been asked to comment on the phrase in my 2016 statement where I stated "Throwing people into a pond was familiar to me ...". As I explained then and earlier in this statement, I did not witness it myself and I was not referring to a specific pond. It was a description of a generic non-lethal act to deter and disrupt looters. With the passage of time and subsequent discussions about it, it is impossible to say how it came to be discussed or who raised the topic.

43. Whilst I accept that the generic descriptions of the non-lethal intervention methods that had been reported as being tried or used to deter looters in other AOR's were discussed within my own company, there was no specific direction to say do this or do that or to prohibit any conduct. Nothing was being discussed that amounted to more than minor chastisement of a criminal caught in the act. I would not have permitted any punishment that amounted to more than that.

44. I have been asked to comment on keeping a diary of my time in Iraq, this is not an accurate representation of the document. I kept a notebook which contained the orders and tasks briefed or allocated to me at the BG O Gp and those allocated to my subordinates at the Company O Gp. On operations all commanders operate with a notebook and pencil, as they are more reliable and practical than a computer. I recorded those matters that were relevant to me and mission critical. Dealing with looters was merely a daily inconvenience that could interfere and distract from the mission and did not warrant a note on how the individual looters were dealt with.

45. There were no requirements to report looting incidents unless they were significant enough to interfere with our mission. There were no requirements to notify the capture of looters or their disposal. We were so overwhelmed by the scale of petty looting and public disorder that only serious events were reported back to Coy HQ by patrols on the ground or from Coy HQ to BG HQ. Those reports might be over the radio nets as they occurred or could be by myself during the daily BG O Gp explaining the situation within my AOR to the CO and the other senior commanders.

Statement of truth

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

Signed

Dated

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Dated 28 March 2023