



MOD-83-0000702-A

In the matter of an investigation into the deaths of Radhi Nama and Mousa Ali

Inspector: The Rt Hon Dame Anne Rafferty DBE

FIRST WITNESS STATEMENT OF

[REDACTED] SO114

I, [REDACTED] SO114, state as follows:-

I make this statement for the purposes of the investigation into the deaths of Radhi Nama and Mousa in response to the List of Questions provided by the investigation on 6 July 2023.

A. Background

- 1.1. I joined The Black Watch in April 1983 when the Battalion was in West Belfast. Prior to Staff College, I served with the Battalion in Germany ([REDACTED]), Northern Ireland ([REDACTED]) and Scotland. In this time, I commanded a platoon, was a Company Second in Command, the Regimental Signals Officer and the Adjutant. I was also the Aide de Camp to the General Officer Commanding Scotland for a few months immediately prior to Staff College.

- 1.2. Immediately post Staff College, I commanded a rifle company in 1st Battalion The Black Watch (1BW) [REDACTED]. Company Command was followed by a Staff Officer Grade 2 tour [REDACTED], working for the Master General of the Ordnance. I then returned to 1BW as the Second in Command for a year, prior to promotion and taking up the post of Military Assistant [REDACTED] from December 1997 until February 2000. A short tour in Bosnia followed as the Chief Operations Officer in HQ MND(SW). I then assumed command of 1BW in December 2000. The Battalion deployed to

Pristina [REDACTED] between July – November 2001 and on Op TELIC (Iraq) between February – June 2003.

1.3. Post command, I was appointed [REDACTED], in the Equipment Capability area, a post I held between [REDACTED] and [REDACTED]. I commanded [REDACTED] between [REDACTED] and [REDACTED] on [REDACTED], when the Brigade was renamed [REDACTED]. I was [REDACTED] for a year from [REDACTED] before returning to the MOD as [REDACTED] (later [REDACTED]). I attended the first 3 months at the Royal College of Defence Studies in [REDACTED] prior to assuming the appointment of [REDACTED] in [REDACTED].

1.4. I left the regular Army in [REDACTED]. I assumed the appointment of [REDACTED] in [REDACTED]. I relinquished the role in [REDACTED] and am no longer serving. [REDACTED]

1.5. I have previously given these statements and accounts:

19 May 2003

03 August 2009 (to the Baha Mousa Inquiry)

22 February 2010 (to the Baha Mousa Inquiry)

14 June 2016

08 May 2018

I confirm their content and do not wish to amend or clarify any part of them.

1.6. In May 2003 I was Commanding Officer 1st Battalion The Black Watch, a role I had commenced in December 2000. The role involved commanding an armoured infantry battlegroup of some 1200 people. The battlegroup consisted of 1st Battalion Black Watch and a number of other attached sub-units. The battle group went into Basra on 6 April 2003 and the composition of the battle group changed a few days after this, when the tank squadrons left

and I took under command 1 and 2 Coys, 1st Battalion and The Irish Guards. I also had an engineer squadron under my command.

1.7. I reported to Commander 7 Brigade, Brigadier [REDACTED]. He left shortly after 8 May 2003 and Brigadier [REDACTED] took over sometime between 8-12 May 2003. The following Company Commanders reported to me: Majors [REDACTED], [REDACTED] and SO88 [REDACTED], who were all from 1BW. From the Irish Guards, the Company Commanders were Major [REDACTED] (No 1 Company) and Major SO99 [REDACTED] (No 2 Company).

1.8. I could not speak Arabic in May 2003.

B. Training and instruction

2.1. Prior to and including May 2003, I did not have any training, briefing or instruction on the:

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

Maintaining law and order and prevention of looting;

Use and dangers of water during detention;

Use of restraint techniques;

Processing of detainees and requirements for medical examination;

Training, briefing or instruction specific to your role (if any) at Camp Stephen.

2.2. I did however have training on the following:

Detention of individuals;

Prisoner handling;

2.3. This included how to handle and process prisoners. At Sennelager, prior to deployment, we attended a package of Law of Armed Conflict (LOAC) training which included prisoner handling. We were trained to hood prisoners in this training.

C. Detainees at Camp Stephen

- 3.1. I had no role in the detainees at Camp Stephen, other than overall responsibility for the conduct of the Company. I was not physically based at Camp Stephen. Individuals would be detained when they were discovered as part of a deliberate operation or as a result of being caught in the middle of activities such as looting. They would be taken to Camp Stephen when caught and whoever detained the individual would make this decision. I cannot recall who specifically was responsible for detainees in May 2003 at Camp Stephen. It was probably a member of the Provost Staff or the Company Sergeant Major, WO2 [REDACTED] SO101.
- 3.2. I do not know how High Value Targets (HVTs) were identified and recorded, or if the processes differ for a HVT as we did not identify HVTs in the Battalion. Higher level intelligence at Brigade or Divisional level would have targeted HVTs.
- 3.3. I cannot accurately recall the 'EPW area' and the 'EPW cage' in Camp Stephen but believe that it would have been one of the buildings in the camp. I do not recall what facilities and furniture they held.
- 3.4. Detainees would have been held at Camp Stephen for as long as it took to get them transported to Brigade HQ. This may have been via Battalion HQ. So, a number of hours only, subject to the contingencies of operations. Either my provost staff or members of C Company would take them to Battalion HQ, from where they would be collected by Brigade HQs or they would have been transported directly to Brigade HQ. We were not set up to hold detainees. From Brigade HQ, the detainees would have been taken to a place called Umm Qasr, a port south east of Basra where a UK prison handling facility had been set up. 1BW had no responsibility for EPWs once they had left the Battalion area.
- 3.5. I don't know what procedures and practices were in place for providing water and / or food to detainees. These would have been under local arrangements.
- 3.6. Detainees would normally be questioned only by a trained questioner. No one else questioned prisoners. 'Tactical questioning' was a specialised technique used to gain information of immediate use in the tactical situation. I was not aware of 'tactical questioning' used by members of C Company. I don't remember if any members of C Company were trained in 'tactical questioning'. Props were not to be used for questioning or tactical questioning.
- 3.7. I am not sure there were formal procedures at the time for informing the next of kin / family of a detainee in the event of their death. It would have been difficult to find relatives in light of what was happening in the area.

- 3.8. In my statement of 8 May 2018 I say, “Padre ██████████, informed me that a 1BW soldier had placed a detainee in stress positions. This was during the early stages of the occupation of Basrah. The Padre did not reveal his source or the name of the soldier involved because of reasons of confidentiality. I subsequently visited all the Companies and briefed all the OC's, 2IC's and NCO's, that if there was any mistreatment of detainees it was to stop and would not be tolerated.”
- 3.9. Padre ██████████ came to me informally in the Bn HQ and told me that he had been told that soldiers were placing detainees in stress positions on the streets immediately after detention. In my diary I have an entry that I saw him on the 24 May 2003. My reaction was that this was not acceptable. Subsequently, I went to Camp Stephen and gave all NCOs a briefing on reports of mishandling prisoners and told them it was to stop. As many of the C Company NCOs as possible attended - I could not provide a list.
- 3.10. I also went round the other 4 Companies, not just C Coy, and did the same. These briefings took place over a 2–3-day period. It took time to organise a moment during operations so that as many NCOs as possible were present.
- 3.11. In RSM SO115's statement of 14 September 2016, he says, “I do remember going to Camp Stephen following the death in custody when the CO gave a briefing about the treatment of detainees. I believe he addressed everyone who was available at the camp at that time, inclusive of all ranks. There were several buildings inside the camp and from memory I think it was behind the main middle building. The CO acknowledged the death of the detainee and informed the Company that the death was being investigated by the RMP and instructed them to give true and honest statements to the RMP investigators. We as a company were concerned that a detainee had passed away in our care and needed to prevent a reoccurrence. The CO would have been clear and determined to get his point across when delivering a briefing but it was not a rollicking. He may have emphasised such actions as the need to monitor detainees more regularly and keep detainees comfortable. It was not a rollicking I would say it was more educational and more about increasing awareness. We had no reason to suspect anything untoward had occurred. The address lasted no more than a few a minutes. I cannot be sure of those present but I think there was a Sgt SO90, Captain ██████████ (2 IC), Cpl ██████████, Cpl SO102 and a CSgt SO100. There would have been others from anti-tank platoon and other platoons but I just cannot remember names.
- The briefing was given orally and the content not recorded. It maybe that Lt Col SO114 ██████████ would have recorded such briefings in his Daily Diary or Occurrence Book but I do not know.”

- 3.12. I do not think I did conduct this as a briefing. I only conducted one briefing after the 24 May as stated above. I think RSM SO115 refers to when we heard there had been another death at C Company and we did go to talk to them. I have a diary entry that this was on the 14 May, which was the day after Mousa Ali's death. In my diary I have written, "I then went to C Company to check that they were handling prisoners alright – they had one die in custody last night". This would not have been a full address to all. I would have probably just spoken to the Company Commander and whoever was there, as others would have been engaged on patrolling and their day-to-day duties.
- 3.13. RSM SO115 also states in this same statement, *"As per my previous statement I can confirm that I can only recollect one death of a detainee in Camp Stephen. I cannot recall an exact date but I remember that the Rover Group were out on another task when Brigade HQ informed the CO of an untoward event at Camp Stephen. On receipt of the information the CO briefed us and we redirected to Camp Stephen as he would have wanted a back brief from the Company Commander directly. I do not recall exactly where we were when we redirected but it was immediately on being informed of the incident and we would have arrived a short time after that. I do not know if the body of the deceased was still at the camp upon our arrival but I definitely did not see a body nor did I attend the scene. From memory Lt Col SO114 spoke with Major SO88 in private whilst I spoke with the CSM SO101."*
- 3.14. I believe that these conversations were on the same day as I attended C Coy i.e. on 14 May 2003, and this would have been following the death of Mousa Ali. I cannot provide detail of my conversation with Major SO88 as I simply do not remember due to the passage of time, but it would have been about how they were looking after prisoners. I would have spoken to RSM SO115 about this visit to Camp Stephen as he would have been with me, but I simply cannot remember the detail.
- 3.15. As a matter of routine, I would have fed back to the chain of command any unusual circumstances and the Battalion Ops Room would also have done so. I would have probably had further conversations with Maj SO88 and WO2 SO101 about deaths at Camp Stephen, but I cannot recall when and what about exactly.
- 3.16. I have been made aware that the IFI understands the C Coy OC, 2IC and NCOs do not recall that I attended Camp Stephen to brief them on treatment of detainees. I certainly did do this, and I have a strong recollection of the brief from Padre SO115 and my reaction to it. We had to make specific arrangement with each company to ensure they had the maximum number of NCOs as possible present. And RSM SO115 remembers going with me. It may not have been recalled but it was sometime after the death – circa 10 days.

- 3.17. In my statement of 8 May 2018 I say, *“As CO 1BW during Op Telic I I was not personally involved with the capture of prisoners. However, I did make efforts to check up on the processes relating to the management of detainees throughout the tour.”* And *“Finally I would like to emphasise that as the CO of 1BW, I had a structure and processes in place that dealt with the care and management of detainees.”* What I meant by “make efforts to check upon processes”, was that I would have checked with the Bn HQ, the RSM, the Provost Staff. I only lived on the same base as 1 of the 5 Coys, so I would go round the other 4 bases on a regular basis. I did not physically go round to where the detainees were being kept. I just cannot remember exactly how often, but visits would be regular, and this would have been one of the things we would have discussed. But the management of detainees would have been discussed as a specific topic in its own right on 14 May.
- 3.18. The structure and processes to deal with care and management of detainees was ultimately under my command and the Company Commanders. The structure was through the discipline chain in each Company and Battalion HQ, aided by the Provost Staff.

D. Culture at Camp Stephen

- 4.1. I cannot talk about the culture after 27 June as I came home on that day. Like any small camp on operations, there was a degree of alertness, urgency and a desire to get things done as efficiently and as well as possible.
- 4.2. Detainees were treated well in the EPW cage. They were not treated any better or worse than anywhere else. They were in the same conditions as the soldiers were living in. Camp Stephen was a deserted place consisting of a few deserted buildings. There were no mod cons, just camp beds. Detainees were probably as comfortable as the soldiers.
- 4.3. The term “beasting” means physical exertion e.g., taken on a long run, intense physical exercise. It is army slang used by soldiers when being made to work hard physically by someone of a higher rank,. I am sure that Company PT sessions took place and some soldiers would have been considered they had been “beasted”. I have no idea however, whether or not prisoners were subjected to it, but it was never brought up and so I assume not. I never saw or heard of the mistreatment of detainees and / or civilians at Camp Stephen and nor did I see or hear of threats to detainees.
- 4.4. I was aware from my conversation with Padre [REDACTED] on 24 May 2003, that troops were complaining about the treatment of detainees and civilians being put in stress positions when prisoners were being detained on the streets, but not in the camp.

- 4.5. The Company Commander and Platoon commanders of C Company were based at Camp Stephen and provided oversight of the troops, as was the Company Sergeant Major. The normal chain of command applied. I made regular visits, which were not pre-programmed visits, I just went there. When I went, I found nothing to be amiss.
- 4.6. Company Commanders received direction from me as to what was to be achieved and the resources they had to do it. They then decided how it was to be achieved and would have briefed NCOs/Patrol commanders accordingly. Once on the streets, NCOs commanded their troops and had a fairly wide degree of latitude – up to and including using lethal force, if necessary. They were constrained by operational orders and policies.
- 4.7. I do not think any particular NCOs were influential at Camp Stephen, or more influential than their normal place in the chain of command. I would not expect NCOs to operate any undue influence outside their normal sphere of command.
- 4.8. WO2 [REDACTED] SO101 was, of course, influential – he was the most senior NCO in the camp and responsible for operational discipline.. I was not aware of any detention of detainees in which he was involved nor of any mistreatment of detainees in which he was involved. There are no other incidents in which he was involved that I am aware of which might be relevant. He would, though, have been responsible for treatment of detainees when they were in Camp Stephen.
- 4.9. In my statement of 8 May 2018 I say, *“The Company Sergeant Major (CSM) for C Coy was Warrant Officer Class 2 (WO2) [REDACTED] SO101. I have known him for a long time and I would describe him as a very professional soldier albeit he could occasionally display a lack of judgment.”* What I meant by the “lack of judgement”, was that there were moments, but not in Iraq, when I had thought he had made errors. I had known him for 18-20 years and he was a very professional soldier and would not have made it to his rank if he was not a good soldier. I think I meant him occasionally being impetuous and occasionally he got it wrong like we all do. But I cannot give specific examples, and none stand out. If there had been anything so serious then it would have stuck in my mind.
- 4.10. I think Cpl [REDACTED] SO102 was in the Mortar Platoon. He operated as a Section Commander at Camp Stephen. I do not know of any undue influence he exerted and any mistreatment of detainees under his care or of any other incidents he was involved in that may be relevant.

E. Death of Radhi Nama

- 5.1. I was not involved in the C Coy search operation on 8 May 2003, during which Radhi Nama was detained and I was not present at the search. I have no idea if I was informed that C Coy

had detained the father of the target, as opposed to the target. If I was told, it would probably have been later that day.

- 5.2. I was told on 8 May. "Man died post arrest" is the entry I made in my notebook, a note which would have been taken at the evening orders group, held at Battalion HQ. Whether I was told it was the father and not the target I cannot recall, but imagine I was. I believe that it was a special forces led operation, and I do not recall C Company's exact role, but I believe that they would have been providing cover and taking control of any detainees. There would have been no need to tell me the details of the operation if special forces were involved. We took their detainees in on their behalf, prior to processing them through the normal channels.
- 5.3. I would then have mentioned the event on the evening Brigade conference call. This would have been the routine way in which I would pass current information up the operational chain of command, although the information would already have been passed up through the Company, Battalion and Brigade operations rooms.

b. Reporting of the incident

- 5.4. I do not remember if any record was made or if paperwork was completed by the chain of command about the incident after Radhi Nama's death. The Battalion War Diary will have this detail. There is nothing in my diary about it, albeit there is mention in my notebook, so a report was made.
- 5.5. I do not recall what the procedural requirements for reporting the incident to the chain of command and to the RMP. The Battalion Operations room would have reported to Brigade HQ and then the RMP would have been informed. I do not recall when the RMP became involved in investigating but it would have probably been very soon afterwards, perhaps later that day. But I cannot believe that we would not have reported this to the RMP as such reporting was utterly standard. At no time did anyone express or imply that I should not discuss this matter.

c. Informing the family

- 5.6. I am not sure we had a procedure in place of contacting the next of kin or family following a death as we were still in the middle of an operation. There was no normal practice at that time. We were in a town we did not know, daily shootings were going on and people were on life threatening operations. There is a procedure of informing our own next of kin if we are injured, but not for those on the other side of a battle. We were in very unusual circumstances and this something that I don't believe we had even thought about. I suspect therefore, the detainee's family were not informed of his death, but I cannot be sure.
- 5.7. I am not aware of any soldiers under my command visiting the address after 8 May 2003, nor am I aware that a letter titled: *to the family of Radhi Nameeh* dated 10 May 2003 being written and delivered to Radhi Nama's family after his death.

F. Death of Mousa Ali

a. Search operation: 13 May 2003

- 6.1. I can confirm that C Company did conduct a raid on 13 May and that I was not involved and not present at the search. I believe that SMU's were involved. If SMU's were involved, they would have led the operation.
- 6.2. I do not recall how I first became aware of Mousa Ali's detention at Camp Stephen, but I was told no later than the O Group that evening – I have a note in my notebook that C Company had conducted a raid that day. The temperature and weather conditions in Basra at the time were warm/hot and dry. It was like this all the time. Ali was detained during a search operation and he would have been taken back to Camp Stephen, where he would have been kept in the prisoner holding area. I have no memory of anything special in the reporting of his death – it would have been routine reporting. I have no memory of anything in relation to specific conversations I had about the incident. I went to Camp Stephen the following day, following the death of Mousa Ali to talk to Company Command. There were no allegations made of ill-treatment, although I would imagine the search operation may have been a bit violent, with soldiers fearful for their lives. I was not aware of any other incidents or ill treatment.

b. Reporting the incident

- 6.3. My notebook records a C Company raid on the 13th May and so I was told about the incident no later than that evening. My diary records that I went to Camp Stephen the following day. I was told that he had died of what appeared to be a heart attack.
- 6.4. I am sure the relevant record was made, and paperwork completed by the chain of command about the incident after Mousa Ali was confirmed dead, but I cannot recall the details. RMP would hold the paperwork.
- 6.5. I am sure that Mousa Ali's death was reported up the chain of command and to the RMP. I cannot however recall the detail.
- 6.6. I do not recall when the RMP became involved in investigating but I would have thought very shortly afterward, perhaps later that same day.
- 6.7. At Paragraph 23 of the First Outline Statement reads:

"At 1635 hrs on 16 May 2003, an Iraqi male visited the attended the Police Station at Regimental HQ of 1 RMP asking questions about money that had gone missing when Bashar Ali and Mousa Ali were detained. The RMP Officer to whom he spoke made further enquiries that revealed that Mousa Ali had died while in detention. The RMP Officer briefed his own chain of command. ..."

The extract of the statement above records the RMP actions once a local had reported to a police station. It does not cover the military operational chain of command and so does not demonstrate that this was the first the RMP had heard of the incident. Their war diaries ought to demonstrate that they were told sooner than that. I am sure that RMP were told immediately of the death, and I would have told Brigade HQ of the same at the evening conference call that night. At no time was I aware of anyone expressing or implying that this matter shouldn't be discussed. Indeed, I believe it was fully investigated at the time.

c. General questions regarding the detention of Mousa Ali

- 6.8. I was only ever made aware of any ill-treatment of any detainee by Padre [REDACTED] reporting of a soldier's concerns, as I have already detailed in paragraph 3.9 and then only much later on 24th May. I was never made aware of the 'exercising' of any detainee or the placing of any of the detainee in a pit or hole at Camp Stephen. In fact, I do not believe there was such a pit or hole. I was never made aware of the placing of any of the detainee on or near a tank or tank tracks (Of course, there were no tanks at Camp Stephen, but perhaps a Warrior is meant?). I

did not see or hear anything which might be relevant to why Mousa Ali died as I was nowhere near the camp at the time. I was told he had died of what appeared to be a heart attack.

a. Mousa Ali's Family

- 6.9. I do not know when Mousa Ali's family were informed of his death. I have been told that the family was not aware of Mousa Ali's death and / or of Bashar Ali's location until the RMP began investigations (at the earliest). I cannot in detail explain why this happened, but it does not surprise me as there was an on-going operation with shooting incidents taking place on a daily basis and I do not remember there being a policy of trying to find and inform next of kin of all deaths..

G. Existence and awareness of 'wetting'

a 'Wetting' generally

- 7.1. Wetting is not a term that I understood to be generally in use at the time. I now understand it to mean putting prisoners in water. I did not see any "wetting". I became aware of two alleged incidents as they were reported up the chain of command; the first, I think, the Iraqi involved, was being chased and may have been pushed into the Shatt al Arab. The second was the incident that took place in No 2 Company, by Irish Guards on the night before they were withdrawn from Basra on 9th May. I do not know of any detainee being transported to bodies of water.
- 7.2. I was not aware "wetting" was happening. But I know there was a huge level of frustration with the lack of any sanction for looters being caught and the lack of any suitable holding facilities. There was no local police network and, they knew we would let them go as there was no effective deterrent. The only incident I recall of soldiers chasing an Iraqi and him ending in the Shatt al Arab is described above. I do not believe that the man died.
- 7.3. I was not made aware of incidents in which restraining devices (such as plasticuffs) were placed on detainees before they were placed into water nor was I made aware of incidents in which force was used on detainees whilst being placed into water. I was unaware that this was happening except on the occasions I have mentioned. Self-evidently, putting people in water has dangers.

b. Reporting of 'wetting' incidents

- 7.4. In my statement of 8 May 2018, I wrote *“In addition if one of my men had witnessed any ill treatment, I would have expected it to be reported to me either directly or through the Chain of Command. My Coy OC’s were all aware from LOAC training received at Sennelager that ill-treatment was not acceptable and if observed had to be dealt with and reported. They would have passed this information down to their Coy as well.”* I would have expected incidents of detainees entering or being placed into bodies of water to be routinely reported by soldiers on the ground.
- 7.5. I can only answer in the theoretical sense I was not aware of “wetting” happening or sanctioning it happening, but the process for reporting of incidents is that this should have been reported up the chain of command. Ultimately the report should have reached me, probably at the evening O Group. The two incidents that I have mentioned at 7.1 were fully investigated; indeed at least one of them one has gone to trial. I am unclear as to who any de-briefing would be with, if this had occurred. Had there been any established wrongdoing, military discipline would have been imposed. Whilst there may have been a lack of a formal requirement to report such incidents, I would have expected them to have been reported. As I have already stated, the two incidents I described were reported and investigated.

c. Chain of Command

Group Orders

- 7.6. I attended routine Orders Groups on a daily basis in May 2003. This was the Battalion O Group, where I was in charge, received reports from my sub-unit commanders and gave orders as appropriate. Normally these were held in person.
- 7.7. Following the Battalion Orders Group, there was a daily Brigade Conference Call, where I was one of the subordinate commanders and reported activities and problems and received orders from the Brigade Commander. Policy instructions do not vary at all, but operation orders would have varied in the both the plans and the level of detail. I disseminated both Brigade and Battalion policy and operation orders through the daily orders Group. This would have been followed up, where necessary, by the Operations Room disseminating written instructions, either received from Brigade Headquarters or generated by the Battalion HQ.
- 7.8. Policy was a formal instruction with the number of entries in battle group war diary that explain which policies have been issued. But for looting, we did not have any policies when we went into Basra. It was not happening prior to the occupation of the city. Looting started to take

place after we had fought our way into the city after which the local police and Iraqi Army had disappeared.

- 7.9. There were Operations rooms at every level (Company, Battalion and Brigade) and the Operations rooms would pass on information as appropriate, both up and down the Chain of Command. At Battalion level, the Operations Officer would read and pass on instructions and information as required and I would have been briefed about all later. Not everything came to me straight away, but I would know about things later. There is no way I would expect, or be told, of every minutia.
- 7.10. The problem of looters in 2003 was discussed at Group Orders. We discussed how to deal with them, given the lack of any sanction. There was discussion about how troops on the ground should deal with a detained looter and no satisfactory solution was arrived at. I was aware that some looters were being transported and left somewhere, leaving them to walk back. I do not recall the use of water being identified as a practice to deal with detained looters
- 7.11. In my statement of 14 June 2016 I say, *“Before and after the BG meetings, there were lots of informal conversations and I have no doubt some of these were about how to deal with looting. However, I don’t recall hearing anyone talk about throwing people into water. If I had, I would have stopped it as unacceptable. If throwing people into water had been discussed formally at BD meetings (and I am sure that it wasn’t) then I would have said it wasn’t to happen.”*
- 7.12. In his statement of 28 March 2023 SO99 wrote:
- “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.*
- 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.”*

I do not recall there being any discussion of troops putting looters into water. If there was, I was unaware of it. In the same way, the idea of people being marked with marker pens is completely new to me. I had not previously seen Maj [REDACTED] SO99's statement.

7.15 In my statement of 14 June 2016, I say, "*Certainly I wasn't told every time looters were picked up and I'd be surprised if Coy Comds knew of every instance. Pl Comds would have known what was going on in their platoons. It doesn't surprise me to hear that Pl Comds may have been developing home-grown methods to deter and deal with looters. However, they were not acting without direction and so I would be surprised if they were adopting extra ordinary measures to deal with looters.*"

7.16 The 'home-grown methods' troops deployed were the long walk home as I describe above. They may also have held looters for a period of time before letting them go. There was an enormous camp that held steel reinforcing rods, and this was a target for looters and at one stage, we had a platoon there. If people were caught, they were held for 3-4 hours, and then sent on their way. But this was later on and was a looting hot spot.

7.17 In my statement of 8 May 2018 I said, "*From recollection no minutes of the O Groups were produced while on operations. Where necessary and time allowed, they would be followed up in writing, but this was not normal once the BW BG was established in Basrah.*"

7.18 Minutes were not taken following O Group meetings because this is not normal practice on operations. And the orders were largely for very short-term periods, of no more than 24 hours. It would have been necessary to follow up in writing on one of two occasions; the launching of a formal operation or if a policy was being introduced.

7.19 I have no knowledge of orders or directions being given to use water as a deterrent outside Group Orders,

c. Knowledge of other senior commanders

7.20 I do not believe that senior commanders were aware of water used on detainees (including detainees being placed in water). I cannot recall any direction or instruction from commanders about the use of water on detainees or placing detainees into water.

d. 'Wetting' at Camp Stephen

7.21 I do not recall the stream outside Camp Stephen. There were drainage ditches all round Basra. I did not see or hear of any detainees put in, or going into, the stream.

7.22 It has been suggested that, on at least one occasion, Cpl [REDACTED] SO102 removed detainees from the EPW cage and forcefully placed them into a ditch, dark in colour and holding sewage, outside Camp Stephen. One detainee was placed up to his chest in the water. I do not recognise this incident (or others of a similar nature). And, if I had been aware of any such allegation, I would have reacted by putting a stop to it.

7.23 I received no orders to the effect that either I as Commanding Officer or [REDACTED] SO88 as Officer Commanding were required to put a stop to detainees being thrown into the stream. If I knew about this, then I would have intervened, if indeed it was happening.

I believe that the facts stated are true.

Signed [REDACTED] SO114

Dated: 18 July 2023