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Friday, 27 November 2015

(10.30 am)

(Proceedings interpreted by Mr Shwan Hawrami)

(By video link to Basra)

THE INSPECTOR: The first thing is that we have had a little difficulty, but I think it's been overcome, getting the hotel in Liverpool on the link, but we have been in contact with them. All right?

MS AL QURNAWI: Sorry, I missed the first part of your sentence. Who had difficulties?

THE INSPECTOR: Maybe I need to do something about my microphone.

MS AL QURNAWI: Yes, mine is breaking.

THE INSPECTOR: We have had a little difficulty getting the connection with the hotel in Liverpool. They are in contact but we are awaiting rebooting by their system. Okay? Do you understand? Have you heard that?

MS AL QURNAWI: Yes.

THE INSPECTOR: Good. The other general question that I had for you was, who have you with you today? Perhaps you could identify them to me round the table.

MS AL QURNAWI: Yes. Okay. I have Mr Mahmood Zuboon.

THE INSPECTOR: I recognise him.

MS AL QURNAWI: And I have Mrs Entesa, his wife, and I have Mrs Fatima Zabun, the wife of the deceased, and I have

1 Ahmed Ibrahim, the nephew of Mr Mahmood and I have my
2 colleagues here, Mr Souad, (inaudible) and myself.

3 THE INSPECTOR: Almost good afternoon to all of you. Thank
4 you. Perhaps this could be translated. Thank you for
5 coming.

6 We will endeavour to get started as soon as
7 possible.

8 MS AL QURNAWI: There is just one -- before we start. In
9 terms of anything which is being said here in this room,
10 for example, if Mr Zuboon wants to say something, can
11 the translator, interpreter hear us very well so he can
12 translate to yourself and the team?

13 THE INSPECTOR: Can you hear, Mr Interpreter?

14 THE INTERPRETER: I hope I will hear good.

15 THE INSPECTOR: If Mr Zuboon was to speak to you now to test
16 it, see whether it can be picked up --

17 THE INTERPRETER: We are going to try.

18 (Interpreter exchanges conversation with the room in Basra
19 to check sound quality)

20 THE INTERPRETER: I am just introducing myself.

21 THE INSPECTOR: You could hear?

22 THE INTERPRETER: Yes.

23 THE INSPECTOR: Ms Al Qurnawi --

24 THE INTERPRETER: We are all here on behalf of the family of
25 the deceased. Thank you, sir, for your concern and your

1 effort here in this matter.

2 THE INSPECTOR: Thank you.

3 MS AL QURNAWI: One more just comment, if I may, to
4 Mr Shwan. Please, if you don't hear us very well, in
5 case, during the course of the hearing, anything that we
6 say here or is not actually because of the dialect, is
7 Iraqi dialect, please feel free to ask us to repeat, in
8 order to ensure excellent translation.

9 THE INTERPRETER: Shall I answer in Arabic, sir?

10 THE INSPECTOR: Yes, of course.

11 THE INTERPRETER: I have just said I will do my best. It
12 depends on how clearly I hear the conversation or the
13 answers so to be able to interpret it properly,
14 accurately.

15 THE INSPECTOR: Thank you. Perhaps I could just explain who
16 is here today.

17 I am sitting here, and you know who I am. Next to
18 me, Julia Lewis, who is one of my team of assistants.

19 MS LOWIS: Good morning.

20 THE INSPECTOR: She is not here to ask questions. She is
21 here to remind me and assist me in making sure that
22 I ask the questions and cover the particular points
23 which Ms Al Qurnawi has helpfully suggested.

24 All right? We have the transcription team here and
25 the witness, who has been identified and who will be

1 giving evidence from here. You know him as
2 Major Routledge. He is now Lt Col Routledge.

3 The other witness we are expecting is the witness
4 who has been identified to you, Andrew Price, but he is
5 not yet here.

6 We have not got contact yet, I believe, with
7 Liverpool. It is bizarre that we have contact with you
8 in Basra but our communications with Liverpool, not far
9 away, have not been successful so far. All right?

10 MS AL QURNAWI: Yes, fine.

11 THE INSPECTOR: It seems to me that we should not waste any
12 time.

13 Ms Al Qurnawi has disappeared.

14 MS AL QURNAWI: Sorry, I'm here. Just the sound -- yes, now
15 the sound is much better.

16 THE INSPECTOR: It seems to me that we should not waste
17 time. And therefore I think we should proceed by asking
18 Lt Col Routledge to come to the witness stand.

19 LT COL SIMON ROUTLEDGE (called)

20 THE INSPECTOR: Can you see the witness?

21 MS AL QURNAWI: Yes.

22 THE INSPECTOR: Lt Col, I will call you Col Routledge, if
23 that's all right, as it saves time.

24 A. That's fine.

25 THE INSPECTOR: Could you take the bundle in front of you

1 and go to page 64. You then could perhaps turn over the
2 pages of that statement as far as page 70.

3 Can you confirm that that is a statement which you
4 signed on 28 July of this year?

5 A. That is correct.

6 THE INSPECTOR: If you look, passing over it but look at 72
7 in the bundle, and then go to page 76, do you see,
8 again, on 2 November, the statement which you signed,
9 the second statement?

10 A. Sir, again, that is correct.

11 THE INSPECTOR: Thank you.

12 When you signed those, were you satisfied that they
13 were true and accurate, to the best of your
14 recollection?

15 A. Sir George, yes, I was.

16 THE INSPECTOR: For the purposes of questioning you, I shall
17 not be taking you through the statement you have already
18 made, or indeed the statements word by word. What
19 I want to do is to ask you questions, some of which have
20 been raised Ms Al Qurnawi, and those which it seems
21 right I should ask you, and, for ease of understanding,
22 I would suggest that we can have four stages of
23 investigation in mind.

24 Stage 1 I will define as the arrival at the Camp of
25 an informant and the steps taken in connection with that

1 information, including what we have called "the recce",
2 and I wish also to cover, either in that stage or in the
3 next stage, which I am about to come to, the contents of
4 the post-incident report and issues of timing, as
5 recorded in the post-incident report.

6 Stage 2 I will define as the record of arrival at
7 Mr Zuboon's premises, questions of gunfire and
8 circumstances of break in, and what you can say about
9 a central dispute about the presence or sight of an
10 AK-47 or AK-47s, within the property. And obviously
11 I will like you, please, in your own words, to say what
12 you can say about the circumstances in which Mr Salim
13 was shot.

14 Stage 3, I would wish to ask you questions about the
15 timing, in particular of the length of time that it took
16 for the ambulance to arrive and questions about what was
17 going on at the house whilst you waited for the
18 ambulance. There are questions I wish to ask you about
19 the way in which Mr Zuboon and the other persons in the
20 house were treated.

21 Stage 4 I would call miscellaneous stage, for
22 example, questions about any conversation you remember
23 with Mr Zuboon, how it was that the realisation came to
24 you and when, that you had been given false information,
25 what information you received from Mr Zuboon, or anybody

1 else, which led to you being able to go to a property
2 occupied by a family called Al Bedany, and your letter
3 to Mr Zuboon, which is in the bundle, and with which you
4 are, I know, familiar.

5 I hope that gives a clear picture to everyone as to
6 the general scope of the material and ground I wish to
7 cover and, Ms Al Qurnawi, you should -- I know you are
8 aware of this -- you are at liberty to tell me, after
9 I have asked questions, whether there are any other
10 lines of enquiry or questions which you would suggest to
11 me it is appropriate for me to ask Col Routledge, and
12 I will, of course, consider what you ask me to do.

13 I am going to pause because I am told that we may
14 have contact with our link to Liverpool.

15 (Pause to allow Liverpool to join the call)

16 (By video link to Liverpool)

17 THE INSPECTOR: Good morning. Can you hear me,

18 Mr Henderson? I think from the silence --

19 MR HENDERSON: Yes, I can hear that.

20 THE INSPECTOR: Can you hear me, Mr Henderson?

21 MR HENDERSON: I can hear you, Sir George.

22 THE INSPECTOR: Is it possible for the camera to be moved --

23 I can only see, basically -- that's better.

24 MR HENDERSON: Is that better?

25 THE INSPECTOR: That's better. Mr Henderson, you are the

1 lawyer assisting the military witnesses. Correct?

2 MR HENDERSON: That is correct, Sir George.

3 THE INSPECTOR: Can you see our witnesses and Ms Al Qurnawi

4 in Basra, against the heading "QC Law"?

5 MR HENDERSON: Yes, I can. Good morning.

6 THE INSPECTOR: Good. What I have done in the period of

7 delay is I have carried out some preliminary

8 observations, which will be available on the record.

9 I have asked Lt Col Routledge to come to the witness

10 stand. Can you see him?

11 MR HENDERSON: Yes, I can see him.

12 THE INSPECTOR: And I have outlined the stages, or divisions

13 of his evidence upon which I propose to ask questions.

14 They will appear from the record and I do not think any

15 purpose would be served by my going over that ground.

16 But I would ask you, if you would, either by

17 reference to the cipher guide or by reference to names,

18 to let me know who you have with you there in Liverpool.

19 MR HENDERSON: I have with me just one military witness who

20 goes by the cipher S011.

21 THE INSPECTOR: No others?

22 MR HENDERSON: No others.

23 THE INSPECTOR: Have you any information about the others

24 who we were expecting but who are not yet there?

25 MR HENDERSON: I was expecting two others this morning. One

1 of them -- I will just refer to at the moment by
2 initials, I do not think he's ciphered, but EM -- is
3 that okay, for me to refer to him by name?

4 THE INSPECTOR: By all means. Have you heard from EM today?

5 MR HENDERSON: Not at all. Another military witness,
6 Ryan Jones, did attend this morning in order to sign his
7 witness statement, which I showed to him, he read it
8 through, and he has signed it but he didn't wish to stay
9 for the hearing.

10 THE INSPECTOR: Are you able to contact him?

11 MR HENDERSON: No, I am afraid I don't have any means of
12 contacting him.

13 THE INSPECTOR: Did he give a reason why he was not prepared
14 to stay?

15 MR HENDERSON: What he said was he had been contacted by the
16 Investigation and asked to make a statement. He has
17 given the information to the Investigation, on the basis
18 of which his statement has been drawn up. He says that
19 was the full extent of the cooperation which he was
20 prepared to give.

21 He didn't understand that he was expected to attend
22 a hearing this morning. I did explain to him what it
23 was about and that it would be an opportunity to hear
24 the evidence of others but he didn't wish to stay.

25 THE INSPECTOR: All right. Can you manage that,

1 Mr Interpreter?

2 THE INTERPRETER: Yes, sir.

3 THE INSPECTOR: I will ask a member of my team to endeavour
4 to make immediate contact with him, to ask him to return
5 to the Hilton. Alternatively, to make himself available
6 on Monday or Tuesday of next week, and of course, I will
7 be bound to warn him, Mr Henderson, through my team,
8 that my request for him to come is not something which
9 can be simply refused and I could take steps to require
10 him to attend. All right, Mr Henderson?

11 MR HENDERSON: That is all understood, Sir George, thank
12 you.

13 THE INSPECTOR: You have gone a bit soft again, I don't know
14 if sound is --

15 MR HENDERSON: I was just about to say, if a member of your
16 team can pass on contact details to me as well, I will
17 do what I can to reinforce the message you have just
18 given.

19 THE INSPECTOR: Can we do that? Do you have a mobile phone
20 with you to which we could text the detail?

21 MR HENDERSON: You have -- Mr Dustin does have the number.

22 THE INSPECTOR: All right, we will do that and I will put
23 that in hand right now.

24 MR HENDERSON: Or if he sends me an email to my office
25 address, I can pick it up as well.

1 THE INSPECTOR: Thank you.

2 MS AL QURNAWI: May I just ask a quick question. Who is the
3 other witness, EM?

4 MR HENDERSON: Edward Morris.

5 THE INSPECTOR: He has not yet arrived.

6 MS AL QURNAWI: Okay.

7 MR HENDERSON: That's correct.

8 THE INSPECTOR: Right. SO11 is present with you,
9 Mr Henderson?

10 MR HENDERSON: He is.

11 THE INSPECTOR: Can he see me and Col Routledge and the
12 screen and so forth?

13 MR HENDERSON: He could if he wished to, he is not actually
14 looking at the screen at the moment. He is in the room,
15 he can hear.

16 THE INSPECTOR: Invite him to do so if he wishes, but
17 otherwise, I now will go back to questions for
18 Col Routledge.

19 Col Routledge, how good a recollection have you of
20 the events of November 5th, 2003?

21 A. I would say it's a fair recollection, based on our
22 previous meeting, Sir George, and re-reading of my
23 post-incident report from 2003.

24 THE INSPECTOR: We know that an informant came to
25 Camp Cherokee. Do you remember at what time in the

1 evening you became aware that there was an informant who
2 had come and given information?

3 A. From recollection, it was late evening that I was
4 brought information by SO12 to where I was within the
5 barracks in the camp.

6 THE INSPECTOR: Was there any established procedure for you
7 to adopt when informants came to the Camp?

8 A. From memory, I don't believe we had any standard
9 operating procedure. It would be on a case-by-case
10 basis per individual.

11 THE INSPECTOR: How many cases had there been of informants
12 coming to the Camp and giving information?

13 A. From memory, I don't believe we had very many at all.
14 This would have been one of perhaps two or three that
15 I can recall.

16 THE INSPECTOR: On the other two or three occasions, were
17 you the commanding officer who dealt with the
18 information and the assessment of the information?

19 A. I don't remember ever dealing with a previous walk-in.
20 I know there had been walk-ins but I do not think I had
21 dealt with one.

22 THE INSPECTOR: Whose responsibility was it to assess the
23 significance of the information from the walk-in?

24 A. Initially that would have been with whoever was on duty
25 in the Ops room and then if they thought it warranted my

1 attention, they would have called me in.

2 THE INSPECTOR: Did you assess the information from the
3 walk-in on the evening of November 5th?

4 A. I was briefed on the information by SO12 and thought it
5 warranted further investigation.

6 THE INSPECTOR: Did you, through an interpreter, speak to
7 the walk-in?

8 A. From memory, I can't actually recollect, but it would
9 have been normal to do so, I'd have thought, but I can't
10 actually recollect whether I did speak, through an
11 interpreter, to the walk-in himself.

12 THE INSPECTOR: Do you now remember the identity of the
13 interpreter present at the Camp that evening?

14 A. From the re-reading of the post-incident report, I know
15 his name to be Ahmed.

16 THE INSPECTOR: Would you know the family name? Did you
17 ever know the family name?

18 A. We probably did at the time. He was, I think, employed
19 as a local civilian so there would have been a record
20 somewhere, but I cannot recollect his surname.

21 THE INSPECTOR: We know from the record what it is that you
22 say the walk-in stated and we know that you decided to
23 carry out a recce. Correct?

24 A. That is correct, sir.

25 THE INSPECTOR: What purpose did you believe would be served

1 by carrying out a recce?

2 A. The main purpose was to identify the house in question
3 that the walk-in had provided, to make sure that if we
4 were going to conduct an operation, that we targeted the
5 right house.

6 THE INSPECTOR: Was there anything that you had in mind to
7 do to verify, by the recce or by any other means,
8 whether the information was correct?

9 A. At the time, my belief from the information was that the
10 armed group would potentially pose a threat to us, or
11 someone else in the area, so we --

12 THE INSPECTOR: So?

13 A. So I believed that speedy identification and then
14 follow-up to look at the house was the best course of
15 action at the time.

16 THE INSPECTOR: Were there not other steps which could have
17 been taken to check whether the information was
18 reliable?

19 A. With hindsight, we may have been able to use the local
20 police station at Al-Maaqal, I believe, was the name.
21 Or perhaps further question the walk-in.

22 But there had been a number of shooting incidents,
23 not necessarily directed at the Camp previously and
24 I think at the time, I would have judged it better to
25 act quickly, to make sure there was not a threat in that

1 house, rather than wait.

2 THE INSPECTOR: It has been suggested, for example, that you
3 could have used a loudspeaker or loudhailer when you did
4 go to the house, to see whether the response from the
5 house was aggressive or not. What would you say to that
6 suggestion?

7 A. I think with the potential threat of a number of armed
8 men being in the building, I would have allowed the
9 platoon to use surprise to gain entry to the building,
10 rather than warn the potential armed occupants, prior to
11 the soldiers going in to the building.

12 THE INSPECTOR: Were you conscious that the information
13 might be wrong, or might be exaggerated?

14 A. There was always that chance but I believed there was
15 a possible threat, as indicated within that building
16 location that we were given.

17 THE INSPECTOR: The interpreter, Ahmed, as you remember him,
18 did he accompany you on the recce?

19 A. Yes, he did.

20 THE INSPECTOR: Did S012 accompany you on the recce?

21 A. Yes, S012 and I believe also S013.

22 THE INSPECTOR: Now let me move to some questions of timing.
23 If you go, please, to page 80 in the bundle. If you see
24 the post-incident report there --

25 A. Yes.

1 THE INSPECTOR: -- that was compiled by you?

2 A. That's correct, Sir George.

3 THE INSPECTOR: At the introduction, it states that at
4 11.15, or 23.15, the information was given by the
5 informant, or walk-in. Do you remember now, what
6 enabled you to put that timing on that event?

7 A. I believe that time would have been taken from the
8 Watchkeeper's log in the Ops room in Camp Cherokee.

9 THE INSPECTOR: If you go to page 78, we can see a document
10 headed "The Watchkeeper's daily brief". That has a time
11 of 23.25 hours, when the company reported that a walk-in
12 had come and given information. Correct?

13 A. That's correct, sir, that's the Battalion headquarter's
14 log, I believe.

15 THE INSPECTOR: That's the Battalion headquarters' log.
16 Would there have been another log at Camp Cherokee which
17 was kept?

18 A. That's correct, sir, it was normal to keep a radio log
19 at each location, to record any particular message or
20 incident.

21 THE INSPECTOR: This is not a question but a statement by
22 me: all our efforts to obtain the documents, including
23 the log from the Camp, have failed. The information we
24 have been given is that the relevant records were left
25 behind when the British troops departed.

1 Col Routledge, back to the timing. Putting the
2 documents together, therefore, we have, according to the
3 documents, about ten minutes between the time when it's
4 recorded the informant gave information and the time
5 which is recorded that you reported it to headquarters.

6 Is that about right, in accordance with your
7 recollection of how things happened?

8 A. As far as I'm aware, sir, yes, that would probably have
9 been about the time taken for SO12 to initially question
10 the individual, for him to get me and then potentially
11 for me then, or one of the team in the Ops room, to
12 radio the initial information to the Battalion
13 headquarters.

14 THE INSPECTOR: What we can see is, in item 1 of the
15 post-incident report, page 80, that it was timed as
16 approximately 20 minutes after midnight, 12.20, that you
17 departed, item 1 on page 80, that you departed to go to
18 the house as a fully armed and ready group patrol. All
19 right?

20 A. Yes, that's right, sir.

21 THE INSPECTOR: Putting these things together, you plainly
22 fitted in, between roughly 11.30, a trip to carry out
23 the recce, a return to Camp Cherokee and then your
24 instructions to mount an armed attack. Is that right?

25 A. That's correct, sir, from these records.

1 THE INSPECTOR: Are you content that the records, broadly
2 speaking, reflect the accurate picture?

3 A. I am, sir.

4 THE INSPECTOR: Were you the officer who decided on the
5 component parts of those who were to make the armed
6 entry?

7 A. Yes, I was.

8 THE INSPECTOR: What briefing did you give to the members of
9 the assault team as to what they should do when they got
10 to the property?

11 A. I would have followed the normal orders format that is
12 standard for the British Army.

13 THE INSPECTOR: Just pause there.

14 A. Due to the potential nature of the threat, I believe
15 I probably gave S013, as the leader of the platoon,
16 authority to enter the house without giving a warning.

17 THE INSPECTOR: That instruction, or that brief, or
18 operational instruction, you would have given to S013
19 for him to communicate to the platoon. Is that right?

20 A. That would probably have been the case, I cannot
21 recollect, but normally, the platoon commanders, platoon
22 sergeants and, potentially, the team commanders within
23 each of the platoons, would also have been present for
24 the orders.

25 THE INSPECTOR: Is S011 someone you knew at the time,

1 personally?

2 A. Yes, I knew SO11 as an integral member of a particular
3 platoon and as part of the company.

4 THE INSPECTOR: Do you remember having any particular
5 discussion, by way of instruction, with SO11?

6 A. I don't recollect it but I may have had a discussion in
7 the sort of follow-up at the end of the orders, where we
8 normally have questions.

9 THE INSPECTOR: We know from the record what it was which
10 comprised the assault team. Where did you stop when you
11 arrived at the house? Where did you, as the commanding
12 officer, stop?

13 A. From recollection, I would have been approximately 50 to
14 75 metres away from the entry to the house, at about the
15 corner of the road junction.

16 THE INSPECTOR: Who was between you and the entry to the
17 house?

18 A. From recollection, SO13 and SO11, with elements of their
19 platoon.

20 THE INSPECTOR: The elements of the platoon, in particular,
21 which should be in mind, are what are called the
22 "dismounts"; is that right?

23 A. Yes, and I believe at least one Land Rover which they
24 took up to the entrance to the house.

25 THE INSPECTOR: Why was an ambulance not taken to the house

1 at the outset?

2 A. At this stage, I do not believe we had an ambulance
3 within Camp Cherokee but the main aid post and
4 ambulances were located at the Shatt-Al-Arab Hotel.
5 That was about five to eight minutes' drive away.

6 THE INSPECTOR: Is it right that you had a medic with you,
7 SO14?

8 A. That is correct, sir.

9 THE INSPECTOR: Is that a standard operating procedure?

10 A. Yes, it was and still is standard for medically trained
11 personnel to be with the company.

12 THE INSPECTOR: Who gave the order for the gate to be broken
13 down or burst through by a vehicle?

14 A. I would have given the order to gain entry to the house
15 to SO13, so as part of his orders in gaining entry,
16 I would have assumed SO13 would have been the one to
17 issue that order.

18 THE INSPECTOR: Did you see the vehicle go through and force
19 the entry through the gates?

20 A. Yes, I recollect the Land Rover entering through the
21 gates and bursting them open.

22 THE INSPECTOR: Do you remember seeing the dismounts of the
23 platoon going through the gates, towards the front door?

24 A. I believe that is the case, yes.

25 THE INSPECTOR: After the gate had been broken through and

1 the dismounts were going, or arriving, at the front
2 door, by that time, or at that time, do you remember
3 whether you heard any gunshots?

4 A. I can't remember exactly the time, but I do recollect
5 there being gunshots, which I believed were fired from
6 high up within the building.

7 THE INSPECTOR: Was that before or after SO11 and others had
8 gone into the house?

9 A. I can't be completely sure if it was before or after or
10 whether it was at roughly the same time as they were
11 entering the building. One or two may have been in the
12 building already.

13 THE INSPECTOR: At the time, did you identify the nature of
14 the weapon or weapons which had been fired?

15 A. I can only tell from where I was that it was a small arm
16 and a -- sounded like an autom -- semi-automatic burst
17 of gunfire.

18 THE INSPECTOR: What are the range of weapons which could
19 make that sound?

20 A. At that time, from recollection, an AK-47 or variant of
21 that particular rifle or any other small arm of
22 a similar caliber.

23 THE INSPECTOR: Are there weapons carried by the British
24 Forces of a similar caliber?

25 A. Yes, the SA80 is 5.56-millimetre; the AK-47, 7.62, so

1 they are roughly the same.

2 THE INSPECTOR: So it could have been such a rifle which was
3 fired, which you heard?

4 A. Potentially, although they do have distinct sounds and,
5 from my recollection, the rounds were fired from
6 a height. At that point, I do not believe there was
7 anybody from the company above ground floor.

8 THE INSPECTOR: There have been a number of questions which
9 I want to put to you about what you found in the house
10 which would support your evidence that shots were fired.
11 Did you find, for example, any spent shells or bullets
12 or casings?

13 A. I don't remember in the subsequent follow-up, asking
14 anyone to complete a detailed search for bullet casings.

15 THE INTERPRETER: Could you please repeat?

16 A. Sorry. I don't remember in the immediate follow-up to
17 the incident, asking anyone to do a search for bullet
18 cases.

19 THE INSPECTOR: Is that not something which would have been
20 done as a matter of course?

21 A. In this case, I think once we focused on the casualty
22 and we knew that the house was secure, our concern was
23 to get the casualty to hospital.

24 THE INSPECTOR: Did you know there was a casualty before you
25 went inside the house?

1 A. No, I was not aware.

2 THE INSPECTOR: Were you aware of a call made for the medic?

3 A. I remember the medic being called for. Exactly when
4 that was called, I am unclear on.

5 THE INSPECTOR: When you entered the house, what were the
6 platoon members doing?

7 A. I believe there were certainly a number in one or two of
8 the side rooms. There were certainly two or three,
9 including I think, SO13, in the main entrance hall, with
10 a casualty at the bottom of the stairs.

11 THE INSPECTOR: How many occupants of the house do you
12 remember seeing when you entered?

13 A. From memory, obviously Mr Salim, the casualty at the
14 bottom of the stairs. Mr Zuboon.

15 THE INSPECTOR: Where was he?

16 A. I think he may have been in the main hall but I can't
17 recollect for certain.

18 And I think there was also a lady present and
19 another male.

20 THE INSPECTOR: Where was the lady?

21 A. On the ground floor, I believe ... I'm not sure, again,
22 if she was in the main hallway or in one of the side
23 rooms.

24 THE INSPECTOR: Where was the other male?

25 A. Again, I think he was on the ground floor. Again,

1 probably in the main hallway or one of the side rooms.

2 THE INSPECTOR: Were they then, the males, in effect, being

3 arrested by the platoon members?

4 A. At that stage, if the house had not been cleared, they

5 may well have been secured, as opposed to arrested.

6 THE INSPECTOR: What does "being secured" mean?

7 A. Made sure that they had no weapons upon them and

8 guarded. Potentially also handcuffed.

9 THE INSPECTOR: Can you remember now, whether either or both

10 of the men were handcuffed?

11 A. I don't actually recollect seeing them being cuffed at

12 the time.

13 THE INSPECTOR: Was it your task to see that the search

14 through the property was completed?

15 A. I would have overseen it but I believe that particular

16 operation, SO13, with his team, would have been the ones

17 who cleared the house.

18 THE INSPECTOR: Where was Mr Salim, the injured man, whilst

19 you were in the house? You have mentioned that he was

20 at the bottom of the stairs; was he moved, as you

21 recollect it, or not?

22 A. I believe he was fairly quickly moved from the bottom of

23 the stairs to the left and propped up against the wall

24 on the left-hand side.

25 That's left as I'm looking at the stairs, sorry.

1 THE INSPECTOR: How long was it before the ambulance was
2 called?

3 A. From recollection, it would probably have been within 20
4 to 30 minutes of us starting the operation.

5 THE INSPECTOR: How long did it take for the house search to
6 be completed?

7 A. I don't believe, from recollection, it took much longer
8 than 15 to 20 minutes.

9 THE INSPECTOR: Why was the ambulance not called as soon as
10 it was realised that a man had been shot?

11 A. Initially, I would assume -- from recollection SO14
12 would have attended to him. He would have asked for an
13 ambulance, he would have called for it and it would have
14 been dependent on the time it took from Shatt-Al-Arab to
15 the location.

16 THE INSPECTOR: How long would you have expected the
17 ambulance to take, to come from Shatt-Al-Arab?

18 A. In terms of the operation, as it was still ongoing, once
19 we called for it, maybe ten minutes.

20 THE INSPECTOR: Can you remember now, how long it did take
21 for the ambulance to come?

22 A. From the incident report, I think it was longer than
23 that by about, certainly, 30 to 40 minutes.

24 THE INSPECTOR: Can we now put together the timings that you
25 say may be accurate from the reports. From the moment

1 that the platoon went in, from the time that the house
2 clearance took and the wait for the ambulance to arrive,
3 how long, in total, do you believe it took?

4 A. Probably from the injury to the ambulance arriving, it
5 would have been, again, 30 to 40 minutes, I think, from
6 the report.

7 THE INSPECTOR: Do you remember having any anxiety about the
8 length of time that it was taking for the ambulance to
9 arrive?

10 A. I can't recollect. I may well have radioed more than
11 once to Battalion headquarters to get the ambulance
12 dispatched but I can't be positive, from memory.

13 THE INSPECTOR: It is not in dispute that you spoke to the
14 owner of the property, Mr Zuboon. When do you recollect
15 talking to him in the period of time that we are now, or
16 you have now, identified? Was it before or after the
17 ambulance arrived?

18 A. I'm not completely clear but it may well have been
19 before and after the ambulance arrived.

20 THE INSPECTOR: You have said in your evidence, in the
21 witness statement, that the realisation came upon you
22 that it was the information you had been given which was
23 likely to have been wrong.

24 How long did it take for you to come to that
25 realisation?

1 A. I think from initial conversations with SO13, after I'd
2 entered the building and after they'd cleared it and the
3 casualty had happened. I recollect speaking with SO13
4 and we both, I think, were of the opinion that there had
5 not been a large group of armed men in the building and
6 that the information was incorrect.

7 THE INSPECTOR: Was there anything else that led you to
8 conclude that the information was not correct?

9 A. Other than the fact that there were only the two weapons
10 in the building and there were no other armed men,
11 that ... that was it.

12 THE INSPECTOR: What are the two other weapons to which you
13 now refer?

14 A. I can only recollect seeing one when I entered the
15 building, which was lying by the casualty at the time,
16 at the bottom of the stairs.

17 THE INSPECTOR: Did you subsequently see another?

18 A. I don't recollect it but in the post-incident
19 discussions, in writing the report, I would have
20 obtained that information.

21 THE INSPECTOR: What examination, if any, took place, of the
22 weapon that you saw lying next to the injured man?

23 A. I can't recollect. I certainly didn't examine it. I'm
24 not sure if anyone else did at the time.

25 THE INSPECTOR: Would it have been prudent to examine the

1 weapon to see whether or not it had been fired recently?

2 A. Yes. One of the platoon may have done so, they may well

3 also have cleared it to make sure it was safe.

4 THE INSPECTOR: But you can't say?

5 A. I cannot recollect.

6 THE INSPECTOR: And nothing was, in fact, reported to you?

7 A. Not then. Only, obviously, the observations in the

8 post-incident report.

9 THE INSPECTOR: But there is nothing in the post-incident

10 report which says that either one or more AK-47s were

11 tested or looked at or examined, to see whether they'd

12 been recently fired?

13 A. No, that's correct, sir.

14 THE INSPECTOR: Where do you remember first speaking to

15 Mr Zuboon?

16 A. I believe it would have been inside his house, shortly

17 after I entered the building.

18 THE INSPECTOR: You mean before you heard the house had been

19 cleared?

20 A. I don't recollect but I do not think it would have been

21 until after we had the house cleared from either S013 or

22 one of his team.

23 THE INSPECTOR: Where was he when you spoke to him?

24 A. I'm unclear, but I think he would have probably been in

25 the main entrance, not one of the side rooms.

1 THE INSPECTOR: There is a body of evidence to the effect
2 that Mr Zuboon had plasticuffs put on his wrists and
3 that he was at some stage outside, in company with the
4 other male, other than Mr Salim, who was also in
5 plasticuffs, outside in the courtyard. Is that right?

6 A. That may well have been the case while the team was
7 clearing the house.

8 THE INSPECTOR: If it was the case while the team were
9 clearing the house, when you spoke to him, was he in
10 plasticuffs?

11 A. No, I don't recollect him being in plasticuffs when
12 I spoke to him.

13 THE INSPECTOR: When you spoke to him, can you remember now,
14 the gist of the conversation? Why, for example, did you
15 want to speak to him?

16 A. I think at that stage it would have been -- having
17 cleared the house and not finding any large group of
18 armed men, I would have tried to establish who the
19 occupants actually were and what other reasons there may
20 have been for the house to be targeted.

21 THE INSPECTOR: You say targeted; targeted by whom?

22 A. By -- well, potentially, whoever had given us the
23 information that we now knew to be pretty incorrect.

24 THE INSPECTOR: Did you receive any information from
25 Mr Zuboon which enabled you to identify, or at least to

1 possibly identify, where the false information had come
2 from?

3 A. I don't recollect exactly but from the post-incident
4 report, I believe we discussed that there was an ongoing
5 disagreement with another family that may have had an
6 impact on this incident.

7 THE INSPECTOR: Did he give you the identity of that family?

8 A. I think he certainly gave us an address and from the
9 incident report, certainly a family name.

10 THE INSPECTOR: Did he explain, do you now recollect, why
11 there was a dispute?

12 A. I believe there was a dispute over the ownership of some
13 offices.

14 THE INSPECTOR: Did he say anything about any of the conduct
15 which had been part of the dispute, which had taken
16 place or occurred that day or any other day?

17 A. I don't remember exactly. From the incident report,
18 I know he did inform me they had had a shooting against
19 the house earlier that day.

20 I'm unclear if that was related or not to that
21 dispute.

22 THE INSPECTOR: Why did you not take or confiscate the two
23 AK-47s you say were in the property?

24 A. At that time in Al Basrah it was routine and allowed,
25 that people could keep one or two small arms in their

1 home for protection.

2 So it was normal for there to be one or two rifles
3 in a house. So --

4 THE INSPECTOR: Including AK-47s?

5 A. Yes. It was standard for the rifle to be an AK-47.

6 THE INSPECTOR: Did you go to see the premises identified by
7 Mr Zuboon as the home of those with whom he had
8 a dispute?

9 A. Yes, we went later that morning -- or early morning.

10 THE INSPECTOR: When you say "that morning", do you mean, in
11 effect, in the middle of the night or early in the
12 morning or what?

13 A. It was shortly after the casualty was taken away, so it
14 would have been early hours and still dark.

15 THE INSPECTOR: Who went with you?

16 A. I would certainly have taken my immediate team with me.
17 I am not sure that included SO13 or SO11 but it probably
18 included SO12.

19 THE INSPECTOR: And who else?

20 A. Plus a small team for close protection.

21 THE INSPECTOR: What about an interpreter?

22 A. We would have taken the interpreter. I can't remember
23 who knew the address, whether the interpreter knew the
24 address or that we asked one of Mr Zuboon's family to
25 show us where it was.

1 THE INSPECTOR: Is the interpreter to whom you now refer the
2 same interpreter who had introduced the walk-in at
3 Camp Cherokee?

4 A. I'm not certain, but I believe it probably was the same
5 interpreter.

6 THE INSPECTOR: Is it the same interpreter who came from
7 Camp Cherokee to Mr Zuboon's property?

8 A. Yes, it would certainly have been the same one from --
9 that came from Cherokee to Mr Zuboon's house.

10 THE INSPECTOR: Do you remember arriving at the property of
11 the Al Bedanys?

12 A. Yes, vaguely.

13 THE INSPECTOR: Vaguely? Do you remember being in the
14 property at all?

15 A. I remember going into a house. It was probably four or
16 five city blocks away. And I do remember entering the
17 house.

18 THE INSPECTOR: Who did you see, as you remember, were there
19 two men or women or how many people did you see?

20 A. From the incident report, I remember meeting two
21 individuals. Both men.

22 THE INSPECTOR: Did you communicate with them through the
23 interpreter?

24 A. I will have done, yes.

25 THE INSPECTOR: What was your purpose in going to speak to

1 them?

2 A. To confirm information given by Mr Zuboon and to see who
3 they were and what -- if there was a dispute.

4 THE INSPECTOR: Was it in your mind that if there was
5 a dispute and that these people were correctly
6 identified, that it is possible that they were
7 responsible for the false information?

8 A. That was probably in my mind but at the time, I couldn't
9 confirm or approve whether or not they were responsible.

10 THE INSPECTOR: Well you had the interpreter there, could
11 you not ask about it?

12 A. Well I think we confirmed that there was a dispute --
13 confirmed their names and that there was a dispute with
14 Mr Zuboon's family but I don't think, from recollection,
15 they gave any information to suggest that they were the
16 ones that gave the walk-in information.

17 THE INSPECTOR: Did the interpreter say anything to you
18 about whether he knew the family or not?

19 A. I don't believe, at the time, he did make any indication
20 to that effect.

21 THE INSPECTOR: Since that time, have you received
22 information to the effect that he did know them?

23 A. I was certainly passed information by one of your
24 assistants, giving a family name for the walk-in that
25 was the same as this family's family name.

1 THE INSPECTOR: What comment can you make about that?

2 A. Well that would certainly seem to lead to a connection
3 between the walk-in and this particular family and
4 linking them.

5 THE INSPECTOR: What about the interpreter? Any comment
6 about that you can now make?

7 A. I am not clear on the interpreter's role. I think he
8 may well have been acquainted with the walk-in, so
9 whether he was part of the whole idea, I'm unclear on,
10 but potentially.

11 THE INSPECTOR: Do you remember now, whether Mr Zuboon, at
12 any time, indicated to you that the interpreter was
13 connected with, if not a member of, the family with whom
14 he had the dispute that day?

15 A. I don't recollect that, no.

16 THE INSPECTOR: After this episode, this incident, your
17 report concluded with a form of instruction -- if you
18 want to turn to that, it's in your post-incident report
19 and it's page 83 of the bundle, under the heading
20 "Follow-up action":

21 "That C company G2 is to confirm the identity of the
22 informant and, having questioned as to the facts of his
23 observation, and whether he is linked to either family,
24 further action dependent on results of interview."

25 What happened as a result of that instruction for

1 follow-up action from you?

2 A. I don't believe in the time we had left in Basra that
3 the G2 team was able to identify, from our means, who
4 the walk-in was, and therefore we never followed up.

5 That information would have stayed with the
6 follow-on squadron that took over from us.

7 THE INSPECTOR: How much longer were you there after this
8 incident, before your handover?

9 A. Approximately five to seven days, I believe.

10 THE INSPECTOR: You wrote a letter, dated 9 November, which
11 I believe you, personally, handed to Mr Zuboon. Is that
12 right?

13 A. I recollect going to see Mr Zuboon again and I would
14 have hand delivered the letter, I'm sure.

15 THE INSPECTOR: This is at page 42 of the bundle. Was he
16 provided with an Arabic translation?

17 A. I'm not sure, I can't recollect.

18 THE INSPECTOR: It would have made sense for him to be
19 provided with one, otherwise it wouldn't mean very much,
20 would it?

21 A. Indeed.

22 THE INSPECTOR: But you can't remember?

23 A. I can't remember exactly.

24 THE INSPECTOR: Can you remember the circumstance of you
25 meeting with him and handing it over?

1 A. I think I probably returned to the house to see him.

2 THE INSPECTOR: On your own?

3 A. No, I'd have gone with a small team.

4 THE INSPECTOR: An interpreter?

5 A. Yes, that would have been routine.

6 THE INSPECTOR: Ahmed?

7 A. I'm unclear who at the time --

8 THE INSPECTOR: You can't remember?

9 A. No.

10 THE INSPECTOR: Did you make an arrangement, do you remember

11 this, to see him, or did you just turn up?

12 A. I can't remember if we'd prearranged it or not.

13 THE INSPECTOR: When you arrived, was he there on his own or

14 was he with others?

15 A. I'm not clear. He probably was with other people but

16 I can't confirm.

17 THE INSPECTOR: You've obviously considered that letter,

18 reminded yourself of it, since these events?

19 A. Yes, that's correct.

20 THE INSPECTOR: In the second bullet point paragraph, in the

21 second sentence, you say:

22 "Due to the possible risks, a surprise entry to the

23 building was carried out."

24 Can I take it that that was -- what you understood

25 to have been the decision, to make a surprise entry, and

1 was not your decision?

2 A. Yes. I mean, I gave the -- S013 the clearance to make a
3 surprise entry, due to the possible armed threat.

4 THE INSPECTOR: In the next sentence you say:

5 "During this, Mr Muhammad Abdul Ridha Salim and
6 another male came downstairs ..."

7 You hadn't seen that, had you?

8 A. No, that's from the post-incident report, and the
9 discussions to the -- with the platoon.

10 THE INSPECTOR: In particular, can you remember the platoon
11 members who you did discuss that with?

12 A. Certainly I'd have discussed it with S013 and S011.

13 I can't recollect who else within the platoon I would
14 have spoken to after the event.

15 THE INSPECTOR: Then the next part of that paragraph:

16 "... believing they were being attacked by
17 criminals ..."

18 Now, that's not the military who believed they were
19 being attacked by criminals, you're suggesting there
20 that Mr Salim and another, believed they were being
21 attacked by criminals. On what basis were you
22 suggesting that in the letter?

23 A. I think I would have formulated that from discussion
24 with Mr Zuboon after the incident.

25 THE INSPECTOR: Then in the next bullet point, you say:

1 "Sadly, as he was coming downstairs, Mr Salim met
2 a British soldier coming the other way. The soldier
3 thought he was in danger and fired one round at
4 Mr Muhammad that hit him in the stomach."

5 You say nothing there about the nature of the danger
6 which was presented. What were you referring to when
7 you said that?

8 A. Referring to Mr Salim being armed, which at the time,
9 was self-evident but I didn't write it in this letter.

10 THE INSPECTOR: When you say it was self-evident that he was
11 armed, what do you mean by that?

12 A. From the discussions I had post-incident, but also from
13 when I entered the house myself after the shooting,
14 I remember there being a weapon at the bottom of the
15 stairs, next to Mr Salim.

16 THE INSPECTOR: Why didn't you say that in the letter?

17 A. I don't know really. At the time, I was more concerned
18 about the loss of Mr Salim's life, in what appeared to
19 be an incident that we were misled, rather than the
20 detailed circumstances of the shooting.

21 THE INSPECTOR: (Pause) I am just trying to find in the
22 bundle -- it's page 13 -- the statement made and signed
23 by SO11 on 6 November 2003.

24 I want to ask you, Col Routledge, about your part,
25 or your recollection, in how it was that SO11 came to

1 make this statement.

2 A. This looks like a formal Military Police statement
3 format.

4 As part of the post-incident procedures, I believe,
5 where there was a death, all these incidents were --
6 everyone was interviewed.

7 THE INSPECTOR: But at this time there had not been a death,
8 there had been a wounding?

9 A. That was a shooting, a wounding.

10 THE INSPECTOR: So how did this statement, to the best of
11 your recollection, come about being made?

12 A. I'm unclear but I would assume that it was taken by
13 a Royal Military Policeman at the time.

14 THE INSPECTOR: We can all see, and have seen, the contents
15 of the statement. Did you know of the contents of the
16 statement before S011 made the statement?

17 A. I think I would have most likely talked to S011, S013
18 and a number of other members of the company after the
19 incident, to compile my incident report.

20 THE INSPECTOR: Immediately afterwards?

21 A. It would have been fairly soon afterwards, sort of that
22 morning certainly.

23 THE INSPECTOR: Did you play any part in assisting S011 to
24 make this statement?

25 A. No, I don't believe I did.

1 THE INSPECTOR: You say "I don't believe I did"; if you had,
2 would you remember it?

3 A. No, I don't think I did.

4 THE INSPECTOR: Would it be right for you to play any part
5 in assisting him to make the statement?

6 A. I think if it was taken by a Military Policeman, they're
7 all done individually, as far as I'm aware.

8 THE INSPECTOR: When you came to draw up your post-incident
9 report, did you have that statement available to you?

10 A. I'm not sure but I don't think so.

11 THE INSPECTOR: Just forgive me for the moment. (Pause).
12 Can you remember now, how many members of the
13 platoon had gone into the house by the time, we take it,
14 that Mr Salim was shot?

15 A. I'm not absolutely certain, but probably less than ten,
16 certainly.

17 THE INSPECTOR: We have heard expressions, or seen
18 expressions, such as "a hard knock" and "a soft knock";
19 what's the difference?

20 A. It basically differentiates, based on the likely threat
21 inside a building. A soft knock being literally where
22 you knock on the door as you would normally, and ask to
23 enter a house. That would be where you had no reason to
24 believe there was a threat.
25 A hard knock being a hard, forced entry into

1 a building, in order to maximise surprise against the
2 potential armed threat.

3 THE INSPECTOR: There is evidence from the family that the
4 process of searching and securing the house, and the
5 aftermath of waiting for the ambulance, took many hours.
6 What do you say about that?

7 A. I do not believe it was many hours. Potentially an hour
8 to two hours at most. Certainly not many, from my
9 recollection.

10 THE INSPECTOR: If we're talking about the longest time, of
11 two hours, are you including that period of two hours as
12 a possible time that it took for the ambulance to
13 arrive?

14 A. I don't believe it took that long for the ambulance to
15 arrive.

16 THE INSPECTOR: Do you feel able, because of the importance
17 of this to the family, to put any time on the wait for
18 the ambulance which could be the maximum, in your view,
19 as to how long it took?

20 A. I'm uncertain. I think it was in an hour. I would have
21 certainly expected it to be sooner than that in most
22 cases.

23 THE INSPECTOR: There is also evidence from the family that
24 this was a frightening episode for them. Would you
25 agree that, for civilians in their own house, to be

1 faced with an entry by armed soldiers would be a very
2 frightening exercise?

3 A. Yes, I have no doubt, sir.

4 THE INSPECTOR: And in particular, when somebody in their
5 family is wounded, very distressing indeed?

6 A. Yes. Again, that's correct, sir.

7 THE INSPECTOR: Thank you, Col Routledge.

8 Can I just report to Basra -- can I just report to
9 you in Basra, Ms Al Qurnawi?

10 We have now got --

11 MS AL QURNAWI: Yes, sir.

12 THE INSPECTOR: We have now got Mr Jones in Liverpool. My
13 information is that Mr Morris is on his way.

14 Sorry, I obviously interrupted what you wanted to
15 say, Ms Al Qurnawi. Do you want to say anything to
16 me --

17 MS AL QURNAWI: No, nothing. I'm just listening.

18 MR HENDERSON: Sir George, I was just going to say that
19 Mr Jones arrived at approximately 11.32, so he has heard
20 the bulk of the evidence given by this witness. It was
21 about the time that they went into the house.

22 THE INSPECTOR: Thank you, Mr Henderson, and I thank you,
23 Mr Jones, for coming back, thank you very much indeed.

24 Ms Al Qurnawi, what I would like to do is to stand
25 Col Routledge down. I will keep him here. I would like

1 to move on --

2 MS AL QURNAWI: Yes.

3 THE INSPECTOR: -- but I will keep him here in case, after
4 we take a break, there is anything, on reflection, that
5 you want me to cover with Col Routledge which I haven't
6 already done.

7 Okay, thank you.

8 MS AL QURNAWI: Okay, good.

9 THE INSPECTOR: Thank you. Could you wait.

10 (Lt Col Simon Routledge withdrew)

11 THE INSPECTOR: What I believe we should do now is to call
12 Andrew Price, who is here in London.

13 Can I say, Mr Price, so far, you have not asked for
14 anonymity, but do I understand that you would have
15 a preference not to be seen on the screen. Is that
16 right?

17 MR PRICE: Yes.

18 THE INSPECTOR: That being the case, could we logistically
19 arrange for Mr Price to come to the seat and we will
20 turn it round the other way. We will just organise the
21 camera.

22 Whilst that's happening, Mr Jones, is there a time
23 limit that you would like to indicate to me, as to how
24 long you can stay? Mr Henderson, perhaps you can let me
25 know.

1 MR HENDERSON: Mr Jones said he needs to collect his
2 children at 3 o'clock. So 2.30 would be his sort of cut
3 off point, Sir George.

4 THE INSPECTOR: Thank you. We will work to that but I would
5 like him to hear the evidence from Mr Price.

6 Mr Price, I think now the camera is off you.

7 MR ANDREW PRICE (called)

8 THE INSPECTOR: Mr Price, could you go to page 52 in the
9 bundle and then turn on to page 56, where you will see
10 that you have signed a statement dated 14 November of
11 this year.

12 A. Yes.

13 THE INSPECTOR: Is that correct?

14 A. That's correct. I have the hard copy as well, if you
15 need it.

16 THE INSPECTOR: Is that an accurate and true recollection,
17 to the best of your ability, of what you remember of
18 this incident?

19 A. It is, yes.

20 THE INSPECTOR: You recall receiving a briefing from
21 Major Routledge, as he then was?

22 A. Yes.

23 THE INSPECTOR: In your statement, you say "attacks were
24 a regular occurrence." When you say that, you mean
25 attacks on what; on the Camp or generally?

1 A. On the -- yes, on the Camp and ourselves, yes.

2 THE INSPECTOR: The rank you held at that time was

3 Warrant Sergeant; is that right?

4 A. Correct. Yes.

5 THE INSPECTOR: So far as the -- can I call it the armed

6 assault on that evening, which was planned, what role

7 did you have to play?

8 A. I was basically a back-up, if need be, and sort of

9 satellite, to make sure there's nothing going on in the

10 street outside while the house entering was happening.

11 THE INSPECTOR: As you understood it, the option for those

12 making the entry was either a soft or a hard knock?

13 A. Yes. I could be wrong here but I believed it was to be

14 a soft knock, however, if need be, then it would be

15 a hard knock.

16 THE INSPECTOR: How did you envisage a soft knock operating

17 on at least the possibility that those inside the house

18 were heavily armed?

19 A. Well if that's the case, then it would come -- it would

20 escalate from a soft knock to a hard knock.

21 THE INSPECTOR: So assume that a soft knock had first taken

22 place. By that, as I understand it, the indication

23 would have been given that: the army are outside, let us

24 in. Was that fair enough?

25 A. Yes.

1 THE INSPECTOR: That, if there were armed men in hostile
2 mood, would give rise to the possibility that they would
3 then open fire?
4 A. Yes.
5 THE INSPECTOR: Correct?
6 A. Correct, yes.
7 THE INSPECTOR: Then it becomes a hard knock?
8 A. Yes.
9 THE INSPECTOR: By that, it means that the platoon go in to
10 the house?
11 A. Yes.
12 THE INSPECTOR: Possibly facing the hostile arms of the men
13 inside?
14 A. Yes, correct.
15 THE INSPECTOR: While you were in your vehicle -- this is
16 paragraph 6, Ms Al Qurnawi -- you saw the vehicle break
17 open the gates to the courtyard?
18 A. Yes, I saw that, and heard it.
19 THE INSPECTOR: But at that point you didn't hear any
20 gunfire?
21 A. Not at that point, no.
22 THE INSPECTOR: When did you hear gunfire?
23 A. Once the building had been entered.
24 THE INSPECTOR: What gunfire did you hear?
25 A. I heard a distinctive ... higher calibered round being

1 fired for -- it was a burst round, so I cannot be sure
2 exactly how many, four, five, six rounds, and a smaller
3 caliber round fired.

4 THE INSPECTOR: Pause just for the moment. Yes,
5 Mr Interpreter.

6 You referred to the high caliber round; can you
7 identify the type of rifle that you're referring to?

8 A. From my training throughout my service in the military,
9 a lot of it being in Northern Ireland, we get fired at,
10 obviously under control, by different calibers and
11 different types of weapons and one of them being an
12 AK-47, which is --

13 THE INSPECTOR: Just let the interpreter catch up with it.

14 A. Which they call -- which is a 7.62-millimetre short,
15 what they call a short, because the British Army use
16 7.62 but it's called a long, because it's a longer round
17 than the AK-47, or the Russian version.

18 And it is quite distinctive. Definitely distinctive
19 compared to a 5.56 round, which is the rounds that we
20 were using at the time.

21 THE INSPECTOR: Where were the shots, these five or six
22 rounds which you believe came from an AK-47, where was
23 the sound coming from?

24 A. From inside the house.

25 THE INSPECTOR: Can you go so far as to say where within the

1 house; at the top or the bottom or where?

2 A. I couldn't say that. I mean you imagine somebody out
3 there, either down on the bottom floor or on this floor,
4 firing, outside. You couldn't see them, you wouldn't
5 know which floor it was on.

6 THE INSPECTOR: You didn't go into the building, as
7 I understand it, at this stage?

8 A. Not at this stage, no.

9 THE INSPECTOR: But you recollect a medic being called for?

10 A. Yes, definitely. Yes, the medic was called for,
11 virtually ... well, it was ... minutes, not too many
12 minute, possibly a minute, after the shooting finished.

13 THE INSPECTOR: After you had searched the outside,
14 paragraph 10, you say:

15 "I briefly entered the house but I left because
16 there were too many people in there."

17 A. That is correct. We searched the outside areas and
18 there was a little front sort of portion and there was
19 a garden at the back, a walled garden at the back. We
20 searched those areas, then myself, I went in to the
21 house -- I can't remember the exact layout of the house
22 but I think it was as soon as you went through the door,
23 there was like a room, a lounge-type room.

24 THE INSPECTOR: I think you had better just pause and let
25 the interpreter catch up.

1 A. And that's as far as I went in the house really.

2 THE INSPECTOR: When you went into the house, you say you
3 remember seeing some women in the house. Or was it one
4 woman? I think, in fairness, you say "a woman".

5 A. Yes. I'm sure I remember seeing a woman.

6 THE INSPECTOR: Can you describe what condition she was in?

7 A. She was obviously -- she was shaken and -- she was
8 definitely shaken, yes.

9 THE INSPECTOR: You refer to "a couple of kids possibly
10 being there." What do you mean by kids?

11 A. For some reason -- for some reason I recollect --
12 I could be wrong, but I recollect seeing -- I'm sure
13 there was a couple of kids with the woman. I could be
14 wrong.

15 THE INSPECTOR: What, if anything, did you see of an AK-47
16 or AK-47s, in the house?

17 A. I can't recollect seeing any -- I can't recollect seeing
18 the wounded man and I can't recollect seeing the weapon.
19 Like I said, I just went into that first room. I can't
20 recollect seeing any weapons, to be honest.

21 But --

22 THE INSPECTOR: Sorry. Could you look at page 55 of the
23 bundle in front of you, paragraph 11, second sentence:
24 "I think I remember seeing one of the Kingsmen
25 handling an AK-47."?

1 A. As I said, this was a long time ago. I could have --
2 I know for a fact that they would have taken the weapons
3 and made them clear, as in made them safe, as in
4 unloaded them because that's what you do.

5 I might have seen it, I might not have seen it, it's
6 not ...

7 THE INSPECTOR: Do you know whether anybody examined any
8 AK-47s which happened to be in the house? Do you know
9 that from your own knowledge or not?

10 A. No, I don't.

11 THE INSPECTOR: You are, in effect, stating what you believe
12 would have taken place in the normal course. Is that
13 right?

14 A. Yes. If it was me, if I would have been going into the
15 house, it's what I would have done.

16 THE INSPECTOR: Would you, since you have said what you
17 would have done, would you have taken the weapons from
18 the house?

19 A. Like Col Routledge said, no. The only weapons we were
20 allowed to confiscate were pistols and short-barreled
21 weapons. At that stage, we were told they were allowed,
22 each household was allowed weapons, like AK-47s and
23 rifles, because that's what they used to protect
24 themselves because it's the kind of place it was at the
25 time.

1 But pistols we could confiscate.

2 THE INSPECTOR: Now I want to ask you about the identity of
3 such people as you remember in the platoon which went
4 into the house.

5 A. What, names, or positions?

6 THE INSPECTOR: Names or positions. Do you know that SO11
7 led the entry to the house? There's a cipher code just
8 next to you there, on the right.

9 A. People went into the house were SO11, SO13 and
10 obviously, once the medic was called, SO14 went into the
11 house.

12 THE INSPECTOR: But in the normal course, to search and
13 secure the house, SO11 would go in with dismounts.
14 Isn't that right?

15 A. Correct. He wouldn't go in on his own, yes.

16 THE INSPECTOR: Can you now remember who the dismounts were
17 who went in with SO11?

18 A. I can't recollect who they were, no. All I know is they
19 were members of our platoon but which members,
20 I couldn't tell you.

21 THE INSPECTOR: Do you remember any names of people in the
22 platoon which you now remember as names, not necessarily
23 as people who went into the house or were even there on
24 the night in question. Can you remember any names of
25 members of the platoon?

1 A. I can recollect lots of names of the platoon but whether
2 it was those names that went into the house, I couldn't
3 be certain.

4 THE INSPECTOR: Let's start because identifying people is
5 important and difficult for me. This is a general
6 question as to what names you remember of people who
7 were in the platoon. Not those who went into the house.
8 So there's no question of you naming them as people who
9 went in, I just want to know what names you recollect.

10 A. A lot of them are nicknames like Jonah, Sav.

11 THE INSPECTOR: Jonah. Sav? S-A-V?

12 A. Yes. (Pause) Skippy.

13 THE INSPECTOR: Skippy. All right. If you cannot remember
14 any more readily, let's go to the next question.

15 Could you look at page 80 in your bundle. This is
16 the post-incident report compiled by Col Routledge. And
17 if you look at item 5 in the column, you will see:

18 "Sgt S011 opens the front door and enters target,
19 A1, followed by Kgn Jones and then Kgn Morris."

20 Were those people known to you?

21 A. Yes, yes. Jones is Jonah.

22 THE INSPECTOR: Jonah?

23 A. Yes.

24 THE INSPECTOR: Would you know Jonah's first name?

25 A. No.

1 THE INSPECTOR: No?

2 A. Most people I know in the army, I know by nicknames.

3 THE INSPECTOR: Kgn Morris, as he was, we have identified
4 and he's available to help us.

5 We have a Kingsman by the name of Jones but there's
6 an open question as to whether he was there or not. Can
7 you help me on that at all?

8 A. No, I can't, I'm afraid. All I can say is most of the
9 platoon would have been there. Whether he was there at
10 the time, as in people go on R&R and --

11 THE INSPECTOR: What's R&R?

12 A. Rest and recuperation.

13 THE INSPECTOR: Rest and recuperation, right.

14 A. Or other duties, of course.

15 THE INSPECTOR: Sorry? Or?

16 A. Or other duties.

17 THE INSPECTOR: Did you hear any shouting or verbal noise
18 from the soldiers as they entered?

19 A. I can't answer that question. I wouldn't know,
20 I wouldn't remember. I would have thought there would
21 have been.

22 THE INSPECTOR: Right, thank you.

23 What I would like to do now is to ask, Mr Price, if
24 you would stand down, so you could go back and perhaps
25 I could then get the camera back on the ...

1 A. Okay.

2 (Mr Andrew Price withdrew)

3 THE INSPECTOR: Again, Ms Al Qurnawi, same principle. I'll
4 retain him in case you have questions you think I should
5 pursue which I haven't already.

6 What I would like to do now, because it might not
7 take too long but I think the sooner I do it, the
8 better, I would like to ask Ryan Jones, who is in
9 Liverpool, about, essentially, whether or not he was
10 there on the night in question.

11 After that, Ms Al Qurnawi, perhaps we could take
12 a short break. Would that be agreeable to you and those
13 with you?

14 MS AL QURNAWI: Yes.

15 MR HENDERSON: Sir George, could I just say that Mr Morris
16 is here. Perhaps we could just make some enquiry as to
17 whether he has any time limitations.

18 THE INSPECTOR: Of course. Would you like to take
19 instructions from him?

20 MR HENDERSON: Yes, if I might.

21 THE INSPECTOR: Yes, you take instructions from him.

22 MR HENDERSON: Thank you for that, Sir George. Mr Morris
23 would like me to make an application if you could hear
24 his evidence at this point, before Ryan Jones.

25 All right.

1 THE INSPECTOR: Mr Morris, thank you very much for coming to
2 the hotel today. I know this has been a difficult
3 period for you.

4 Can I just ask what's going on in Basra because
5 I cannot see Ms Al Qurnawi.

6 MS AL QURNAWI: Here I am, yes. Yes, I'm here, sorry.

7 THE INSPECTOR: Ms Al Qurnawi, I have had a request from
8 Mr Morris that he be able to give his evidence now and
9 so I think we should do that, having regard to matters
10 I don't need to go into.

11 MS AL QURNAWI: Yes.

12 THE INSPECTOR: Mr Henderson, have you got a bundle there?

13 MR HENDERSON: We have, yes.

14 THE INSPECTOR: Page 48 and 50 really. It's now been
15 signed, has it, Mr Henderson?

16 MR HENDERSON: No, Sir George, I have not had an opportunity
17 to go through the draft statement with Mr Morris, so he
18 hasn't signed it.

19 MR EDWARD MORRIS (called)

20 (via video link in Liverpool)

21 THE INSPECTOR: Could you ask him to say whether or not it's
22 a document he's received from my team and has had an
23 opportunity to read.

24 MR HENDERSON: Are you happy to answer that? Have you
25 received the statement? I think Mr Dustin has sent it

1 through for you.

2 A. Yes.

3 MR HENDERSON: You never read it?

4 A. No.

5 MR HENDERSON: He has received it but he hasn't read it

6 through, Sir George.

7 THE INSPECTOR: As I understand it, he does not want to take

8 time now, to sign it?

9 A. No, I'm not signing it.

10 THE INSPECTOR: Okay, I understand.

11 A. Yes, I can't -- yes, I can't remember nothing. No, it's

12 13 years ago. You're asking me to dig up stuff what's

13 buried. I can't remember. I can't remember knocking

14 about with -- I can't remember -- in fact I don't even

15 think I went to Basra. I can't remember nothing,

16 nothing. Pointless asking me, can't remember nothing.

17 Nothing.

18 You think enough stuff from 13 years ago, hey, it's

19 all -- I can't remember nothing. So you can ask me

20 something until you're blue in the face, Sir, I know

21 nothing.

22 THE INSPECTOR: Please translate this: I am not going to go

23 blue in the face but I am going to ask you some

24 questions.

25 Mr Morris, a lot of people have cooperated and have

1 said what they can and they can't remember. And I would
2 ask you, please, not to let this cause you anger but to
3 see the part that you can play in assisting me, as an
4 important contribution to our efforts to get to the true
5 account of what happened on this night, when an innocent
6 man was shot and fatally wounded and when there was
7 immense distress caused to innocent civilians.

8 Now, I know that one of my team has spoken with you
9 on the telephone. And in the course of that, you spoke
10 to him in a way which was a bit more cooperative than
11 the way in which you're now talking to me.

12 Do you remember that telephone call?

13 A. No.

14 THE INSPECTOR: You do not remember speaking to a member of
15 my team over the telephone about the events --

16 A. Listen, all I can say to you is I can't remember. You
17 know, I'm digging up stuff from 13 years ago, to be
18 fair, aren't I, you know? It's all -- it's all vague to
19 me. What I can tell you, you know, I can't really --
20 I can tell you something but I cannot be sure that it
21 happened because it's all patchy to me. It was 13 years
22 ago, it's stuff I've blocked out. Not just,
23 obviously -- I blocked the whole tour out, you know.
24 You know? So this, I don't want to be here.

25 It's nothing to do with me really, is it, it's

1 nothing to do with me, I can't -- I wasn't there when it
2 happened so I can't -- it's nothing to do with me, you
3 know? Can't you just leave me be? That's all I'm
4 asking.

5 THE INSPECTOR: I know you're asking --

6 A. No, I'm not asking. No, you don't know, I'm not asking
7 much, I just want to be left to get on with my life, you
8 know, that's all I'm asking.

9 THE INSPECTOR: Can you just pause because we have to
10 translate this into Arabic, you see.

11 The quality of your recollection is for me to
12 handle. Even a vague recollection from you will assist
13 me. So could I have your vague recollection?

14 A. You want my vague recollection?

15 THE INSPECTOR: Yes, your vague recollection. Do you
16 remember being --

17 A. Someone got killed.

18 THE INSPECTOR: Hmm?

19 A. Someone got killed. Someone died. You know -- I can
20 sit here and tell you that I was there, I was there, but
21 it would be sort of guesswork, it would not be facts.
22 You know what I mean? It would not be facts, it's vague
23 to me. It would be pointless me telling you.

24 THE INSPECTOR: Okay, just stop for a moment, let the
25 interpreter --

1 Mr Morris?

2 A. Yes.

3 THE INSPECTOR: In the note which my team member took of his
4 conversation with you, he has recorded you telling
5 him --

6 A. He was telling me --

7 THE INSPECTOR: -- that you did remember --

8 A. No, no, no -- I haven't -- I haven't made an official
9 statement and I haven't signed anything. It's
10 an after(?) and it's passed. That's that and I don't
11 remember.

12 THE INSPECTOR: Are you telling me that you have no
13 recollection at all --

14 A. Yes.

15 THE INSPECTOR: -- of this incident?

16 A. Yes. Yes, that's what I'm telling you, you know, it
17 would be guesswork for me, you know, I just can't
18 remember which night it happened and, you know, I can't
19 remember. I'm sorry, I can't help you.

20 THE INSPECTOR: Do you remember any night when a man was
21 shot and wounded and then died?

22 A. No.

23 THE INSPECTOR: I think you can stand down, Mr Morris, for
24 the moment, but don't go away.

25 Okay, Mr Henderson, he can sit back for the moment

1 but not go away. I just want to talk to the people in
2 Basra.

3 (Mr Edward Morris withdrew)

4 Ms Al Qurnawi, I have -- Ms Al Qurnawi, you can hear
5 me?

6 MS AL QURNAWI: Yes, we can hear you.

7 THE INSPECTOR: I have concluded, subject to any other
8 suggestions that anybody's got, that there is no point
9 in me continuing to attempt to question Mr Morris, and
10 in the circumstances, therefore, the draft statement
11 between page 48 and page 50, for my purposes, should be
12 excised from the record.

13 Do you want to make any comment to me about that?

14 MS AL QURNAWI: Just give me one second, Sir George, just to
15 pass that on.

16 (Pause).

17 Yes, please, Sir George.

18 THE INSPECTOR: Yes?

19 MS AL QURNAWI: Yes, we are pleased, Sir George.

20 THE INSPECTOR: Thank you. Mr Henderson, Mr Morris can go.

21 MR HENDERSON: Thank you, Sir George, I'll let him know.

22 THE INSPECTOR: Could Mr Ryan Jones come forward.

23 MR RYAN JONES (called)

24 (via video link in Liverpool)

25 THE INSPECTOR: Do you want to be off camera, Mr Jones?

1 A. No, no, it's fine.

2 THE INSPECTOR: I believe you have signed a statement today
3 for me, which is at page 44, 45 and 46. Is that
4 statement a true and accurate account of what you can
5 tell us?

6 A. Yes.

7 THE INSPECTOR: Yes, thank you. Have you seen SO11 at the
8 hotel today?

9 A. Yes.

10 THE INSPECTOR: Yes?

11 A. Yes, yes.

12 THE INSPECTOR: You have heard the evidence, I think, of
13 Col Routledge, or the best part of it?

14 A. Yes, I have.

15 THE INSPECTOR: What recollection do you have of the event
16 that he was talking about?

17 A. It's just very vague. I can remember being there in
18 Iraq, I can remember doing operations, but this exact
19 operation that you're going on about, I can vaguely
20 remember anything to do with it, to be honest with you.

21 THE INSPECTOR: What is your vague recollection? Do you
22 remember going into a house; is that what you recollect?

23 A. I can remember things, yeah, I can remember going into
24 the house and doing stuff in Iraq, but just down to this
25 incident, it's just very vague. As I say, I can't

1 remember exactly what happened.

2 THE INSPECTOR: But I'm not asking you to remember detail.

3 Can I ask you in this way: do you remember an incident

4 in which a civilian was shot by a British soldier inside

5 a house?

6 A. No.

7 THE INSPECTOR: No?

8 A. No, Sir George, no.

9 THE INSPECTOR: Such an event was not a usual event, was it?

10 Mr Jones?

11 A. We're in a theatre of war so, yes --

12 THE INSPECTOR: How many other houses had you gone into when

13 a civilian had been shot?

14 A. This is all I'm trying to say to you though.

15 THE INSPECTOR: Sorry?

16 A. Sorry, this is what I'm trying to say to you though,

17 this is what I'm trying to say, is I might have been

18 there, I might have been outside the perimeter, I can't

19 re -- remember someone getting shot.

20 THE INSPECTOR: Just pause there.

21 A. Give him time, yes.

22 THE INSPECTOR: Have you any recollection of seeing an

23 injured man being taken away on a stretcher?

24 A. No, sir, no.

25 THE INSPECTOR: The military record records a Kgn Jones and

1 a Kgn Morris going into the property with SO11. You
2 know that, don't you, I think?

3 A. Yes, sir, yes. I've read the statements.

4 THE INSPECTOR: Are you saying you could have gone in with
5 SO11 but you don't remember or that you're sure you
6 didn't go in with SO11?

7 A. No.

8 THE INSPECTOR: Which is it?

9 A. Well what you need to get is I might have gone into the
10 house and I might have secured rooms and I might have
11 been there, that's what I'm saying, I might have been
12 but what I'm saying from my side, sir, is I can't
13 remember if I was or if I wasn't.

14 But I might have done.

15 THE INSPECTOR: Can you remember anybody else with you on
16 house clearances like this?

17 A. No. That was the first time I'd seen Kgn Morris, and
18 I didn't even know who he was until he walked into the
19 room. It was a long, long time ago. And em -- you
20 know, I can't recall anyone. Until I seen his face
21 then, that was the first time that I'd remembered who he
22 was since however long ago it was.

23 THE INSPECTOR: So you saw Kgn Morris at the Hilton this
24 morning --

25 A. Yes.

1 THE INSPECTOR: -- and you recognised him. Is that right?

2 A. Yes.

3 THE INSPECTOR: Did you recognise him as a Kingsman you had
4 done house clearances with?

5 A. Just somebody that I was in the army with, not
6 necessarily exactly what we done together, just someone
7 who I knew.

8 THE INSPECTOR: You have suggested in your statement you
9 kindly gave, that you didn't think you would ever go in
10 at the front. Is that right or wrong?

11 A. No, well --

12 THE INSPECTOR: Just let the interpreter give the question.
13 Is that right or wrong, could you answer now?

14 A. No.

15 THE INSPECTOR: You didn't go in at the front or what?

16 A. This is what I'm trying to say to you, when we had the
17 interview online. You are just asking me random
18 questions which I don't know the answer to. This is
19 what I'm trying to say to you, is you're just throwing
20 out random questions that I don't know what you're
21 talking about, like. I can't remember if I went through
22 a front door first or second, 13 years ago. It's like,
23 you know, I don't even know what side of the building
24 I come in this morning in here, do you know what I mean?
25 You're asking me questions that are so vague --

1 THE INSPECTOR: Just stop there.

2 Mr Jones, could you look, please, at page 45,
3 paragraph 5.

4 A. Yes.

5 THE INSPECTOR: Four lines up, so from the bottom of that
6 paragraph --

7 A. Give me a second to read it.

8 THE INSPECTOR: I'm not just asking questions at random.
9 I'm asking this question because you have signed
10 a statement which says, and I will read it:

11 "I would say that, because I was only a Kingsman,
12 I would hardly ever have been at the front when a group
13 went in to do a house clearance. I certainly do not
14 remember any occasions when I was at the front. I also
15 do not remember any particular occasion on which we had
16 to force entry into a house or of hearing that any
17 civilian had been injured during the course of a house
18 clearance."

19 So I know it's difficult answering questions, but
20 it's also quite difficult asking questions and I ask my
21 questions not at random but on the basis of what you
22 have said in paragraph 5. Have we cleared the air on
23 that?

24 A. Yes.

25 THE INSPECTOR: Thank you.

1 A. I am not trying to cause offence but all I'm trying to
2 say is the questions you're asking me make me feel like
3 I need to give you an answer but I don't want to give
4 you the incorrect answer. That's what I'm trying to
5 say. It's all I'm trying to say is 13 years ago -- yes,
6 I'm just saying 13 years ago -- Sir George, all I know,
7 I might have been in the house, I might have heard
8 a shot, I'm -- that might have happened. I might have
9 progressed into the house and cleared rooms in the house
10 but all I am trying to say is, I can't remember.

11 THE INSPECTOR: Just pause there now and we'll interpret
12 that.

13 Thank you. Then you can go, Mr Jones, and thank you
14 very much for taking the trouble to come.

15 A. All right, thank you.

16 MS AL QURNAWI: Sir George, just one. Is there any reason,
17 Sir George, why Mr Price or, indeed, Maj Routledge
18 cannot be asked if the gentleman, or the soldier, who
19 was with SO11 that night is Mr Ryan Jones? If you could
20 mention that, I believe the family would be --

21 THE INSPECTOR: Sorry, could I not ask Col Routledge and
22 Mr Price whether Ryan Jones was there that night? Yes?

23 MS AL QURNAWI: Yes.

24 THE INSPECTOR: I will do that.

25 MS AL QURNAWI: Is there any reason why we can't ask him

1 if -- Mr Ryan was here and Maj Routledge is here
2 (inaudible words)?

3 THE INSPECTOR: First of all, I will ask Col Routledge.
4 Please, come forward into sight.

5 LT COL SIMON ROUTLEDGE (recalled)

6 THE INSPECTOR: Do you recollect whether Ryan Jones was
7 present in the platoon that night?

8 A. I certainly recognise Mr Jones on the screen, Sir
9 George. I couldn't honestly say whether he was
10 physically there on the night -- I don't remember seeing
11 him but he was certainly -- I recognise him, certainly,
12 as being a member of the team.

13 THE INSPECTOR: Thank you. Now I will ask, please,
14 Mr Price. Can you recollect whether Ryan Jones was
15 present on the night in question?

16 MR ANDREW PRICE (recalled)

17 MR PRICE: Like I said earlier, I can't recollect who was in
18 the house, apart from S011, S012 and those people I've
19 already mentioned.

20 I recognise Jonah and I recognise Private Morris.
21 But whether they were there on the night or not,
22 I couldn't say.

23 THE INSPECTOR: Okay, thank you.

24 MR PRICE: Can I just add, I understand what these guys are
25 saying because --

1 THE INSPECTOR: Could you just begin to translate.

2 MR PRICE: The whole tour, it's like a blur to me as well,
3 some of it.

4 THE INSPECTOR: "The whole tour is a blur to me".

5 MR PRICE: I know for a fact that I took the casualty on the
6 ambulance, with my two Land Rovers, to the hospital.
7 I can't recollect seeing him on the stretcher, putting
8 him in the ambulance.

9 THE INSPECTOR: Did you get everything there?

10 THE INTERPRETER: Yes.

11 THE INSPECTOR: It sounded shorter.

12 MR PRICE: But I know I took him to the hospital with the
13 ambulance but I cannot recollect putting him on the
14 ambulance, I cannot recollect dropping him off.
15 It's ... that's why I can understand --

16 THE INSPECTOR: That's why you can understand the witnesses.
17 Okay. Thank you very much.

18 MR PRICE: Thank you.

19 THE INSPECTOR: Ms Al Qurnawi, can I speak to you in English
20 to save time?

21 MS AL QURNAWI: Yes, please.

22 THE INSPECTOR: My present view of these last two witnesses,
23 subject to reading the answers they have given and
24 thinking about it, is that we are not dealing with
25 a situation in which they are both categorically and

1 clearly denying being present, but they are making it
2 pretty plain to me that they don't recollect being
3 present. That is subject to, of course, the fact that
4 there was a draft of a statement, unsigned by Mr Morris,
5 which I have had to strike from the record. Do you
6 follow what I've said?

7 MS AL QURNAWI: Yes.

8 THE INSPECTOR: So for the moment, what I would like to do
9 now, is to take a break and to say to Mr Henderson --
10 and, in particular, SO11, that I will come to him next,
11 after a break, Mr Henderson. I have in mind 45 minutes.
12 Is that all right at the Basra end?

13 MS AL QURNAWI: Yes, that's fine, that's fine.

14 THE INSPECTOR: Then 45 minutes, that's 25 minutes to 3
15 here, which will be, whatever, 25 minutes to the hour
16 for you, Ms Al Qurnawi.

17 So far as Mr Jones is concerned --

18 MS AL QURNAWI: Sir George, is it possible -- is it -- only
19 if it's possible, can we give it 30 minutes because, you
20 know, it's the weekend here and now it's almost 6
21 o'clock in Basra.

22 THE INSPECTOR: 30 minutes. 25 minutes past the hour.

23 Okay?

24 MS AL QURNAWI: Yes.

25 THE INSPECTOR: Good.

1 MR HENDERSON: Sir George, could I just clarify whether
2 Ryan Jones is --

3 THE INSPECTOR: He's released and thank you for coming. And
4 SO11 is still there and, I hope -- all right.

5 MR HENDERSON: Yes, indeed, sir, yes. I will pass that on.

6 THE INSPECTOR: Then it's a short break, I'm afraid.

7 So far as you're concerned, Colonel and Mr Price,
8 when they come back in half an hour, I will clarify
9 whether there are any questions which are from Basra.
10 If there aren't any, then I should be in a position to
11 release you. Thank you very much.

12 Thank you.

13 (1.55 pm)

14 (A short break)

15 (2.28 pm)

16 THE INSPECTOR: Are we ready?

17 MS AL QURNAWI: Just one minute, please.

18 THE INSPECTOR: I cannot see them. Why have we got so much
19 of Mr Henderson?

20 MS AL QURNAWI: Hello? Can you hear us?

21 THE INSPECTOR: I can hear you and see you.

22 MS AL QURNAWI: Sorry, I was just closing the door.

23 THE INSPECTOR: Mr Henderson, you might have your microphone
24 not in the right place. Or turned off.

25 MS AL QURNAWI: We have not changed the position -- no, no,

1 wait a second, we have not changed the position.

2 THE INSPECTOR: You are all right, you're very expert. It's

3 Mr Henderson. How can we get through to him? Can you

4 hear me, Mr Henderson? But we can't hear you.

5 (Pause).

6 Ms Al Qurnawi, I'm going to send everybody to Basra

7 for the next hearing, rather than Liverpool.

8 MS AL QURNAWI: Exactly.

9 THE INSPECTOR: Can you now hear me, Mr Henderson? We still

10 can't hear you. Your microphone, perhaps, is turned

11 off.

12 (Pause).

13 Can you speak, Mr Henderson? This is bad news. Is

14 there anybody there who can give you technical aid?

15 (Pause).

16 MR HENDERSON: Right, line removed. Can you hear me now?

17 THE INSPECTOR: Yes, excellent.

18 MR HENDERSON: Honestly, I didn't touch anything during the

19 adjournment.

20 THE INSPECTOR: No, no, Gov'nor, I believe you!

21 MR HENDERSON: Can I just say, Sir George, SO11 is here,

22 ready to give evidence. He wishes to maintain his

23 anonymity but he is content to appear on screen.

24 THE INSPECTOR: Excellent, thank you very much. Thank you.

25 MR HENDERSON: That being the case, we'll swap places.

1 THE INSPECTOR: Yes, of course. I just need to check,
2 Ms Al Qurnawi, what, if anything, she has for
3 Col Routledge and Mr Price. If she has nothing, I can
4 release them.

5 MR HENDERSON: Very well, okay. My technical assistant has
6 just arrived so I'll release her.

7 MS AL QURNAWI: Sir George, we have a couple of questions
8 for Mr Maj Routledge and for Mr Price which the client
9 would to like to ask them.

10 I will read first the questions in Arabic but,
11 before doing so, we may have further questions to refer
12 to after today, once we have had the opportunity to read
13 the transcript.

14 And, secondly, once the client had the opportunity,
15 as well, to read and digest the Arabic statement which
16 arrived early last night and you still have two
17 statements we have not seen. So we just would like to
18 reserve that right to come back with a further question.

19 For the time being, we would like to ask a couple of
20 questions.

21 THE INTERPRETER: If we slow down the pace, I think it would
22 translate better.

23 THE INSPECTOR: Could you, Mr Henderson, click the button
24 that you click when you are not talking but click it
25 when you do talk. That will clear us now -- I can have

1 a clearer line then, to Ms Al Qurnawi.

2 MR HENDERSON: Sorry, was that to say to disconnect the
3 microphone when you're speaking to Basra?
4 (Technician explains procedure)
5 I'm muting it now.

6 THE INSPECTOR: Back to Basra. Ms Al Qurnawi, did you say
7 there were two questions you wanted me to consider and
8 put now?

9 MS AL QURNAWI: Yes, if you think appropriate.

10 THE INSPECTOR: Could you identify the questions for me?

11 MS AL QURNAWI: Yes. If you don't mind, Sir George, I will
12 read those questions. I'm going to read them in Arabic
13 so it can be translated into English, as I have received
14 those questions, and I don't know whether you heard the
15 first part -- you heard the first part of my statement?

16 THE INSPECTOR: Well, I think that you wish to perhaps have
17 time to consider the record and other documents and then
18 come back to me with questions which I can then send to
19 the witnesses for their answer. Is that it?

20 MS AL QURNAWI: Yes. That's absolutely right.
21 Okay, we'll start with question 1. I'm going to say
22 it in Arabic.

23 MS AL QURNAWI: (Interpreted). According to the coroner,
24 the distance between the Camp and the house of Mr Zuboon
25 is just a matter of a few buildings, two or three

1 buildings.

2 I heard it was one building or two buildings between
3 the Camp and the house of Mr Zuboon. The distance. The
4 question.

5 Has anybody in the Camp heard of gunshots or firing
6 from the house of Al Bedany towards the house of
7 Mr Zuboon on that day?

8 THE INSPECTOR: Just to make sure, I must formulate the
9 question, so I just want to now -- Ms Al Qurnawi, can
10 you take my English and we will save time: are you
11 asking me to ask Col Routledge, bearing in mind the Camp
12 is so close to his house, was it not the case that they
13 heard the shooting which took place earlier in the
14 evening. Is that right? Have I got the right question?

15 MS AL QURNAWI: Exactly.

16 Maj Routledge

17 MS AL QURNAWI: Yes, we would like you to consider that
18 question exactly.

19 THE INSPECTOR: That's the shooting that took place at
20 5.30ish?

21 MS AL QURNAWI: Exactly. Yes.

22 THE INSPECTOR: First: how far do you say it was from
23 Camp Cherokee to Mr Zuboon's house?

24 A. The Camp was located just off a roundabout. I think,
25 from memory, that Mr Zuboon's house was two to three

1 small city blocks south of that roundabout, so it
2 would ...

3 THE INSPECTOR: Okay, Mr Interpreter.

4 THE INSPECTOR: How long would it take walking, for example?

5 A. It was probably around 4 or 500 metres so a minute or
6 two.

7 THE INSPECTOR: 4 or 500 metres.

8 A. Possibly closer.

9 THE INSPECTOR: Okay. The question: did you hear any
10 report, or did anybody in the Camp report to you, that
11 there had been shooting of his property, or shooting of
12 the walls outside his property, at about 5.30 that
13 evening?

14 A. I don't specifically remember any report at 5.30 about
15 shots being fired in the vicinity of the Camp. We did
16 get shots fired fairly frequently, at that stage, around
17 the area, some of which came over the Camp and
18 especially at night.

19 THE INSPECTOR: Okay.

20 A. If I may add, Sir George: if somebody had reported it to
21 us, it would have been logged. If it had actually
22 struck our Camp, then it may have been logged but in
23 this instance, I don't remember any.

24 THE INSPECTOR: Thank you. Next question, Ms Al Qurnawi, in
25 Arabic.

1 MS AL QURNAWI: The next question we would like to ask -- in
2 Arabic or English?

3 THE INSPECTOR: Give it to me in English, you can do it.

4 MS AL QURNAWI: In English?

5 THE INSPECTOR: Yes.

6 MS AL QURNAWI: Quicker, yes.

7 From a military point of view, how long does it take
8 to search a house? The size of the house is
9 approximately 1,000 square metres and consists of two
10 storeys. It's a question to -- we would like, if you
11 would agree, to ask it to Maj Routledge.

12 THE INSPECTOR: Yes. Bearing in mind the size of the house,
13 which Ms Al Qurnawi has roughly given you by way of
14 indication, how long would you say it would take to
15 search and secure a house of that size?

16 A. Two separate things to secure it, in terms of ensuring
17 every room was clear of any armed threats, in terms of
18 individuals. That would be quite quick.

19 THE INSPECTOR: How quick?

20 A. You're talking, probably, even for the size of that
21 house, five to -- well it depends how many rooms.
22 Between five and 15 minutes.

23 THE INSPECTOR: So perhaps for securing it, namely seeing
24 whether anybody is there rather than searching, five to
25 15 minutes.

1 Then, to search it?

2 A. If we then wished to do a detailed search, which in this
3 instance, once we'd secured it and for the reasons we'd
4 thought, there was no armed threat, we didn't do it, but
5 a thorough search could take hours.

6 THE INSPECTOR: So the answer is -- have you heard it?

7 THE INTERPRETER: (Nods).

8 MS AL QURNAWI: Can we say the search which took place here,
9 was it a detailed search, Sir George?

10 THE INSPECTOR: No, I think what has been said is that,
11 since they had secured it and found no armed people
12 there, as they'd expected, the search was not a detailed
13 one, because the need for a detailed search had passed,
14 when the conclusion had been reached that there were no
15 armed men there. Is that right, Col Routledge?

16 A. Yes. There may have been some -- mind you, they
17 probably searched inside large cupboards, they may have
18 started to look at -- in drawers, potentially. I'm not
19 quite sure of how far they got in that sense.

20 THE INSPECTOR: All right? Any more?

21 MS AL QURNAWI: The family are saying here the search which
22 they were exposed to, like I mean, they looked
23 everywhere, cupboards, drawers, everywhere, so is that
24 considered a detailed search or -- because according
25 to -- they looked, the soldiers, absolutely every corner

1 in the house.

2 THE INSPECTOR: So the question is: how would you describe
3 this search, which according to the family, was a search
4 of every drawer, every cupboard and, in effect,
5 everything in the house. Would you describe that as
6 a thorough or complete search or a partial search; how
7 would you describe it?

8 A. That, well, it depends on the construction of the house.
9 That's a fairly detailed search, if it's been through
10 drawers and the like, to look for weapons.

11 It could go further. Depending on what you found,
12 or what you were looking for, and in this instance,
13 I think it was -- they were just checking to make sure
14 they'd found all the weapons.

15 THE INSPECTOR: Ms Al Qurnawi, any more on that?

16 MS AL QURNAWI: No, no more on that.

17 THE INSPECTOR: I have one question arising --

18 MS AL QURNAWI: The last question which --

19 THE INSPECTOR: Go on. You go ahead.

20 MS AL QURNAWI: Yes. No, no, please go ahead.

21 THE INSPECTOR: The question arising for me: would it
22 surprise you if a search which took place of drawers,
23 cupboards and so forth, as is here described, when
24 carried out by soldiers acting in those circumstances,
25 caused damage to furniture and other items because of

1 the speed and manner and nature of the exercise?

2 A. It's quite possible that that may happen.

3 THE INSPECTOR: Can you say whether it happened on this

4 occasion?

5 A. I didn't see above the ground floor in terms of what

6 happened in the search, so I'm not sure from the first

7 floor upwards. Certainly the front door was damaged.

8 I can't recollect significant damage that I saw in

9 the rooms downstairs that I was in, but that's not to

10 say there may not have been some.

11 THE INSPECTOR: Thank you. What next, Ms Al Qurnawi, from

12 your end? Is that it, so far as --

13 MS AL QURNAWI: Just one more question. One more question

14 Mr Zuboon would like to ask, if you would hear. I am

15 going to read the question from Mr Zuboon in Arabic, if

16 I may, because I cannot find, to be honest, that

17 paragraph in the English but it's in the Arabic letter.

18 Do you mind?

19 MS AL QURNAWI: (Interpreted). On page 42 of the bundle.

20 A. It's my letter.

21 THE INSPECTOR: The letter. What's the question?

22 MS AL QURNAWI: (Interpreted). The Major mentioned that he

23 realised that the soldier was mistaken.

24 THE INSPECTOR: Just tell me what was said and then I'll

25 create the question. Do tell me.

1 THE INTERPRETER: Can I ask her again to repeat the
2 question?

3 THE INSPECTOR: What was the question, Ms Al Qurnawi?

4 MS AL QURNAWI: Mr Zuboon is saying Maj Routledge said in
5 that letter -- sorry, I cannot find that particular word
6 of mine now in the English one -- that he confirmed that
7 he -- the soldier was under the wrong belief that he was
8 in danger, that his life was in danger, but was he not
9 convinced that the soldier was in danger? He just
10 wanted the Maj Routledge to comment on that particular
11 line.

12 THE INSPECTOR: I think --

13 MS AL QURNAWI: I have it here in Arabic in front of me, the
14 Arabic letter.

15 THE INSPECTOR: I think, Ms Al Qurnawi, could you take
16 page 42.

17 MS AL QURNAWI: Yes, page 42.

18 THE INSPECTOR: And could you look at the third bullet point
19 and the second sentence. I think the piece that
20 Mr Zuboon is concentrating on, in English, reads:
21 "The soldier thought he was in danger and fired one
22 round at Mr Muhammad."
23 That's, I think, what your client -- what Mr Zaboon
24 is focusing on. Is that right?

25 MS AL QURNAWI: That's right. But the only thing I find

1 confusing is I am just reading the Arabic translation
2 which says: the soldier, wrongly or mistakenly, believed
3 he was in danger. So I cannot see the word "mistakenly"
4 in the English one but it is in the Arabic one, unless
5 I am missing something here.

6 THE INSPECTOR: No, you are not missing something. Either
7 "wrongly" or "mistakenly" is not in the English version.
8 Okay?

9 MS AL QURNAWI: I was looking for that particular word
10 because Mr Zuboon wants the Maj Routledge's comments on
11 that particular word, the wrong belief of the soldier,
12 but I cannot see it in the English.

13 THE INSPECTOR: All right. I think for the moment --
14 I don't think Col Routledge can say anything about that,
15 and nor can I. It seems to me it may be an
16 interpretation or translation issue.

17 Could we park that issue for the moment?

18 MS AL QURNAWI: Yes.

19 THE INSPECTOR: Thank you. Right. Any questions for
20 Mr Price or can I release him?

21 MS AL QURNAWI: No, please release him, no further questions
22 at this moment.

23 THE INSPECTOR: Thank you very much. Then I can release
24 Mr Price and you, Colonel, there may be questions that
25 I will send to you, and in the way that you have

1 helpfully responded, I know I can expect you to respond
2 again.

3 A. Absolutely, Sir George.

4 THE INSPECTOR: Thank you both.

5 A. Thank you, sir.

6 (Lt Col Simon Routledge withdrew)

7 (Mr Andrew Price withdrew)

8 THE INSPECTOR: We are back to Liverpool and could SO11 --

9 MR HENDERSON: We cannot hear you now. Now we can.

10 THE INSPECTOR: Could SO11 come forward.

11 MR HENDERSON: Yes.

12 SO11 (called)

13 (via video link in Liverpool)

14 THE INSPECTOR: SO11, hello, I'm sorry you have had to wait
15 so long.

16 A. It's okay, sir.

17 THE INSPECTOR: I want to concentrate on particular parts of
18 your evidence because we have two statements which you
19 have signed and could you just look at the bundle in
20 front of you, please, first of all going to page 6,
21 which is the last page of your first statement, 6 August
22 of this year, signed by you. Are you satisfied that
23 that is a true and accurate recollection, to the best of
24 your recollection? Yes?

25 A. That's correct, sir, yes.

1 THE INSPECTOR: Again, a similar question in relation to the
2 shorter statement, which ends on page 11. I believe you
3 have signed that but I haven't got the date of you
4 signing it.

5 A. Signed it this morning, sir.

6 THE INSPECTOR: Signed this morning?

7 A. That's it.

8 THE INSPECTOR: I think the microphone is not --
9 Mr Henderson, I don't think the microphone is as
10 optimally put as it could be. We can't quite hear SO11.

11 A. Is that better, sir?

12 THE INSPECTOR: No. How is that? Can you hear me --

13 MS AL QURNAWI: Sir George, can you hear us?

14 THE INSPECTOR: SO11, can you hear me?

15 A. Yes, sir, yes.

16 THE INSPECTOR: That's better. Ms Al Qurnawi?

17 MS AL QURNAWI: Can you hear us?

18 A. Yes.

19 MS AL QURNAWI: Just to say, I'm sorry -- Mrs Fatima, the
20 wife of Mr Salim, she has started crying and maybe she
21 does not want to see, I'm afraid, SO11. Is it possible
22 that he --

23 THE INSPECTOR: Sorry. I think the answer is that in
24 Liverpool, when Basra is speaking, you need to mute your
25 microphone.

1 Can we just do a test around us all.

2 Ms Al Qurnawi, can you hear me?

3 MS AL QURNAWI: Yes, I can hear you.

4 THE INSPECTOR: Your response to me is not very clear.

5 MS AL QURNAWI: Okay. Can you hear me?

6 THE INSPECTOR: That's a bit better. Have you muted the

7 button in Liverpool?

8 A. No.

9 THE INSPECTOR: Could you mute the button in Liverpool, top

10 left-hand corner.

11 A. It's now muted.

12 THE INSPECTOR: Ms Al Qurnawi, could you speak to me again

13 and see whether I can hear you more clearly?

14 MS AL QURNAWI: Yes. Can you hear me now?

15 THE INSPECTOR: That's better. That's perfect. Right.

16 Now, can you hear -- I am now going to go to Liverpool

17 so perhaps -- do they then demute the button?

18 A. I think it is now, sir.

19 THE INSPECTOR: Ms Al Qurnawi, going back to you, it's been

20 suggested to me that when SO11 is on screen, that is

21 causing upset to one of the family or more?

22 MS AL QURNAWI: Yes.

23 THE INSPECTOR: That is what is coming through?

24 MS AL QURNAWI: That's right. Yes, absolutely, that's

25 correct.

1 THE INSPECTOR: Do you want me to continue asking questions
2 of SO11, with him on screen?

3 MS AL QURNAWI: You need to ask the questions but --

4 THE INSPECTOR: Do you? Or not?

5 MS AL QURNAWI: No, please continue to ask questions but we
6 ask that SO11 not to appear on the screen. Is that
7 possible?

8 THE INSPECTOR: Let's try and move on because time is going
9 by.

10 Back to Liverpool and SO11 then, please.

11 A. Yes, sir.

12 THE INSPECTOR: SO11, you verified your statements. Could
13 you please look at page 13 of the bundle.

14 A. Sir.

15 THE INSPECTOR: Which is a statement signed by you on
16 6 November 2003.

17 A. Sir.

18 THE INSPECTOR: Do you remember making that statement?

19 A. Yes, sir.

20 THE INSPECTOR: To whom did you make that statement?

21 A. It's an SOP, that anyone(?) surviving(?) contact with --
22 there is a fatality. A statement is writ as soon as we
23 get a chance to do so, given to the clerk. It would
24 then be passed up the chain of command, to the OC, and
25 then it would go back to the commanding officer.

1 THE INSPECTOR: To whom did you make the statement? Did you
2 speak it or did you write something or how did it come
3 about? How did it come about? Did you write it or did
4 you dictate it?

5 A. I wrote it.

6 THE INSPECTOR: Sorry? "I wrote it". Did you write it in
7 manuscript and then was it typed up for you?

8 A. That's correct, sir, yes.

9 THE INSPECTOR: Who did that? Who did you give it to?

10 A. The company clerk.

11 THE INSPECTOR: The company clerk, was that?

12 A. Yes, the company clerk, sir, yes.

13 THE INSPECTOR: Had you spoken to anybody about what you
14 wrote in that statement before you made it?

15 A. No.

16 THE INSPECTOR: Do you remember setting off from
17 Camp Cherokee that evening?

18 A. Yes.

19 THE INSPECTOR: Sorry, it's difficult, SO11. I have to ask
20 the question, I know you then want to answer it, but
21 I have to wait for the interpreter to say it in Arabic,
22 and then I'll get your answer; okay?

23 A. Okay, sir, roger that.

24 THE INSPECTOR: You remember setting off from Camp Cherokee?
25 Translate.

1 THE INTERPRETER: Was it "Yes"?

2 THE INSPECTOR: I didn't hear, I'll get his answer
3 afterwards. Your answer, SO11?

4 A. Vaguely, sir.

5 THE INSPECTOR: In your statement, you record that you were
6 with -- paragraph 11, page 3 of the bundle -- you say:
7 "I remember Kgn Heyes, Jones and Morrison, and
8 I also remember my second in command, Corporal Wright,
9 and the platoon commander, SO13."
10 Do you remember the first name of Kgn Heyes?

11 A. No, sir.

12 THE INSPECTOR: No?

13 A. That's correct, sir, no.

14 THE INSPECTOR: Do you remember the first name of
15 Kingsman Jones?

16 A. Ryan.

17 THE INSPECTOR: Have you seen Ryan Jones today?

18 A. Yes, for a short while, sir.

19 THE INSPECTOR: What was your answer?

20 A. Yes, sir.

21 THE INSPECTOR: Did you speak to him?

22 A. Not really.

23 THE INSPECTOR: Are you sure --

24 A. Not really. I am sure, sir.

25 THE INSPECTOR: Sorry, SO11, try not to answer until we've

1 gone through it all.

2 Are you sure that the man you saw this morning was

3 the man with you on the night?

4 A. Yes, I am sure, sir.

5 THE INSPECTOR: Can you remember now, whether he went into

6 the house at the same time as you did?

7 A. I think he went in the house directly behind me, sir.

8 THE INSPECTOR: We seem to have lost everybody. Can you

9 hear us in Basra?

10 MS AL QURNAWI: Yes, yes, we can hear you.

11 THE INSPECTOR: You remember the name of Morrison. Could

12 that have been Morris?

13 A. In the start, that was here before sir, who left. I

14 think it's Morrison.

15 THE INSPECTOR: The man you saw this morning, you think

16 called Morrison, was the man who was also with you?

17 A. That's correct, sir.

18 THE INSPECTOR: That's correct, thank you.

19 THE INTERPRETER: Was it "definitely", sir?

20 THE INSPECTOR: When you arrived at the gate, is it right

21 that they were locked?

22 A. That's correct, sir, yes.

23 THE INSPECTOR: Did you see the vehicle push the gates open?

24 A. Yes, it was me who did the order to use the vehicles to

25 open the gates, sir.

1 THE INSPECTOR: You gave the order?

2 A. I gave the order. I gave the order to use the vehicle
3 to open the gates to gain access to the premises.

4 THE INSPECTOR: At that time, had you decided whether you
5 were going to do a soft knock or a hard knock?

6 A. The intelligence that was given to me, sir, the
7 elevation to a hard knock, I decided -- when they were
8 opening -- trying to open the gates, it was taking time
9 and within that time that was taking, the enemy could
10 have been preparing the weapons and getting ready to
11 engage us.

12 So as soon as I opened that gate, I used the
13 momentum, I was moving across the courtyard, which is
14 a criminal area, with no cover at all, with speed, and
15 they --

16 THE INSPECTOR: Can you translate that?

17 Had you expected the gates to the courtyard to have
18 been open?

19 A. Yes, we did expect that, sir.

20 THE INSPECTOR: By the time you reached the front door, had
21 you heard any shots?

22 A. Not at that point, sir.

23 THE INSPECTOR: When did you first hear shots?

24 A. When we came (inaudible) and entered the building, I was
25 walking down the centre aisle and it would have been no

1 more than five or ten seconds after I was entering the
2 building, there were five rounds of automatic fire.

3 THE INSPECTOR: "No more than about five seconds after
4 I entered the building, that I heard five or six
5 rounds".

6 Where did the rounds sound as though they were
7 coming from?

8 A. Inside the building, sir.

9 THE INSPECTOR: Upstairs or downstairs or where or couldn't
10 you tell?

11 A. I was unaware, sir, I just knew it was in the house.

12 THE INSPECTOR: Who do you remember seeing when you entered
13 the house?

14 A. When I got to the room where the staircase was, I seen
15 three people and two -- two males.

16 THE INSPECTOR: Where were they?

17 A. Two males, one female -- two males carrying weapons.

18 THE INSPECTOR: And one female?

19 A. Yes.

20 THE INSPECTOR: Where were the two males carrying weapons?

21 A. On the landing -- they were upstairs -- at the top of the
22 stairs, sir.

23 THE INSPECTOR: But visible to you from the ground floor?

24 A. Yes.

25 THE INSPECTOR: Were they next to each other or one behind

1 the other?

2 A. Let's see. There was the one with the long-barreled
3 weapon, then the female, then another man with
4 a long-barreled weapon.

5 THE INSPECTOR: Are you saying there was a female on the
6 stairs?

7 A. Yes, sir, in between the two males.

8 THE INSPECTOR: You haven't said before in your statements
9 that there was a female on the stairs.

10 A. I didn't realise the relevance of it, sir, it might have
11 slipped my mind.

12 THE INSPECTOR: When did it occur to you that it was
13 relevant and therefore you should tell me?

14 A. I think this is the first time that I've been asked to
15 identify who was on the top landing.

16 THE INSPECTOR: I couldn't hear that, I don't know about the
17 interpreter.

18 A. I think this is the first time the question has been
19 posed to me, is who was up on the bannister -- on the
20 landing, sorry.

21 THE INSPECTOR: Did the woman on the stairs carry a weapon?

22 A. No, sir.

23 THE INSPECTOR: Now we know that you shot a man called
24 Mr Muhammad Salim. Where was he when you shot him?

25 A. He was on the first floor landing, just before the

1 entrance to the stairs.

2 THE INSPECTOR: Where was the other man in relation to him?

3 A. Behind the woman, maybe five metres behind.

4 THE INSPECTOR: Was he higher up the stairs?

5 A. No, they were put(?) all on the top(?).

6 THE INSPECTOR: Would you like to look at page 93 of the

7 bundle; have you got that?

8 A. Yes, sir.

9 THE INSPECTOR: Do you recognise the stairs from that

10 photograph?

11 A. Yes, sir.

12 THE INSPECTOR: You mention one man being on a landing.

13 A. That's correct, sir.

14 THE INSPECTOR: Is that the landing we can see in the

15 photograph or higher up?

16 A. In the photo that's in 93, the landing is not visible.

17 It was at the top of the stairs with all three of them

18 that I identified by myself when I went through into

19 that room.

20 THE INSPECTOR: I think you will have to say that again for

21 me, I didn't quite follow.

22 A. The landing, the -- if you see on this picture, is in

23 the square one at the top of the first set of stairs.

24 The second set of stairs leads to the landing upstairs.

25 That is where the three personnel that I have

1 identified.

2 THE INSPECTOR: Would you look at photograph 92. Do you see
3 that one?

4 A. Yes.

5 THE INSPECTOR: That's a view from the bottom of the stairs.

6 A. Yes --

7 THE INSPECTOR: How can you see the top landing from there?

8 A. You could see the top landing -- maybe I was a little
9 bit forward but I have seen the top landing and I've
10 seen a man with a long-barreled weapon.

11 THE INSPECTOR: How close to the stairs were you then?

12 A. I'm not sure. The position that I was in --
13 The position I was in, I was able to identify the
14 first floor landing. I could see past it or on it.

15 THE INSPECTOR: Did you go up any of the stairs?

16 A. No. No, I did not.

17 THE INSPECTOR: Therefore, I have to ask you, SO11, how
18 could you see the landing which we cannot see in the
19 photograph on page 92 or 93 from the ground floor, where
20 you say you were? How could you see?

21 A. If the pictures were -- if the pictures were leaned --
22 panned left more, you wouldn't have been able to see the
23 landing visible from the --

24 THE INSPECTOR: If the pictures were what?

25 A. If the picture was panned left, ie so facing that

1 slightly, you would be able to see the landing on this.
2 I see there's a patch. It is just that from this angle
3 of the pictures, both of them --
4 THE INSPECTOR: I follow --
5 A. -- the landing's not visible.
6 THE INSPECTOR: I follow.
7 A. Thank you, sir.
8 THE INSPECTOR: I think you're saying if we look at 93 and
9 follow the bannister on the left-hand side, although it
10 appears to stop in the photograph, from the ground
11 floor, you can see that bannister continuing. Is that
12 right?
13 A. That's correct, sir.
14 THE INSPECTOR: Yes?
15 A. Yes, sir.
16 THE INSPECTOR: Would you look at photograph 95, which is
17 a photograph taken looking down the stairs.
18 A. Yes, sir.
19 THE INSPECTOR: Is that what you say was the view you had
20 but from the other end, as it were, the opposite end of
21 the camera in this shot?
22 A. That's correct, sir.
23 THE INSPECTOR: Thank you. SO11, I think you're very aware
24 that it is said by the owner of the property, and
25 another male who was present in the property, that

1 Mr Salim was not holding an AK-47 at the time you shot
2 him?

3 THE INTERPRETER: I missed the first part of it, sir.

4 A. That is incorrect, sir.

5 THE INSPECTOR: Yes, half a minute.

6 It is being said by the owner of the property, and
7 another gentleman in the property, that Mr Salim was not
8 holding an AK-47?

9 A. That's incorrect, sir.

10 THE INSPECTOR: That is incorrect. Are you in any doubt --

11 A. Yes, a long-barreled weapon. Pardon, sir?

12 THE INSPECTOR: He had a long-barreled weapon?

13 A. That's correct.

14 THE INSPECTOR: Did you call-out any warning to him?

15 A. No.

16 THE INSPECTOR: Why not?

17 A. Because I believed for me to give a verbal warning, ie
18 "Army, stop or I fire", would have given the man that I
19 had assumed was the enemy from the intelligence I was
20 given, the time to shoot me. Shot me. So I made the
21 decision there and then that for me to give a verbal
22 warning would have put my life or another life --
23 another soldier's life in danger.

24 THE INSPECTOR: Pause there and we'll translate.

25 There was another man on the stairs, I think you've

1 told us. Yes?

2 A. That's correct, sir, yes.

3 THE INSPECTOR: Did he have a weapon?

4 A. That's correct, sir. Yes, he did, sir.

5 THE INSPECTOR: What did he do with his weapon?

6 A. After I engaged the first male, the second male put his
7 weapon down and I de-escalated straight away.

8 THE INSPECTOR: SO11, are you all right?

9 A. Yes, sir.

10 THE INSPECTOR: There are a few more questions I must ask
11 you.

12 A. Okay, sir.

13 THE INSPECTOR: Do you remember what happened to the injured
14 man after you had shot him?

15 A. He came down the stairs, I am not sure if he fell or if
16 he walked down. When he got to the bottom of the
17 stairs, he sat down. The medic was called forward to
18 administer first aid.

19 THE INSPECTOR: Right, pause there.

20 THE INTERPRETER: He came down?

21 THE INSPECTOR: "He came down, I cannot remember, but he was
22 on the stairs".

23 What did you do after he had been shot, did you stay
24 in the house or did you go outside or what; do you
25 remember?

1 A. I stayed in the house for a few minutes, delegating
2 soldiers into different rooms to carry out
3 a clearance --

4 THE INSPECTOR: Just pause there. And then?

5 A. Once the clearance has been carried out my (inaudible)
6 team(?) was there and I stepped out to have a bit of
7 fresh air.

8 THE INSPECTOR: Just excuse me a moment. (Pause).
9 Just one more question. Are you sure that you saw
10 three people on the stairs?

11 A. Yes, sir.

12 THE INSPECTOR: Including one woman?

13 A. Two males, one female.

14 THE INSPECTOR: When they were on the stairs, were they
15 moving down or just standing?

16 A. I'm not sure, sir, I just seen they were at the top of
17 the stairs, with a long-barreled weapon, and engaged --
18 that the weapon was in his shoulder.

19 THE INSPECTOR: Did you see what happened to the two AK-47s?

20 A. They were left in the residence, as they are allowed to
21 keep weapons for their own protection.

22 THE INSPECTOR: Did you examine either of them?

23 A. No, sir.

24 THE INSPECTOR: Did you disarm either of them?

25 A. No, sir.

1 THE INSPECTOR: Did you instruct anybody to disarm them?

2 A. I can't remember, sir, to be honest. It was all a bit
3 confused after he had been shot.

4 THE INSPECTOR: Were you confused after you had shot him?

5 A. Yes, sir. It's not a thing to be taken lightly. I mean
6 I tried to go through the skills and drills which are
7 expected after doing a house clearance and an engagement
8 or some of the things -- some of the things might have
9 gone a bit --

10 THE INSPECTOR: Some things might have gone wrong?

11 A. Gone amiss. I might have gone upstairs and cleared the
12 gun.

13 THE INSPECTOR: Let me see if I've understood you.

14 You're saying that but for what had happened, you
15 would have stayed and been involved in searching the
16 house yourself? Is that right?

17 A. Yes, sir, I would have been delegating teams or
18 individuals to search certain rooms, but after I'd
19 engaged that -- my own(?) long(?)-barreled weapon, my
20 subsequent involvement within the operation ceased when
21 I went outside because it's no small thing to shoot
22 a man.

23 THE INSPECTOR: Okay, pause there.

24 Has this incident remained with you over the years?

25 A. Yes, it has, sir, it's one of the traumas I was dealing

1 with, got combat stress.

2 THE INSPECTOR: Did you say one of the traumas --

3 A. That's correct, sir.

4 THE INSPECTOR: -- that you have been dealing with?

5 A. That's correct, sir, yes.

6 THE INSPECTOR: But, SO11, are you sure that the account

7 that you have given, in particular, that the man who was

8 shot and died had a weapon, or could you have been

9 mistaken?

10 A. No, sir. I truly identified the long-barreled weapon.

11 At that point we'd been in Basra doing operations for

12 over five months and I -- there was --

13 THE INSPECTOR: Just pause.

14 A. What I'd seen when I got to the bottom of that staircase

15 was a very real threat of a man with a long-barreled

16 weapon in the front and a man with a long-barreled

17 weapon to the rear, with a female in between.

18 THE INSPECTOR: Just stop there.

19 I will just check now with Ms Al Qurnawi. Do you

20 want to come back on camera?

21 Ms Al Qurnawi?

22 MS AL QURNAWI: Yes.

23 THE INSPECTOR: Again --

24 MR HENDERSON: I'll demute, Sir George.

25 THE INSPECTOR: Okay. Ms Al Qurnawi, again, the options

1 (3.59 pm)

2 MS AL QURNAWI: Once we have the chance to read the
3 transcript, we may come with further questions later to
4 you but we in the meantime, we just have a couple of
5 questions we would like you to consider, if they are
6 appropriate to ask SO11.

7 THE INSPECTOR: Are you going to give them to me in English?

8 MS AL QURNAWI: Okay. I will begin the question in Arabic;
9 shall I give it in Arabic?

10 THE INSPECTOR: Okay, give it in Arabic.

11 MS AL QURNAWI: (Interpreted) The question was: SO11 was
12 accompanied with another three Kingsmen when they
13 entered the premises. How come that only he felt the
14 danger and he shot, why the others didn't feel a threat
15 or reacted in the same way?

16 THE INSPECTOR: Ms Al Qurnawi, I understand why Mr Zuboon
17 might like to ask that question, but it is not so much
18 a question to be asked of this witness, it really is
19 more in the nature of a comment. He cannot speak as to
20 why other people didn't do what he did.

21 But I could ask him, if you wish, as to whether he
22 would have expected anybody else in his platoon to have
23 reacted at the same time as he did, in the same way. Do
24 you want me to ask --

25 MS AL QURNAWI: Yes, please.

1 THE INSPECTOR: Is there any other question?

2 MS AL QURNAWI: Yes, please.

3 THE INSPECTOR: Put the question now?

4 MS AL QURNAWI: I will just put it in English: as all the
5 evidence says, he saw on the stairs, two men and one
6 woman. He did comment on what he did with Mr Salim and
7 what he did with the other man but he did not tell us
8 what did he do with the woman he saw on the stair with
9 the other two men.

10 THE INSPECTOR: Thank you. I will ask him those questions,
11 okay.

12 MS AL QURNAWI: Yes, please. Thank you.

13 THE INSPECTOR: Over to Liverpool. Are we there?

14 A. Yes, sir.

15 THE INSPECTOR: SO11?

16 A. Yes, sir.

17 THE INSPECTOR: You have said that you felt you were in
18 danger and your fellow Kingsman could be in danger, when
19 you were faced with Mr Salim on the stairs, holding
20 a weapon.

21 Would you expect one of your platoon, who thought
22 that he was in danger, to have reacted in the way that
23 you did?

24 A. I would expect any one of my platoon to neutralise that
25 threat that they see in front of them, as I did.

1 THE INSPECTOR: "I would expect anyone in my platoon to
2 neutralise the threat."
3 Does the fact --
4 MR HENDERSON: Sir George, "as he saw it". "As he saw it",
5 he added.
6 THE INSPECTOR: "As he saw it".
7 A. Does that make sense?
8 THE INSPECTOR: Can you please then comment to me, if you
9 can, as to how it was that you saw the danger, but the
10 other Kingsmen apparently did not respond to it.
11 A. Sorry, sir, what was the question?
12 THE INSPECTOR: Can you make any comment which might assist
13 me, which would shed light on why, if you saw the danger
14 from Mr Salim on the stairs, the danger was not
15 responded to by anybody else in your platoon?
16 A. I was the lead element in the platoon, when I identified
17 the threat --
18 THE INSPECTOR: Just stop, I will come back to your answer.
19 I need to have my question translated.
20 Your answer or comment to my question is?
21 A. Just the position I found myself in, in the house, was
22 the lead element of the platoon, so I identified the
23 threat and neutralised it, prior to anyone else seeing
24 the threat.
25 THE INSPECTOR: I am not sure whether I heard this or not.

1 Did you say something about you being the lead element?

2 A. That's correct. That's correct, sir.

3 THE INSPECTOR: Another question. You say there was a woman
4 on the stairs. What happened to her, do you know?

5 A. She came down the stairs, when I -- when we got the
6 medic in still, bearing in mind that I'd been engaged --
7 she came downstairs.

8 THE INSPECTOR: We'll take it stage by stage. She came
9 downstairs and?

10 A. Yes, she did.

11 THE INSPECTOR: What did she do?

12 A. And she was speaking to the man that was injured, she
13 started banging on my chest, asking why, and she --

14 THE INSPECTOR: She was speaking to the man who had been
15 injured.

16 A. That's correct.

17 THE INSPECTOR: Half a minute. "She was banging on my
18 chest". What next?

19 A. Asking why? Banging on my chest, asking why.

20 THE INSPECTOR: She was asking why and kept asking why?

21 A. That's correct. That's correct. (inaudible words)

22 THE INSPECTOR: Ms Al Qurnawi, all right? Any more?

23 MS AL QURNAWI: Yes, all right. Sorry, Sir George, but we
24 have one more question I've been asked to ask, if we
25 may, if you -- about what SO11 remembered about the time

1 between the minute that Mr Salim was shot, to the time
2 when he was taken to hospital, what --

3 THE INSPECTOR: I will ask.

4 Can you help on the length of time it took for the
5 ambulance to arrive?

6 A. I was outside at this point and the ambulance was called
7 for through the medic, SO14. I'm not sure how long the
8 ambulance took.

9 THE INSPECTOR: Okay, stop there.

10 All right.

11 MS AL QURNAWI: Thank you, Sir George.

12 THE INSPECTOR: Thank you. Thank you very much. Now let me
13 wind up for today.

14 I express my thanks to everybody. It's been a long
15 and, I know, trying day and it must have been
16 a distressing day for the widow of the deceased.

17 We will now adjourn until Monday morning, when SO13
18 and SO14 will be available. They will be here in London
19 and we will try to start at 10 o'clock London time and
20 we will hear any witnesses that Ms Al Qurnawi wishes to
21 tender to me. All right? All clear?

22 Sorry, we can't quite hear. We need the mute button
23 in Liverpool, please.

24 MR HENDERSON: Before I do, Sir George, there is something

25 SO11 wants to add to what he's already said, if he may.

1 THE INSPECTOR: Yes. Okay, come back, SO11.

2 A. I would like to say to the family of the man that
3 I shot --

4 THE INSPECTOR: Translate.

5 A. -- the circumstances that it happened in --

6 THE INSPECTOR: That the circumstances which happened there?

7 A. -- and the intelligence that was given to us, left me
8 with little choice but to do what happened. I am
9 deeply, deeply sorry for the family, the widow of
10 Muhammad Abdul Salim, and if I could change anything and
11 go back in time, I'd do it and I'm sorry.

12 THE INSPECTOR: Okay. Thank you.

13 MR HENDERSON: I'm grateful, Sir George, that's the end of
14 it.

15 THE INSPECTOR: Thank you very much, SO11, thank you
16 Mr Henderson.
17 Monday morning then --

18 MS AL QURNAWI: Sir George --

19 THE INSPECTOR: 10 o'clock London time. Yes, Ms Al Qurnawi?

20 MS AL QURNAWI: Sorry, Mr Zuboon would like to say a word.

21 THE INSPECTOR: I can't hear. Mr Zaboon would like to
22 speak?

23 MS AL QURNAWI: Did you hear me, Sir George?

24 THE INSPECTOR: Mr Zuboon, speak slowly, will you?

25 MR ZUBOON: (Interpreted). On behalf of the family -- on

1 behalf of the family, we don't accept the apology from
2 this soldier because he was reckless at that time. And
3 we do not accept any apology again -- or excuse -- from
4 the British Forces at that time because they ruined the
5 life of the family and the children, all on the basis of
6 a wrong information from an informant.

7 THE INSPECTOR: I think this is well understood by me, and
8 it is only me that matters. I do not think you need say
9 any more.

10 I am finding the facts. It is open to you not to
11 accept any apology, and that is what you have said, but
12 that is neither here nor there to my job, which is to
13 find the facts.

14 All right, thank you.

15 MS AL QURNAWI: All right. Sir George, if we may just go
16 back on the housekeeping front.

17 Do you have an idea when would you cross-examine
18 Ahmed and Mr Zuboon because Mr Zuboon has very busy
19 practice and he has (inaudible) that day, so he wants to
20 know, if possible in advance, what time, so he can make
21 himself available for that time. And the same with
22 Ahmed, because he wants to go to Baghdad because he has
23 commitment. And again, he wants to know what time, if
24 possible, on Monday, they will be heard and
25 cross-examined, so they can be here.

1 THE INSPECTOR: I think, Ms Al Qurnawi, it is for them to
2 decide whether they want to make themselves available
3 for me to ask questions. If you are asking me whether
4 we can agree a time, are you suggesting --

5 MS AL QURNAWI: Yes, this is what we are asking.

6 THE INSPECTOR: -- that we should deal with their evidence
7 before we hear from SO13 and SO14?

8 MS AL QURNAWI: Okay. Do you mind if I just have a word
9 with them?

10 (Pause).

11 MR HENDERSON: Sir George, I wonder if, can we be released
12 while these matters are gone into?

13 THE INSPECTOR: Of course, I'm very grateful, sorry to have
14 neglected you. Thank you very much. And thank you,
15 SO11.

16 MR HENDERSON: We'll speak on Monday morning.

17 THE INSPECTOR: Yes.

18 (SO11 withdrew)

19 MS AL QURNAWI: Sir George? Mr Zuboon is going to make
20 himself available, try, on Monday, and he doesn't mind
21 that he will be heard after you hear SO13 and 14. As
22 for Ahmed, he is just checking and I will come back to
23 you on the email as to his availability.

24 THE INSPECTOR: You will let me know on Monday morning? Or
25 before?

1 MS AL QURNAWI: Before, exactly.

2 THE INSPECTOR: You will let Julia know over the weekend; is
3 that it?

4 MS AL QURNAWI: Yes, we will do.

5 THE INSPECTOR: You will let Julia or Ben know over the
6 weekend. Thank you.

7 MS AL QURNAWI: Yes.

8 THE INSPECTOR: See you Monday.

9 Ms Al Qurnawi, did you want to say something more?

10 MS AL QURNAWI: Sorry, one question: do you think we will
11 have a hearing on Tuesday or, in your opinion, I think
12 things will be completed properly, everything on Monday?

13 THE INSPECTOR: Everything on Monday, by the look of it.

14 MS AL QURNAWI: Okay.

15 THE INSPECTOR: Anything is possible.

16 MS AL QURNAWI: Okay.

17 THE INSPECTOR: But I will endeavour to finish Monday.
18 Okay?

19 MS AL QURNAWI: Okay, great, thank you.

20 (4.23 pm)

21 (The hearing concluded)

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23 MR ANDREW PRICE (called)44

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