

MOD-83-0000133-A

Witness Name: Julia Parke-Robinson

Statement No.: 1

Exhibits: JPR/1; JPR/2

Dated: 16 Feb 2015.

**In the matter of an investigation into the death of
Mr Nadheem Abdullah**

**WITNESS STATEMENT OF
JULIA PARKE-ROBINSON**

I, Julia Parke-Robinson, will say as follows:-

1. I have been asked to provide a statement setting out what I can remember about serving as a member of the Special Investigation Branch ('SIB') of the Royal Military Police ('RMP') in Iraq in 2003. In particular I have been asked to recall an incident that allegedly occurred on 11 May 2003 near Al-Uzayr in Maysan Province, South East Iraq, resulting in the death of Mr Nadheem Abdullah. This statement is to the best of my recollection without recourse to my source material, as I am currently serving in Afghanistan.
2. In May 2003 I was serving as a Captain in the RMP. My current rank is that of Lieutenant Colonel.

RMP structure

3. The RMP has a number of functions, but within in it there are two branches. General Police Duties (GPD) perform uniformed policing duties in the United Kingdom, Germany and overseas. The Special Investigation Branch (SIB) deals with more serious enquiries. As well as investigating serious crimes, the SIB act as agents for the Coroner overseas..

4. In 2003, the Military Criminal Justice system was governed by the Army Act 1955. The RMP did not have the level of investigative independence that it has today. All overseas operations are commanded through the Permanent Joint Headquarters (PJHQ) in Northwood. As RMP on the ground we worked to the chain of command to which we were attached at the time.

RMP preparations

5. The SIB had not been deployed operationally since the Second World War. Due to the short notice of our deployment, we received a minimal amount of pre-deployment training. We had no idea what kind of environment what we were going to be operating in, or what the conditions might be.
6. Whilst in Kuwait we had a small portacabin from which to operate although communications back to the UK were limited. Once we crossed the border into Iraq our conditions were very basic.. We were working out of the back of a Land Rover until our portacabin from Kuwait, was moved to Basra in the middle of May. We faced enormous operational difficulties, from simple movement between locations and communications amongst the team, let alone back to the UK. It was particularly frustrating when colleagues in the UK and Germany did not understand the context within which we were trying to operate. I was quite clear that we were not operating in a peacetime environment and therefore our investigations should not be judged as if we were. We achieved the most we possibly could with the personnel and resources we had at the time.

The initial scope of RMP investigations

7. I was part of the first RMP section that deployed to Iraq. The operation was called TELIC and the first roulement between February and June 2003 was known as 'Op Telic 1'. We deployed with a section of 14 personnel and could not have predicted how busy we were going to be.
8. The RMP had jurisdiction over the soldiers deployed in Iraq. During the early stages of the conflict, we only investigated the deaths of UK service personnel due to the limited capacity and resources of the section. The investigations into UK deaths were given the highest priority and we were incredibly busy. By the time I left Iraq in June 2003, we were dealing with 78 serious investigations with a section of only 12 personnel.
9. Prior to April 2003, if a soldier was involved in the shooting of an Iraqi, that incident would at first be reported to a unit's operations room. The RMP could not investigate

every death but would do so if there was a suggestion of a Rules of Engagement (ROE) breach or a death in custody. During the war fighting phase from March to late April, we had limited situational awareness of the operation as a whole.

10. I cannot recall a shooting incident review policy before the end of the war-fighting phase, I believe it was introduced in late April or early May.
11. The SIB did investigate some civilian deaths during this period, such as in the circumstances described above, a ROE breach or death in custody.

The RMP after the end of the war-fighting phase

12. Whilst the RMP had jurisdiction to investigate civilian deaths in this scenario, we simply had had no capacity to do so before the war-fighting phase ended. We began investigating more civilian deaths from May 2003, when the number of UK deaths decreased.
13. I recall discussing with my GPD counterparts before the end of the war that we did not have capacity to investigate shooting incidents in which an Iraqi civilian had died. GPD personnel investigated some shooting incidents during this period.
14. At the cessation of hostilities, the operation moved into what was known as Phase 4. There was no fundamental change in the way we conducted our investigations and we were not issued new guidance or procedures. We had not considered in any detail what would change following the war and the complete collapse of the Iraqi Police Service and judicial system left a governance vacuum which required to be filled.
15. British deaths reduced dramatically from April onwards, and many of these were relatively simple in terms of compiling case files. So by June 2003 there was a shift towards looking at more Iraqi deaths. These tended to be deaths in custody, but there were also some that we would have sent to our GPD colleagues and asked them to go ahead with gathering evidence and taking statements. In general, GPD investigated Iraqi civilian shootings unless there was a particular need for us to do so. This was purely down to the capacity of the section at the time.
16. We had to decide whether to investigate in each case. If a report came through to us of an Iraqi civilian who had, for example, been shot by members of a British patrol, that message would go up the operational chain to the Divisional HQ. It would then filter down the RMP chain and come sideways to me in the SIB.

17. There was therefore often a real delay in the report getting through to us of a death in the first place. It could be anything from 24 hours to a week for the information about a death to get through, and obviously only then would we be able to begin an investigation.
18. After the war-fighting phase, a shooting incident policy was introduced. I believe Version 1 of that policy was in place by the end of May, but the policy was amended several times. The policy required soldiers to report particular shooting incidents.

The investigation process

19. As soon as a report of an incident came through to us that we were to investigate, we would give it a unique reference number.
20. The SIB section would work in pairs, often travelling large distances, record witness statements and any forensic evidence, and I would then send out an initial case report with the basic facts and recommendations for immediate next steps. In the United Kingdom, that would all be done within 24 hours but that was with the benefit of proper resources and technology. In Iraq, we had very basic conditions and reverted to a notebook and pen. Communications were limited and often I would not receive a verbal update from the investigators from which I could draft the initial report for hours, or even days. The investigators had no access to computers or mobile phones. Depending on where the incident had happened, the investigators could be away for up to a week. So it could take us two weeks to do an initial report and distribute it.
21. We would gather forensic evidence as necessary, such as clothing and weapons. This was often not well received by the unit. For example, in relation to the death of Mr Abdullah, my notebook states that in the first instance, Commanding Officer (CO) 3 Para would not authorise a warrant for the recovery of clothing and equipment. I produce this extract from my notebook as **Exhibit JPR/1**.
22. Because of the situation in Iraq, it was not a matter of simply taking a weapon from a suspect and seeing if it had been fired, as weapons were often fired even during the occupation period. We had the ability to recover DNA and blood, but we did not have the testing facilities in Iraq. It had to be sent back to Germany or the United Kingdom for analysis, involving a long delay.
23. Where applicable we would recover documentary evidence such as patrol logs from the unit operations room. I deal with the matter of patrol reports in more detail later on in this statement.

24. In terms of interviewing suspects and witnesses, we would have started with a brief statement taken from witnesses to establish the facts. These statements would be kept in the casefile. We had portable tape recording equipment in Basra and could conduct interviews there using the procedures laid down in the Police and Criminal Evidence Act 1984 (PACE). If a suspect wanted a legal advisor, however, we would have to wait for a legal advisor to be flown out to us. We were not in a position to do any PACE interviews away from Basra. In order to try and establish the basic facts of a case we would have to take details in a notebook or statement from everyone, treating them as witnesses unless we had reason to suspect otherwise. To do anything else in this environment would have meant that our investigations ground to a halt almost before they had started..
25. Our investigations would sometimes require us to take statements from Iraqi civilians and visit the local hospital. The local custom of burying a body within 24 hours was a complicating factor. The family would often bury the body somewhere it was difficult for us to access, and most families would have objected to an exhumation and post-mortem anyway. There was therefore no continuity of evidence in any of this.
26. We struggled to conduct interviews with Iraqi witnesses due to a lack of qualified interpreters. At the time, the best course of action available to us was to video record the interview with an interpreter and then send the recording to the United Kingdom to our languages unit to confirm that the interpretation was correct. The delay on that process was weeks if not months.

Patrols

27. All soldiers deployed in Iraq had briefed on the Rules of Engagement (ROE) and issued with a ROE card. The ROE are specific to the operation.
28. As a matter of routine, the patrol commander would submit a patrol report on his return to a base location, which would be submitted to the higher HQ if required. Any engagement with the enemy or shooting incident would have been communicated with the base location by radio and all the radio traffic is logged. Each patrol would have its own callsign on the radio and therefore the logs were important documentary evidence for us to recover.
29. It is worth pointing out that if an Iraqi civilian was injured but then subsequently dies of his injuries in hospital, as is alleged to have been the case with Mr Abdullah, UK forces may have no knowledge of his death unless reported by other means.

30. Patrol reports would be submitted through the G3 (current operations) desk at the higher HQ.

Action following an SIB report

31. SIB reports were distributed to both the relevant Commanding Officer (CO) and to PJHQ. Should the SIB investigation result in an individual being reported for an offence, it was then for the CO to determine whether the individual should be charged with an offence on receipt of legal advice. The CO could try the case summarily, and if he did that, there should be a record of the summary hearing. If the CO decided not to try the case summarily, or the individual elected so, the matter would have gone to a Courts Martial, which would have taken place back in the UK. I cannot recall any field courts martial taking place in Iraq.

32. It was therefore the CO, not PJHQ or anyone else, who was critical. All this has since changed following the Armed Force Act 2006, and now we can choose to investigate an incident even if the CO does not want us to.

33. The other key person is the legal officer, who is available to give the CO legal advice. The SIB would also have gone to the appropriate legal officer to show them the initial report. The legal officer has to be a trained barrister or solicitor. The legal officer in Iraq at the divisional level was a Lieutenant Colonel.

34. It would be fair to say that not a great deal of consideration was given during the war phase as to what we would encounter during the occupation, so everybody was playing catch-up. The focus was on going to Iraq, and suddenly we were switching to not using lethal force.

The SIB letter on 'Allegations of Murder/Manslaughter Against BRITFOR' dated 28 May 2003

35. I produce this letter as **Exhibit JPR/2**.

36. I certainly remember this letter as it was an issue I myself had raised. I was concerned that we were not getting access to important medical evidence. I was very aware that, in some cases, we had no medical evidence at all. If any allegation against a soldier was raised, the lack of medical evidence was a constraint to the investigative process.

37. This letter refers to a 'JOCS' email. JOCS is an IT system that could communicate back from Iraq to UK. I had no access to JOCS and therefore the email would have been sent by Maj Kay Roberts, who was the RMP staff officer in the HQ at the time.
38. The letter aimed to highlight the difficulties we were experiencing and seek guidance on how to address them. On attending a local hospital, we would often discover that there was no death certificate, or if there was then there would be a continuity issue over the deceased. We needed options that were practical; for example, could we rely on a local Iraqi pathologist? The lack of direction was frustrating. There was one UK pathologist who flew to Iraq in June 2003, but we were only able to obtain permission from one family to exhume a body which was in a different case.
39. All the cases of civilian deaths to which this letter refers are Op Telic 1 cases, between Feb and Jun 2003.

The case of Mr Abdullah

40. Although I have my notebooks from the time, I cannot myself recall many details of this particular case as I had so many cases to deal with at the time. My involvement with the case ended in June 2003, when I left Iraq.
41. We did have a SIB presence in the area at the time of the alleged incident. The SIB person in charge of the investigation from the outset was Sgt Desmond. We needed agreement from the CO for a search warrant but he refused, so Sgt Desmond asked the soldiers individually if they consented to the search, which they did. If they had not consented, we had the power to arrest them.
42. I can confirm that each soldier in question returned to the UK at the beginning of June, which was before the forensic results were obtained. The turnaround time on forensics was slow, and we actually ended up taking a lot of forensic material back to the labs in the UK ourselves when we left Iraq in June.
43. In order to interview the soldiers in accordance with PACE, we would have needed to bring them back to Basra and we needed to be able to offer them legal advice. The advisor would have had to fly out to us as previously mentioned. In my view, the soldiers should have been interviewed as soon as they got back to the UK.


Leaving Iraq

44. I left on 23 June 2003 and handed over the case file on Mr Abdullah. All ongoing investigations with outstanding actions in Iraq were left in Iraq for the next team who were taking over.

45. By Jun 2003 it was common for local civilians to ask for compensation because of something the Coalition Forces had allegedly done. Whilst some of these allegations were credible, others were less so. During this period there had been a real shift in the attitudes of the Iraqi population towards us. In Apr and May we were positively received by the local population however by Jun the situation had changed fundamentally.

Statement of Truth

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

Signed . 

Dated 16 Feb 2015