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Monday, 10 November 2014

(9.30 am)

(Proceedings delayed)

(10.40 am)

Housekeeping

THE INSPECTOR: Good morning everybody.

MS AL QURNAWI: Good morning.

THE INSPECTOR: I am sorry about the delays but the chief thing is that we are now up and running.

I want to say a few words to introduce what we are going to do. The hearings scheduled for this week and next week deal with the second stage of my investigations into the deaths of two Iraqi civilians in 2003.

There are allegations that Nadheem Abdullah died from injuries inflicted by soldiers from the parachute regiment who were patrolling in two military vehicles near Al Uzayr in Maysan province, south-east Iraq on 11 May 2003. The facts in connection with Mr Abdullah's death are the subject matter of this week's evidence.

Next week, we shall look into the facts concerning the death of Hassan Abbas Said. There are allegations that he died whilst an attempt was being made to effect his arrest by two soldiers on 2 August 2003.

This stage of the investigations is very important.

1 In particular, it will involve soldiers giving oral
2 evidence for the first time about these incidents.
3 Thus, 11 years after the deaths, the families of the
4 victims and the public will hear the soldiers giving
5 an account of what they were doing and responding to the
6 allegations which have been made.

7 There are some very important considerations which
8 I should emphasise about the procedure and purpose of
9 these investigations which make them unlike any previous
10 inquiries. By an order of the divisional court dated
11 31 October 2013, the Secretary of State for Defence was
12 ordered to hold inquiries into civilian deaths in Iraq,
13 where he accepted that Article 2 of the European
14 Convention of Human Rights imposed an obligation upon
15 him to hold an inquiry where it was clear that there
16 would be no prosecution of any British soldiers alleged
17 to have been involved in the deaths.

18 The order of the divisional court, which is on the
19 website, contains some matters relevant for me to
20 emphasise today.

21 Firstly, these investigations are taking place
22 because the Secretary of State has, in each case,
23 accepted there will be no prosecution, but he has also,
24 importantly, accepted that an obligation under Article 2
25 to hold an inquiry exists. It is that obligation which

1 I must discharge on his behalf.

2 These inquiries must be in public and the support
3 necessary to enable the families of the deceased to
4 participate have to be provided. They have had that
5 support and I have the advantage of them being
6 represented by Ms Al Qurnawi, who is in legal practice
7 in Basra.

8 She is, I know, present today, and just as we have
9 had a number of difficulties to overcome this morning
10 and on other days, she has had a number of difficulties,
11 and we are all grateful to her for the efforts that she
12 has put into it.

13 The particular feature also I should draw attention
14 to is that these investigations are my responsibility.
15 I have to adopt an inquisitorial approach. There is no
16 counsel to the inquiry. There are no persons who have
17 advocates represented them, although the soldiers have
18 the benefit of solicitors who have advised them and are
19 here. But to help me in the questioning, I have asked
20 Mr Tom Poole, who is one of my team, who has worked with
21 me from the outset, to ask the questions today. All the
22 questions are asked on my behalf and I shall not
23 hesitate to ask any more questions -- and he knows
24 that -- which I think ought to be asked as well.

25 One of my obligations is to make a decision as to

1 what needs to be disclosed to the public and to
2 Ms Al Qurnawi. There have been disclosures for the
3 purpose of this stage and, as relevance requires,
4 further disclosure will be made. The process of
5 disclosure never stops until I report.

6 The important requirement for participation by the
7 families is that they should have the opportunity of
8 putting questions to the witnesses through me. That
9 process has been carried through and, thanks to the
10 diligence of Ms Al Qurnawi, I have received a number of
11 questions, in writing, in detail. Mr Poole will be
12 taking account of them as he proceeds. But that does
13 not mean that Ms Al Qurnawi, if she wishes, cannot ask
14 for time, if time is required, for instructions to be
15 taken so that she can put further suggestions to me as
16 to lines of enquiry which should be pursued.

17 She will understand -- and everybody will
18 understand -- that it will be my discretion how far to
19 permit questions. Ms Al Qurnawi's role is vital, but as
20 the divisional court said, there is no need for
21 an advocate to be instructed on behalf of the family.
22 Thus it will be clear to everyone who is listening to me
23 now that we are bringing to public notice, and to the
24 families', facts which look into and consider
25 the immediate and some surrounding circumstances in

1 which these deaths occurred.

2 As the terms of reference make clear, as a general
3 principle, specific individuals should not be identified
4 as responsible for failures. But that does not mean
5 that the investigations are to be inhibited by the
6 likelihood of liability being inferred from the facts
7 found by me or any recommendations which I may make as
8 a result of my investigations. But as I have already
9 said, the investigations and the report will not be
10 concerned to determine or to consider any person's
11 criminal or civil liability.

12 I want to make a few more points about how we are to
13 proceed. Criminal proceedings did take place a number
14 of years ago in connection with each of these deaths.
15 All the soldiers on patrol on 11 May 2003, the day
16 Mr Abdullah was injured, were charged with murder and
17 they were tried at court martial proceedings. The
18 relatives will remember that they came to England give
19 evidence in those proceedings.

20 All of the soldiers charged with murder in respect
21 of the events on 11 May 2003 were acquitted. Not guilty
22 verdicts were entered at the close of the prosecution's
23 case. That is important because the fact that the
24 matter closed at the close of the prosecution's case is
25 the reason why I must now hear what they say. But over

1 the course of years, they have left the army and made
2 new lives.

3 I have said why the investigations are taking place.
4 I have now said why it is necessary that these
5 investigations must take place: because the families of
6 the victims are entitled to know from the soldiers what
7 their account is and the public are entitled to know
8 what their account is. I may have to make
9 recommendations which it will be for the public to
10 consider.

11 These matters, to which I have already referred,
12 provide protection for the soldiers in discharging their
13 duty to me and to these investigations. Additionally,
14 the Attorney General and the Army Prosecuting Service
15 have, at my request, provided an undertaking that they
16 have, putting it in short, protection against
17 self-incrimination arising out of the evidence they give
18 to me.

19 Further, having considered the detail which I have
20 already been into and which I have already set out on
21 the website, I have granted the soldiers anonymity.
22 That means that I have made an order that their identity
23 will not be disclosed in the course of my
24 investigations. That also means that no photographs
25 should be taken of them.

1 I have received a question from a reporter who is
2 present today about the anonymity order. Where there
3 are soldiers, officers as they may be, giving evidence,
4 and their names are mentioned, they are not persons
5 covered by the anonymity order. That is because (1)
6 they have not been subject to allegations being made
7 against them and (2) they have not asked for
8 an anonymity order. Thus there is no prohibition upon
9 their names being mentioned in the press or media.

10 Finally, as I have indicated, there were criminal
11 proceedings in respect of the death of Mr Said. On the
12 date fixed for trial, the prosecution offered no
13 evidence, in short, having concluded that the prospects
14 of a conviction were too slight.

15 I have said it before but it is something which
16 needs emphasising: the preparation for these trials
17 generated about 10,000 documents. They are documents by
18 way of reports, inquiries, interviews and statements.
19 You can be satisfied that I have approached these
20 investigations on the need to investigate the facts
21 which shed light on the relevant circumstances both
22 surrounding and directly relating to the deaths. It
23 would have been wholly impractical to approach the
24 investigations simply by carrying out a disclosure
25 exercise of the voluminous documents, which are,

1 of course, to a significant extent, repetitive and do
2 not advance the central factual investigation with which
3 I am concerned.

4 Thus today, we commence the investigation into the
5 immediate circumstances surrounding the death of
6 Mr Nadheem Abdullah. Everything I said I know will have
7 been heard by the witnesses, and in return for the
8 protection and the status that they now have, I expect
9 from them full, frank and honest accounts of what they
10 can recollect and inform us about the events on 11 May.

11 I will now turn over the questions to Mr Poole and
12 he can call the first soldier.

13 MR POOLE: If we can call soldier S006, please.

14 S006 (called)

15 Questions by MR POOLE

16 MR POOLE: Good morning. There is going to be sequential
17 translation, which means that I will ask you a question,
18 it will then be translated into Arabic, you will then
19 answer the question and then your answer will be
20 translated into Arabic.

21 In front of you, there is a file. If I could ask
22 you to turn to tab 6 of that file, please. At tab 6,
23 you should find a witness statement that you provided to
24 the investigation, dated 25 September of this year.
25 That statement will stand as your evidence to the

1 investigation.

2 The purpose of my questions is threefold. First,
3 I will ask questions to clarify aspects of your
4 evidence. Second, you will be given an opportunity to
5 say anything that might assist the inspector's task of
6 establishing the facts surrounding the death of
7 Mr Abdullah. Third, it will allow the family and the
8 relatives of Mr Abdullah to better understand your
9 evidence and the events surrounding his death.

10 I am going to start by asking you some questions
11 about your early army career and the initial training
12 that you received.

13 You enlisted in the army in 2000; is that correct?

14 A. It is.

15 Q. Am I correct to say that candidates joining the army
16 undergo common training?

17 A. Yes.

18 Q. The purpose of that common training is to bring all
19 personnel to a similar standard in basic military
20 skills?

21 A. Yes.

22 THE INSPECTOR: Could you just raise your voice slightly.

23 A. Yes, all right.

24 THE INSPECTOR: Imagine you are on the parade ground or
25 something.

1 A. Yes, okay.

2 THE INSPECTOR: Because I am sure even though it might not
3 be understood, it would be better that your voice was
4 heard.

5 A. Okay, sorry, yes.

6 THE INSPECTOR: Thank you.

7 MR POOLE: After the common training, further specialist
8 training is then provided, subject to the regiment or
9 corp that you have been identified as a candidate for?

10 A. That's right, yes.

11 Q. If I first then deal with the common training.
12 As I understand it, that is split into two phases.
13 You undertook phase one training at Lichfield. Is that
14 correct?

15 A. That's correct.

16 Q. You say in your statement that that lasted 12 weeks?

17 A. No, it was six weeks, the training.

18 Q. Could you briefly describe what phase one training
19 entails?

20 A. It's the basic standards a soldier has to meet. Basic
21 fieldcraft, basic soldiering.

22 Q. How is that training delivered?

23 A. It's in the platoon level. You will have a section
24 commander and he will take you through training for the
25 initial first 12 weeks, six to 12 weeks. He will take

1 you through your basic weapon skills, basic personal
2 administration, fieldcraft, and lots of fitness.

3 Q. You mention it being delivered at platoon level.

4 A. Yes.

5 Q. Those that do not understand how the army is split up,
6 could you describe what is meant by "platoon level"?

7 A. A platoon is three sections, which shall be eight people
8 in each section. There's a section commander in each
9 section, 2ic, which is a second in charge of each
10 section, a platoon sergeant, platoon commander and that
11 makes up the team.

12 Q. So you successfully completed phase one training?

13 A. Yes.

14 Q. Then you undertook phase two training at Catterick
15 garrison?

16 A. Yes.

17 Q. That is the infantry training centre?

18 A. It is, yes.

19 Q. Could you briefly describe what phase two training
20 entails.

21 A. Again, it's a lot of fieldcraft because you're
22 a conventional soldier in the parachute regiment. More
23 responsibility is put on each person, firstly preparing
24 with your fitness to undertake P company at the end of
25 the training.

1 Q. Is that a training provided at platoon level as well?
2 A. Yes. You come through the second phase with the same
3 platoon you started with. But it's different staff,
4 obviously.
5 Q. Having completed phase two -- which you successfully
6 completed, yes?
7 A. I did, yes.
8 Q. -- you say in your statement you were posted to RAF
9 Brize Norton.
10 A. That's right.
11 Q. You completed a four-week parachute jumping course?
12 A. That's right.
13 Q. It was at the completion of that course that you were
14 awarded your wings and became a member of the parachute
15 regiment?
16 A. That's right.
17 Q. You say at paragraph 9 of your statement that in late
18 2000 you were posted to the 3rd parachute regiment.
19 A. That's right.
20 Q. Were you posted with the same platoon that you had
21 undergone your training with?
22 A. 3 para, which -- battalion housing was short on numbers
23 at the time, so everybody who came through training and
24 completed it went to 3 para. But not -- we never went
25 together. Everyone got separated into different

1 companies within the battalion.

2 Q. You were based initially at Colchester; is that right?

3 A. That's right.

4 Q. You describe, at paragraph 11, completing a number of
5 exercises at brigade level. Could you explain the
6 difference between brigade level and platoon level,
7 please?

8 A. Yes. When we arrived to Colchester, it was going
9 through a transition period where the parachute regiment
10 merged into 16 air assault brigade. Everybody merged
11 together in Colchester -- all supporting artillery
12 units, which was a lot of attachments, many thousands of
13 soldiers in the same garrison. So I was doing exercises
14 to basically learn how to work together as a brigade.

15 Q. Roughly what number of soldiers are we talking about at
16 brigade level?

17 A. I wouldn't know exactly. It's thousands of soldiers.

18 Q. I want to now ask you some questions about predeployment
19 training.

20 You say at paragraph 13 of your statement that in
21 2002 the battalion started to undertake lots of training
22 for the upcoming deployment to Northern Ireland, and
23 that that training took place mostly at Lydd in Kent.
24 Are you able to say how long that predeployment training
25 lasted?

1 A. I couldn't recall exactly.

2 Q. You say later on in your statement, at paragraph 30,
3 that you think you went to Lydd approximately ten times.
4 Each time you went to Lydd, was there an average period
5 you would spend there?

6 A. Generally no more than a month at a time.

7 Q. No more than a month. Was there a minimum period per
8 training session at Lydd?

9 A. No, there wasn't.

10 Q. Could you briefly describe the nature of the training
11 that you received at Lydd?

12 A. It was a mock camp, basically, and it was -- public
13 order was the main ...

14 Q. Would I be right in saying you were preparing for
15 peacekeeping rather than fighting?

16 A. Having petrol bombs thrown at you? I guess not, really.

17 THE INSPECTOR: I think the question was directed not so
18 much to what might happen in Northern Ireland as to the
19 training that you were doing. Was it training which it
20 is fair to describe as training for a peacekeeping
21 operation or training for what could be regarded as
22 a war time or conflict operation?

23 A. There was training at Lydd camp for the Iraq scenario as
24 well. So there was war fighting training there as well,
25 at that camp.

1 THE INSPECTOR: Do you see a distinction, clearly, between
2 peacekeeping training and war time training?

3 A. Yes, we do, sir.

4 THE INSPECTOR: The difference is what?

5 A. In a peacekeeping scenario, we are governed by certain
6 laws. In a peacekeeping scenario, if a person was to
7 shoot at you, within the terrorism 2000 rule, if that
8 person turned away or dropped their weapon, you couldn't
9 shoot that person. In a war situation -- there are
10 different rules for different -- for war time. That's
11 just an example I can give you from ...

12 THE INSPECTOR: Thank you.

13 MR POOLE: What you have just described, do you understand
14 that to be referred to as rules of engagement?

15 A. Yes, that's a yellow card.

16 Q. Now, I am interested that you refer to training in Lydd
17 for Iraq. If I can just ask you to look at page 51 and
18 paragraph 46 of your statement. You say there:

19 "We did not receive any specific training for our
20 deployment to Iraq whilst based in the UK at all."

21 Did you receive training at Lydd before going to
22 Iraq, dealing with what you were going to be doing in
23 Iraq?

24 A. No. We did the shooting ranges at Lydd camp.

25 Q. Is it fair to say, then, that the training you received

1 at Lydd, save for the shooting range, was training for
2 deployment to Northern Ireland?

3 A. You go to the ranges to pass your -- what you call your
4 APWT, annual personal weapons test, and that gives you
5 the go to go to a war zone, basically.

6 Q. But I am right in saying, am I, that in 2002 you would
7 not have known about an up-and-coming deployment to Iraq
8 in early 2003?

9 A. No. I was booked in for a course at that Christmas
10 time. January it was, a PTI course, and I was called
11 back off my leave, basically, to go to Brecon Beacons.

12 Q. So the Lydd training was not Iraq specific. Is that
13 right?

14 A. Not personally, but there is training at Lydd for Iraq.
15 That was after the -- that's when the peacekeeping came
16 in. We started doing the packages at Lydd camp, because
17 it turned to public order, which is where you do your
18 training for public order.

19 Q. As I understand it, you undertook two tours to Northern
20 Ireland with 3 para?

21 A. I can remember two, but it could actually be a bit more
22 than that. So at least two tours.

23 Q. To try and put a timeframe on this, this would be
24 between 2002 and 2003. Is that right?

25 A. This could be incorrect. I can't quite remember, to be

1 honest with you.

2 Q. I appreciate this is a long time ago, but just by
3 reference to when your training finished, which you say
4 was late 2000 -- and we know you were posted to Iraq in
5 early 2003. Does that assist you in the timing of when
6 you went on a tour to Northern Ireland?

7 A. I can't be precise with that, no.

8 Q. You referred to the yellow card when referring to rules
9 of engagement. Am I right that that is the card you
10 were issued with in Northern Ireland?

11 A. That's right.

12 Q. We will come on to talk about a white card. Am I right
13 that the white card, sometimes referred to as "card
14 alpha", was what you were issued with in Iraq?

15 A. I can remember a white card. That's what I remember.

16 Q. But you do remember a distinction between a yellow card
17 in Northern Ireland and a white card in Iraq?

18 A. Yes, I do.

19 Q. Do you remember the differences between the yellow card
20 and the white card?

21 A. No, I don't.

22 THE INSPECTOR: Do you think you did know the difference
23 many years ago?

24 A. Between peace time and war time, sir?

25 THE INSPECTOR: Well, between a yellow card and a white

1 card. Do you think you did know the difference?

2 A. It's too hard for me to remember that time, to be honest
3 with you, sir.

4 THE INSPECTOR: But do you remember even whether one of
5 those cards was a war time as opposed to a peacekeeping
6 time card?

7 A. These were passed down from the Head Shed first -- you
8 know, the officers -- and it was literally: "Put this in
9 your pocket and keep hold of this for your time in
10 Iraq."

11 THE INSPECTOR: That was the white card?

12 A. That was the white card.

13 THE INSPECTOR: You can't remember now whether, it being
14 a white card, it meant to you, as you can now remember,
15 that this was a war time situation as opposed to a peace
16 time situation?

17 A. Because things were so rushed, sir, from January that
18 year, we had literally -- we had been that busy there
19 wasn't much time to do anything apart from arrange
20 packages and getting ready to go to Iraq. We went to
21 Brecon Beacons in the beginning of January and literally
22 a month and a half later we was crossing the border into
23 Iraq.

24 THE INSPECTOR: But you knew that that was a war time
25 deployment and not a peacekeeping deployment?

1 A. Yes, we did, sir. From the training that we was doing
2 (inaudible): bayonet fighting, live firing ...

3 THE INSPECTOR: Thank you.

4 MR POOLE: Just a few more questions still about the
5 training at Lydd. I want to just correct if there's any
6 wrong impression given by what you say at paragraph 46.

7 So I want to be very clear: the training that you
8 say you received at Lydd that was relevant to your
9 deployment to Iraq -- you have described shooting,
10 a shooting range. In addition to shooting, what other
11 training or scenarios were you presented with at Lydd?

12 A. We was literally there to pass our weapons test.

13 Q. So is that the extent of the relevant training at Lydd
14 for Iraq?

15 A. Personally for myself, yes it was, sir.

16 THE INSPECTOR: Do you remember something called a VCP being
17 referred to?

18 A. This -- whereabouts was this, sir?

19 THE INSPECTOR: At any stage. In Lydd or in Iraq or
20 anywhere?

21 A. It was purely doing war fighting training. That's what
22 we was doing for the build up to Iraq.

23 THE INSPECTOR: Do you know what "VCP" stands for now?

24 A. Yes, I do, sir.

25 THE INSPECTOR: What is that?

1 A. It's a vehicle check point where, to break up -- of
2 a platoon or a section -- in a platoon, you will have
3 three different sections. One section will be waving
4 a vehicle down. The middle section will have
5 a chattering, who talks to the person in the car, and
6 then the lead section, if the vehicle tries to escape,
7 will put what you call cow traps out to stop the vehicle
8 from moving on.

9 THE INSPECTOR: When did you first encounter the VCP as
10 something you would be involved in? Was that at Lydd or
11 not until you got to Northern Ireland?

12 A. In Northern Ireland, sir.

13 THE INTERPRETER: Sorry, the last question? I was
14 explaining the previous one.

15 THE INSPECTOR: You didn't really have any idea about VCPs
16 until you got to Northern Ireland?

17 A. That's right, sir, yes.

18 MR POOLE: Could I ask you to have a look at paragraph 28 of
19 your statement, please. You say there:

20 "The VCP procedure was taught to us by instructors
21 at camp in Colchester and reinforced during our
22 exercises at Lydd."

23 Is that your recollection?

24 A. That is my recollection of where we did the training for
25 it, but I've never experienced a VCP until I stepped

1 into Northern Ireland.

2 Q. You have just described a VCP in practice. Can you
3 recall how you were taught to carry out a VCP prior to
4 deployment to Northern Ireland?

5 A. The basics are what I have just said but it's different
6 in real life when it actually happens.

7 Q. Am I right though that the training was at platoon level
8 again?

9 A. I -- to be honest with you, I can't quite remember that.

10 Q. Because I'm interested to know whether, when you carry
11 out a VCP, when you were in Northern Ireland, whether
12 that would involve the entire platoon or just a section.

13 A. In Northern Ireland you generally work in your teams,
14 but you are as a platoon. You're in teams -- you spread
15 out quite a long distance in Northern Ireland on your
16 patrols. It could be 500 metres from each section but
17 you are working within a platoon.

18 Q. So when, in Northern Ireland, you are ordered to carry
19 out a VCP, does the entire platoon carry out that VCP?

20 A. If you are working within a platoon, yes, it does, yes.

21 The same principle with what I explained with the
22 section. It's just the same but you will have -- other
23 sections within the platoon, they will be working as
24 your cut-off teams, sometimes, like I say, 500 metres
25 away from the main section.

1 Q. The reason I asked the question is because when we come
2 to talk about Iraq, you were carrying out VCPs in
3 a section as opposed to a platoon. That is right, isn't
4 it?

5 A. This is very difficult to remember, to be quite honest
6 with you.

7 Q. In practical terms, it's the difference between carrying
8 out a VCP with 20 plus soldiers or carrying out a VCP
9 with eight or so soldiers. Is that a fair description?

10 A. As I say, the only people you concentrate on, really, is
11 your section. The principle of the VCP doesn't change.

12 Q. Do you recall carrying out a VCP in Northern Ireland?

13 A. (Pause) Yes, I do actually, yes.

14 Q. Can you describe the VCP you can remember in terms of
15 the arrangement of the sections and what each section
16 was tasked to do?

17 A. Before each patrol goes out on to a VCP, we do what you
18 call an SR briefing before we go out on the ground,
19 which stands for "suspect recognition". So we know the
20 people that -- these people will be known within the IRA
21 or terrorist organisations. I can't remember exactly,
22 you know, each individual patrol but I can remember
23 pulling suspected terrorists, basically, up with VCPs.
24 Not for weapons; for drugs. Because we was on the
25 border. My first tour was in what you call bandit

1 country, south Armagh, which separates north from south,
2 and that's the main transportation link for drugs.

3 THE INSPECTOR: Did that mean that you stopped just about
4 every vehicle on the road near the border?

5 A. A lot of the time it would be if we recognised a suspect
6 who -- a lot of the time, the -- well, if they was known
7 terrorists, they would pull up in the vehicle and they
8 would want to know what you were doing, basically.

9 THE INSPECTOR: What you're being asked is: on those
10 occasions, were there men in your section or those who
11 were with you, in two vehicles at least?

12 A. Because of the area that I was in, sir -- it was
13 south Armagh, so there's no mobile -- because we were
14 worried about land mines at the time as well. So it was
15 all on foot. Everything was on foot.

16 THE INSPECTOR: You were all on foot?

17 A. Yes.

18 THE INSPECTOR: As you remember, on the occasion that you
19 were there, how many were you together on that occasion?
20 Eight or nine or 12 or what?

21 A. This is really hard to remember, sir, to be quite honest
22 with you. I couldn't say for definite --

23 THE INSPECTOR: Did this exercise that you do remember
24 require an occupant of a vehicle that had been stopped
25 or was stopped to be got out of the vehicle?

1 A. This was quite tricky in Northern Ireland because of the
2 terrorism 2000 yellow card rule. You can't -- the rules
3 are that you cannot just tell a person to get out of the
4 vehicle and start searching because they live in
5 a civilised society. You would have to ask for
6 a warrant to come out and actually -- from the police
7 service in Northern Ireland to help you do it.

8 THE INSPECTOR: So what could you do?

9 A. The main objective, I guess, of a VCP is to show
10 presence on the ground, to stop the transportation of
11 drugs and let them do what they want to do, basically.

12 THE INSPECTOR: But you are not able to search the vehicle?

13 A. Because you're trying to win the hearts and the minds of
14 the local population, it's never a good idea to go
15 searching anyone's vehicle unless there's a genuine
16 reason why you should.

17 MR POOLE: Would it be right to say that you therefore never
18 encountered a situation in Northern Ireland where you
19 had to remove someone from a vehicle that you had
20 stopped?

21 A. That wouldn't personally have been me being the chatter.
22 It was a senior member of the section who would do the
23 chatting.

24 Q. So on any VCP you can recall in Northern Ireland, were
25 there any occasions where an occupant of a vehicle had

1 to be removed by a member of the section?

2 A. This is -- like I say, this will have occurred but it's
3 not my -- I am not in the centre, speaking to the person
4 they've got. I was very inexperienced at this stage.
5 We were on the far flanks, basically, watching our arcs.

6 Q. Prior then to carrying out a VCP, does each member of
7 the section have a specific role to perform?

8 A. Yes, they do, yes.

9 Q. What are those roles?

10 A. Within -- you mean within a section?

11 Q. Yes.

12 A. Basically working the same principle as a platoon VCP,
13 where you would have -- two parts of the section would
14 be watching flanks each side and you would have
15 a chatter with a section commander in the centre.

16 THE INSPECTOR: So on the assumption we're talking about six
17 people, how are they deployed? You have chatter plus
18 assistant. That's two. Two people on arcs. That's
19 four. What about the other two?

20 A. Again, it would depend on the strength of the battalion
21 at the time and I think we were pretty low on numbers.
22 It should be eight but the actual fact was we were
23 probably six strong in Northern Ireland.

24 THE INSPECTOR: Let's deal with the situation of six. It
25 may be near what we come to consider when we come to

1 Iraq but let's consider six.

2 We have deployed four of them, in our example. What
3 are the other two doing?

4 A. The two -- you mean the two chatters in the centre?

5 THE INSPECTOR: We have two chatters.

6 A. Two chatters, two on the flanks.

7 THE INSPECTOR: Two on each flank.

8 A. No, a section of two -- you are working in pairs,
9 basically, so each side of the chatter, basically, and
10 the section commander, so he can control who is coming
11 through and -- you know.

12 THE INSPECTOR: So you have two in the middle. You call
13 them the chatters. Then you have the arc people on each
14 side and are there two of those on each side, making up
15 the six?

16 A. The two people on each side will be together.

17 THE INSPECTOR: They will be together on that arc?

18 A. They will be facing opposite arcs, but you have to work
19 together, obviously. You can't just leave a guy on his
20 own out in the middle of nowhere.

21 THE INSPECTOR: I think we are agreeing that it's four
22 people are on arcs and two are chatters? That sums it
23 up. Let the interpreter do that.

24 A. Yes, sir. You've got to understand this is a long time
25 ago. It's hard for me to remember exactly how these

1 VP(sic) were run.

2 MR POOLE: You will understand what you mean by an arc.

3 Could you explain in lay terms what is meant by an arc?

4 A. Where you're watching to a certain area -- so basically

5 you want to be covering 360 all together. You know, two

6 men in different arcs doing 180 each basically.

7 Q. The idea behind it is that you cover an entire

8 360 degrees?

9 A. Yes.

10 Q. The chatter is tasked with having dialogue with the

11 driver of the vehicle?

12 A. Yes.

13 Q. If that dialogue does not result in the driver leaving

14 the vehicle and you want the driver to leave the

15 vehicle, what are you trained to do?

16 A. In terms of the chatter?

17 Q. Yes.

18 A. This was personal training that the chatter would have

19 had. We didn't have this training. It was a section

20 commander and his second in charge who did this.

21 THE INSPECTOR: So you have never been a chatter?

22 A. No.

23 MR POOLE: Have you ever seen anyone being removed from

24 a vehicle following a stop and search?

25 A. I can't personally recall that.

1 Q. So you can't give any evidence as to how someone would
2 be removed from a vehicle in those circumstances?

3 A. No, but I have common sense. I know if a person was
4 using force, you would have to do your best to obviously
5 restrain that person.

6 Q. Are you, as part of your training, trained in the use of
7 restraint techniques?

8 A. I don't recall any training, to be honest with you.

9 Q. Would it be fair to say that you are left to use, to use
10 your words, your common sense?

11 A. Well yes, that's -- I guess that's what being a soldier
12 is part of.

13 Q. Still talking about Northern Ireland and VCPs. You say
14 at paragraph 25 of your statement that you estimate that
15 on approximately ten occasions, a car failed to stop
16 when flagged down. Can you recall what would happen
17 when something like that occurred?

18 A. The cow traps would be deployed in order to try and stop
19 the person who's speeding away, to then carry out our
20 search and find out why this person is trying to escape
21 the VCP.

22 Q. There would be no question of giving chase to that
23 vehicle, because you were, in Northern Ireland, a foot
24 patrol. Is that right?

25 A. That's right, yes.

1 Q. I am going to move on to another topic now. This is the
2 training that you received for Iraq still in the UK.

3 You describe in your statement that you found out
4 you were about to be deployed in January 2003. You
5 describe, at paragraph 49, being deployed on exercise to
6 the Brecon Beacons. You describe it as a ten-day live
7 firing exercise package.

8 There's a suggestion by S005 that it was
9 a three-week course. Do you recall how long that
10 training lasted?

11 A. To be honest with you, I couldn't clarify exactly that.
12 I just thought it was a ten-day course, which was on --
13 basically, a live firing course. That's all I can quite
14 remember from that stage.

15 Q. We have heard about the common training, the more
16 specialist training at Lydd. This training now, how, if
17 at all, did that differ from the previous training?

18 A. This was what we've been trained from the start of
19 our -- obviously it's evolved now because there's
20 different scenarios with war, but right from the start,
21 the first week in our basic training in the parachute
22 regiment -- it's your bread and butter, really, this
23 sort of work, conventional war.

24 Q. You refer to it at paragraph 52 of your statement as
25 "a change in direction for the battalion". Just explain

1 in a bit more detail when you mean by that.

2 A. Because people in general -- well, I personally found

3 Northern Ireland not really what I joined up to do.

4 I was a bit -- I was quite excited, to be honest with

5 you, to be doing what I joined the army to do, to go to

6 war, basically.

7 THE INSPECTOR: You mean by that taking on a fighting role?

8 A. Yes, sir, and defending my country, which I've always

9 wanted to do.

10 MR POOLE: If I can ask you now some questions about your

11 deployment initially to Kuwait.

12 You say you think you were deployed in

13 late February 2003. You refer to being stationed in

14 number 5 camp for a couple of weeks. During that time,

15 you refer to acclimatisation and in-theatre training.

16 Are you able to assist with how long that training

17 lasted?

18 A. I can -- well, I think we crossed the border in roughly

19 March time, so I guess four weeks maybe.

20 Q. How was that training provided?

21 A. There was a lot of fitness involved because it's very

22 different doing fitness in a warm climate compared to

23 our own country, England.

24 Q. Now, you have been operating in Northern Ireland under

25 rules of engagement on the yellow card. At some stage,

1 you were issued with a white card or card alpha. Can
2 you recall when that happened?

3 A. I can't, no.

4 Q. Did you receive any instruction or training in respect
5 of the white card?

6 A. I can't -- I can remember there was training but I don't
7 know anything about the white card. I couldn't tell you
8 now because time has passed so I just couldn't recall.

9 Q. At paragraph 57 of your statement, you say you don't
10 recall speaking to a lawyer about the new rules of
11 engagement but think you were briefed by the platoon
12 sergeant and the platoon commander.

13 A. Well, I have said personally I think I was briefed but
14 to be quite honest with you, I can't remember the points
15 of ...

16 Q. Under tab 7 in the bundle is a copy of card alpha. Have
17 you seen that recently?

18 A. Definitely not, no.

19 Q. If you just take a moment to have a look at that card,
20 to see whether that refreshes your memory.

21 A. (Pause)

22 Q. First: is that, as far as you can recall, the white card
23 that you were issued in Iraq?

24 A. I can't remember what was -- that doesn't spring to life
25 any ...

1 Q. Were you provided at any stage with training on how to
2 communicate with Iraqi civilians?

3 A. There was no personal training, no. It was a long time
4 since there was a conflict before this. In terms of my
5 own battalion, most of the actual leaders of the
6 battalion hadn't seen war before. It was a big flap
7 within the battalion. They was all flapping, basically,
8 the main officers.

9 THE INSPECTOR: What was that?

10 A. There was people worried, and you could tell there were
11 nerves around the leaders.

12 THE INSPECTOR: There were nerves? Worrying?

13 A. Yes, because they hadn't seen it before. Last time was
14 Falklands war before that, so most people hadn't been to
15 war.

16 THE INSPECTOR: Can I take you back to: you are in Kuwait.
17 Then you go over the border into Iraq. You realise you
18 are going to war. Is that right?

19 A. That's right, sir.

20 THE INSPECTOR: Did you know where you were going to
21 encounter the enemy?

22 A. It would -- there was meant to be -- the biggest risk
23 was an NBC attack, basically, by Saddam Hussein. That
24 was our biggest threat, because at the time we was told
25 he had weapons of mass destruction, so that was -- the

1 day we crossed the border, it was solely -- we had gas
2 masks on most of the time because of what -- the main
3 threat was SCUD missiles basically.

4 THE INSPECTOR: As you crossed the border and went into
5 Iraq, did you see civilian life going on?

6 A. Because the air strikes went in before we crossed the
7 border, there was no civilian life about and there was
8 a lot of dead bodies, basically.

9 THE INSPECTOR: Where was the first base that you remember
10 you took up, having crossed the border?

11 A. As I was crossing the border, we could actually see the
12 oil fields being blown up, you see. So we took the
13 position of Ramallah oil fields, defended them places,
14 basically, first.

15 THE INSPECTOR: Did you then move from the oil fields on to
16 somewhere else?

17 A. I can recall the battalion met up in a central position.
18 I can't remember exactly where it was. Then we broke
19 off into our platoons, platoon strength, and we went
20 to -- like a former police station.

21 THE INSPECTOR: Is this where you went with the platoon,
22 namely with the three sections?

23 A. That's right, yes.

24 MR POOLE: The police station you referred to, that was in
25 a place called Al Uzayr; is that right?

1 A. That's right.

2 Q. Can I ask you a few questions about your section.

3 By reference to the cipher guide that you have

4 beside you, Section Commander S001 -- there was a second

5 in command that at that time was

6 Lieutenant Corporal Sexton?

7 A. Lance corporal.

8 Q. Sorry; lance corporal. That position, though, was

9 changed and someone else took over as second in command.

10 Am I right that was Sergeant O'Brien?

11 A. In charge of the platoon? This is platoon strength?

12 THE INSPECTOR: Sorry Mr Poole.

13 Sexton, who we have just referred to, he went home

14 early for one reason or another which doesn't matter.

15 Then someone else in the section took over as the deputy

16 to the section leader, section commander. Is that

17 right.

18 A. That's right, sir.

19 THE INSPECTOR: Do you remember, looking again at your

20 cipher list, who that was? It doesn't matter if you

21 don't. We'll get to it some other way.

22 A. Right. This is quite difficult to remember, to be quite

23 honest with you.

24 THE INSPECTOR: I think Sergeant O'Brien was --

25 A. The platoon sergeant.

1 THE INSPECTOR: The platoon sergeant, yes. But he was with
2 you at Al Uzayr as the platoon sergeant?

3 A. Yes he was, yes.

4 MR POOLE: You refer to four private soldiers: yourself,
5 S003, S004 and S005. Of those privates, am I right that
6 S004 was next in command as the most senior private?

7 A. Through looking at experience on there, yes, probably.

8 Q. At paragraph 63, where you deal with this, you don't
9 mention S002 and S007. Looking at those soldiers'
10 names, are you able to say whether they were part of the
11 section at the time we are concerned with, so May 2003?

12 A. (Pause) That's hard to recall actually.

13 Q. Of the privates that you refer to, how well did you know
14 them?

15 A. Who, sorry?

16 Q. S003, 4 and 5.

17 A. Very well.

18 Q. So had they been with you since deployment to Kuwait?

19 A. I can't personally remember that.

20 Q. What was your relationship like with the platoon
21 sergeant?

22 A. He was a good man.

23 Q. Had you known him for any length of time?

24 A. Yes, sir. I've actually seen the guy rescue a soldier.

25 Q. Did you have much, if any, interaction with the platoon

1 commander?

2 A. We'd been together for a long time, to be quite honest,
3 but I didn't have much respect for him, to be fair.

4 Q. Why?

5 A. He just seemed like a weak leader to me.

6 Q. In your understanding of the chain of command, who would
7 be issuing you, as the private soldiers, with
8 instructions on a day-to-day basis?

9 A. It would always be the platoon sergeant who spoke up.
10 Then it would be distributed down to your section
11 commander.

12 Q. So in terms of briefings that you received, would they
13 be given by the section commander?

14 A. If it was going into a platoon operation, it would be
15 a platoon commander and a platoon sergeant. If it was
16 to be a section patrol, it would be a section commander.

17 Q. Some questions now about Al Uzayr. At this stage, what
18 did you understand your role to be?

19 A. My role was -- from the training that I was having
20 before that, we all, obviously, knew that we was going
21 to a war zone. My personal role, I was a Mini-me gunner
22 in my section. Mini-mi.

23 THE INSPECTOR: I didn't quite hear that myself.

24 A. Mini-mi. It's a machine gun, light machine gun.

25 THE INSPECTOR: You were the man in charge of the light

1 machine gun?

2 A. Yes. There's a general purpose machine gun and there's
3 a Mini-mi which was brought in just for Iraq, from
4 America, basically.

5 THE INSPECTOR: Is that mounted on the back of a vehicle?

6 A. Well, you can support it on top of the turret,
7 basically, because it has bipod legs.

8 THE INSPECTOR: When you got to Al Uzayr, what do you
9 remember being the duty roster that you were on? How
10 did it work?

11 A. It was on a rotation. Within the platoon, there's three
12 different sections that we spoke about. So one section
13 would be on guard, second section would be on patrols,
14 third section would be kind of on rest, I guess, but
15 that never happened.

16 THE INSPECTOR: How many times do you remember now going out
17 on patrol? Just roughly. I mean, I'm not --

18 A. The main stage I remember is crossing the border,
19 because it was significant of crossing the border.
20 That's the main part I remember. Because I was lacking
21 sleep -- I mean, every day was a patrol, couple of
22 patrols a day. It's hard for me to remember.

23 THE INSPECTOR: Hard to remember what?

24 A. Well, the patrols that we went on.

25 THE INSPECTOR: But do you even remember now whether you

1 were at Al Uzayr for a few days or a few weeks?

2 A. This is hard for me to remember that, to be quite honest

3 with you. The timescales -- it's hard to remember them

4 sort of things.

5 THE INSPECTOR: You mean it's possible you were only there

6 a couple of days?

7 A. No --

8 THE INSPECTOR: Just think.

9 A. Thinking would -- I have thought about this for a long,

10 long time. I can't remember timescales out there. It's

11 going to be longer than what you said then but it's

12 not -- I cannot put it in exact "It was two weeks/three

13 weeks/four weeks". I cannot tell you that. I cannot

14 remember.

15 THE INSPECTOR: Okay. When you went out on patrol, were you

16 always on the mini machine gun?

17 A. Yes. That was my role.

18 THE INSPECTOR: What did that mean by way of your

19 positioning? Were you in a particular vehicle normally

20 or in the back of a vehicle or what?

21 A. That did change from time to time. Because it was

22 a light machine gun, I could have been -- there were two

23 different vehicles. There was a Wimmick and what you

24 call a Pinz-gauer. A Pinz-gauer hasn't got a turret on

25 it, basically, so you can look out the back with your

1 weapon. So sometimes I would be in there because it's
2 a light machine gun. Because there's a general purpose
3 machine gun within the platoon and they would generally,
4 a lot of the time, be on top of the turret. It changed
5 all the time.

6 THE INSPECTOR: What was the atmosphere like at Al Uzayr?

7 A. It was really, really difficult conditions because of
8 the heat and the local -- we were so close to the local
9 population. You kind of see the way that they live.
10 Certainly the children -- you feel sorry for the
11 children living in that life basically. But at the same
12 time, you knew that it was a dangerous place to be so
13 you are kind of trying to be good to the local
14 population but at the same time trying to remain secure
15 basically all the time.

16 THE INSPECTOR: Did you ever talk to any of the local
17 population?

18 A. It was always very difficult because very few people out
19 there speak English. But we would have -- we would
20 communicate with the children a lot. We would help them
21 out with food because they literally had no food at all,
22 the children.

23 THE INSPECTOR: But did the children come to the base for
24 that or did you go to the village?

25 A. They would always come to the police station for

1 their -- for our ration packs, because we didn't like
2 them, you know, so ... They liked them a lot more than
3 us.

4 THE INSPECTOR: The police station was your base, as
5 I understand it?

6 A. That's where we based ourselves, yes.

7 MR POOLE: You say in your statement you never recall being
8 told the war was over. So when on patrols out of
9 Al Uzayr, were you, as far as you're concerned, still in
10 a war fighting situation?

11 A. Yes. I mean, your state of mind is -- you are living
12 around death, basically, on a regular basis. Within the
13 police station, the local, you know, population that was
14 coming in with, you know, wounds to the chest, wounds to
15 the legs, bodies that were dying, for our medical
16 treatment. That's what they were coming in for. So we
17 were seeing it every day.

18 Q. Were you ever briefed that rules of engagement had
19 changed whilst you were in Iraq?

20 A. I can't personally remember this.

21 THE INSPECTOR: Did you ever ask how it was that locals were
22 being injured and coming to you, how it was that they
23 were being injured?

24 A. A lot of the time, if the local population would --
25 ie selling stuff to us, like vegetables and whatever for

1 us to eat, which we bought from the local village, it
2 would cause problems with the militia and the militia
3 would actually kill the local people there if they even
4 spoke to us. So they were coming in with big injuries
5 from them, from their own people.

6 MR POOLE: Did the security situation change at all whilst
7 you were in Iraq?

8 A. No. I mean, people have been killed -- soldiers were
9 getting killed up to two years ago. So for me it hasn't
10 changed, you know.

11 THE INSPECTOR: Can I ask you now: do you remember going out
12 on a patrol?

13 A. That -- the patrols don't really stick in my head. Like
14 I say, it was significant moments such as crossing the
15 border and that's as much as I can remember. I can
16 remember bits and pieces but not from patrols. The main
17 activity was in the police station. We did -- like
18 I say, the initial crossing of the border, that's when
19 the devastation was caused at the beginning. The guys
20 were picking bodies up as we were making our way through
21 the oil fields.

22 THE INSPECTOR: But you do not remember now any patrol that
23 you went out on or just the business of going out on
24 a patrol?

25 A. I remember getting into the vehicle and -- you know, the

1 day-to-day patrols that we went on.

2 THE INSPECTOR: Good. Well, that's fine. That's a start.

3 So you remember getting into a vehicle. Do you remember

4 any circumstance that then occurred? Did the vehicle

5 drive off, as you remember, anywhere?

6 A. Like I say, the patrols that we did, nothing

7 significant. That's why my memory doesn't really go

8 there. The significant moments were crossing the

9 border.

10 THE INSPECTOR: We've got that. Try if you would, please,

11 just to put yourself back into the position at Al Uzayr,

12 going out on a patrol. You remember a Pinz-gauer --

13 A. And a Wimmick.

14 THE INSPECTOR: -- and a Wimmick.

15 A. Yes, sir.

16 THE INSPECTOR: You remember some of the people in your

17 section who would have gone out with you?

18 A. Yes.

19 THE INSPECTOR: Do you remember being in a vehicle just

20 driving anywhere on one of these patrols?

21 A. You know, I remember the make-up of the section and the

22 vehicles and how it worked and I do remember, obviously,

23 patrolling in the vehicles.

24 THE INSPECTOR: You do? You remember patrolling in the

25 vehicles?

1 A. Yes, but you asked me if I remember anything
2 significant.

3 THE INSPECTOR: No, I am trying to help you go through
4 a mental process of recollection, which you have never
5 done before.

6 Now, just try and see how far we get. You remember
7 being on a patrol in a vehicle. What's the land or
8 terrain around you? Is it a road, are there buildings
9 or open spaces or what? Do you remember?

10 A. I remember the road that we used to use, because that
11 was a main route from Kuwait through Iraq.

12 THE INSPECTOR: That was the main route to Basra, where you
13 were. Is that right?

14 A. Yes, yes.

15 THE INSPECTOR: Good. Good, we're getting on. Do you
16 remember that that route to Basra was where you were
17 quite often patrolling?

18 A. Yes.

19 THE INSPECTOR: Do you remember ever carrying out or being
20 involved in a VCP on that road?

21 A. VCPs were formed on a daily basis with a patrol. That
22 was the idea of the patrol. The reason for these VCPs
23 was because of the looters who were pulling vehicles up
24 and then obviously killing the people in the vehicle and
25 taking everything in the vehicle.

1 THE INSPECTOR: That's why you were patrolling?

2 A. Yes, sir.

3 THE INSPECTOR: Do you ever remember now being on that road
4 patrolling and encountering any vehicle that you
5 stopped?

6 A. We did a lot of VCPs and we would have -- we will have
7 pulled people up to check the vehicles. That's
8 100 per cent. But I don't remember anything in
9 particular.

10 THE INSPECTOR: Just tell us, then, what generally would
11 have happened if you were stopping one of these
12 vehicles? Not any vehicle in particular, but what would
13 have happened generally, stopping the vehicle?

14 A. Well, the main reason for stopping these vehicles was,
15 like I spoke about, the looting, so we would be checking
16 for weapons in the vehicles. But you couldn't actually
17 confiscate the weapons. That was the silly thing. We
18 couldn't confiscation the weapons.

19 THE INSPECTOR: You had been told that, had you? You
20 couldn't confiscate the weapons?

21 A. No, you can't. That was the rule, because they are
22 allowed to obviously carry weapons over.

23 THE INSPECTOR: So you were told: "You can't confiscate the
24 weapons if you find any?"

25 A. Yes.

1 THE INSPECTOR: Right? Do you ever remember being on
2 a patrol when you found weapons and couldn't confiscate
3 them?

4 A. I remember there's -- nearly every vehicle has a weapon
5 with them. That's the truth. They all had -- because
6 they were scared for their own lives, I guess, a lot of
7 people at the time, because of the militia forces and
8 the looting.

9 THE INSPECTOR: I know it's a general recollection. It's
10 not meant to be specific. A general recollection of
11 being on patrol, with a vehicle which is being stopped,
12 very often with a weapon somewhere, either in the
13 vehicle or with the individual in the vehicle -- you
14 remember those features of being on patrol?

15 A. I wasn't personally a chatter at that time so I wouldn't
16 be the person searching the vehicle. But I remember the
17 talk around the battalion was that they're pulling
18 vehicles up on VCPs but they can't actually do anything
19 about the weapons in the vehicles.

20 THE INSPECTOR: That was to be my next question. In
21 general, you remember being on duty with the gun and
22 your arcs. Is that right?

23 A. Yes, sir, I can remember my position within the section,
24 you know, on a patrol.

25 THE INSPECTOR: Again, not specific, but do you have any

1 recollection of the occupants of a vehicle which had
2 been stopped in a VCP being out of the vehicle and being
3 questioned?

4 A. On a daily basis, VCPs occurred but I can't personally
5 pinpoint a moment where -- no, nothing stands out from
6 the rest, basically. There was a lot of VCPs. If you
7 go out on an eight-hour patrol, you probably do at least
8 ten VCPs.

9 THE INSPECTOR: Back to Mr Poole.

10 MR POOLE: The role that you had as the Mini-mi gunner, did
11 that mean that you always travelled in one of the two
12 vehicles that we've been talking about?

13 A. Some patrols were on foot, around the local village.

14 Q. As I understand your evidence about VCPs, they involve
15 two vehicles: a Wimmick and a Pinz-gauer?

16 THE INTERPRETER: Two vehicles?

17 MR POOLE: Yes. That is correct?

18 A. That's right, yes, in Iraq.

19 Q. So did you travel in one of those vehicles?

20 A. Yes, but like you said, it did alternate.

21 Q. So the Mini-mi could be mounted on either of those
22 vehicles?

23 A. No. As I explained before, there's a Pinz-gauer and
24 a Wimmick. A Wimmick has a turret which you can rest
25 your weapon on the top of. A Pinz-gauer has no turret.

1 It's just a carriage for carrying equipment, basically,
2 and troops.

3 Q. So do I take from that that if you were in charge of the
4 Mini-mi, you would travel in the Wimmick?

5 A. No. This is what I'm saying. It alternates between
6 a GPMG gunner and myself. So we did alternate now and
7 again where we sit. The GPMG gunner can go on top of
8 the Wimic, or I can go on top of the Wimic and take what
9 you call top cover.

10 THE INSPECTOR: I think what we would like to know is: when
11 you were on patrol, which you generally recollect, did
12 you get out of the vehicle to keep a look-out and do
13 your observation, or did you stay in the vehicle?

14 A. If I was top cover on top of the Wimic, I would stay
15 mounted on to the vehicle overlooking the full patrol,
16 basically. But obviously if I was -- if it was the
17 other person, who was the GPMG gunner, he would be on
18 top of the turret and I would be in the back of the
19 vehicle and I would demobilise from the actual vehicle
20 and watch my arcs basically.

21 MR POOLE: So the person in charge of the gun, whichever
22 type, would remain with the gun in the vehicle? What
23 about drivers of the vehicle? Do they remain in the
24 vehicle or do they get out?

25 A. They would remain in the vehicle.

1 Q. You have described, at paragraph 99 of your statement,
2 how in general terms a VCP was carried out. There must
3 have been occasions when a vehicle failed to stop at
4 a VCP. Do you have any recollection of any such
5 occasion?

6 A. No, I don't.

7 Q. Other than the training you received prior to deployment
8 to Northern Ireland and your experience of carrying out
9 VCPs in Northern Ireland, did you receive any training
10 on carrying out VCPs in Iraq?

11 A. That definitely won't have happened, no.

12 Q. Did you receive a briefing before going out on a patrol
13 that would conduct the VCP?

14 A. Because we were doing it on a daily basis, it was
15 literally a quick briefing before you set-off on your
16 patrol, but we all knew what we was doing the patrols
17 for.

18 Q. Presumably someone, though, made a decision where to
19 conduct a certain VCP on a certain day?

20 A. I don't think that was actually done. I think it was
21 done on the actual ground, where the section commander
22 wanted to do a rolling VCP, I guess, and he chose where
23 we were going to stop the vehicles.

24 Q. Would I be right, then, in saying decisions such as
25 whether to stop a certain vehicle would be taken by

1 section commander?

2 A. Yes. The section commander would, obviously, dictate
3 when the vehicles were going to stop.

4 Q. When you made your statement for the investigation -- at
5 paragraph 94, you're referring to Charlie fire team, who
6 you say normally travelled in the Wimic. That team
7 consisted of yourself, the section commander and S003.
8 Is that right?

9 A. (Pause) I've said that there but I cannot actually
10 clarify -- it's that long ago I can't even clarify that,
11 to be quite honest with you.

12 Q. So you are not clear that in fact those are the people
13 that would have been normally travelling in the Wimic?

14 A. Things will be changed on a daily basis.

15 Q. I want to ask you some questions now based on accounts
16 of what happened on 11 May 2003 given by other
17 witnesses.

18 Now, as you are aware, we're concerned with what
19 happened on Sunday 11 May 2003. The incident is likely
20 to have occurred in the late afternoon/early evening.
21 It involved the patrol stopping a white truck with two
22 Arab males in the driver and front passenger seats. The
23 vehicle was stopped because it had behaved suspiciously,
24 said to have performed an U-turn before a VCP.

25 Do you recall any incident that matches that

1 description?

2 A. No, I do not.

3 Q. Do you recall any incident where force was used to
4 remove people from a vehicle that had been stopped?

5 A. No, I don't.

6 Q. Do you recall any incident where civilians were injured
7 during a stop and search?

8 A. No, I don't.

9 Q. Have you ever assaulted anyone whilst on patrol?

10 A. No, I have not.

11 Q. To your knowledge, has anyone on your patrol ever
12 assaulted anyone whilst on patrol?

13 A. No.

14 Q. Now, you will have seen statements prepared by other
15 members of your patrol for the investigation.

16 S003, in his statement, says that he received
17 instructions from the section commander that the section
18 was to set up a VCP on highway 6 to search and locate
19 weapons coming over the border. He describes an
20 incident taking place on a road between Mahr Al Ez and
21 Al Ferka village, where he says a vehicle was stopped
22 and the occupants made to lie on the ground.

23 Do you recall any incident matching that
24 description?

25 A. No, I don't.

1 Q. S003 says this was the first time he had carried out
2 what he describes as a static VCP. If he is correct
3 about the date, 11 May, based on your experiences of
4 carrying out VCPs, could he be right that this was the
5 first static VCP that he was involved in?

6 A. Sorry, when was this?

7 Q. 11 May.

8 A. We was there for a lot longer before that. We would
9 have done a lot more patrols before that.

10 Q. He describes the two vehicles, the Wimic and the
11 Pinz-gauer. He says the section sat at the side of the
12 road, observing vehicles like a highway patrol. At one
13 point, he saw a vehicle that he considered to be
14 suspicious and was ordered by S001, the section
15 commander, to chase the vehicle.

16 Do you recall any incident that matches that
17 description?

18 A. Sorry, which soldier was ordered to chase?

19 Q. This is the account of S003, who describes being ordered
20 by S001, the section commander --

21 A. He's not a driver.

22 Q. Do you recall any incident where the driver, or merely
23 passenger in the vehicle, gave chase as described?

24 A. No, I don't.

25 Q. He describes stopping a vehicle and two men in Arab

1 dress being made to lie on the ground before then being
2 searched. He says one of the men he personally
3 searched. That man tried to get up and S003 forced him
4 back using his body weight. Do you recall any incident
5 matching that description?

6 A. No, I don't.

7 THE INSPECTOR: Anything like that?

8 A. No, definitely not.

9 THE INSPECTOR: Can I just ask you: you answered Mr Poole
10 when he was asking you about 11 May and this account,
11 saying to him that there had been many more patrols
12 before 11 May, or the time that Mr Poole was talking
13 about. Do you remember saying that?

14 A. Yes, I do, sir.

15 THE INSPECTOR: It puzzles me a little because when I was
16 asking you about patrols, you appeared to be telling me
17 that you had no memory at all about any number of
18 patrols. Do you remember telling me that?

19 A. Yes, I do, sir, yes.

20 THE INSPECTOR: Well, I'm puzzled. Can you save me from my
21 puzzlement?

22 A. Because 11 May, we'd been there for a good few months.
23 There would have been a lot of patrols before that.
24 Just from the timescale, I can say that, you know.

25 THE INSPECTOR: You can remember being on patrol many times

1 but nothing in particular you say about any of them? Is
2 that right?

3 A. That's right, yes.

4 THE INSPECTOR: After the patrol on 11 May 2003, do you
5 remember hearing that an allegation had been made that
6 somebody had been beaten and as a result died from what
7 took place on 11 May? Do you remember hearing that back
8 at base?

9 A. Yes, I do, sir, yes.

10 THE INSPECTOR: That wasn't long after the 11 May?

11 A. I can't be sure on times but ...

12 THE INSPECTOR: You remember, do you, your weapon or weapons
13 and your kit being taken away for inspection from you?

14 A. Yes, I do, sir.

15 THE INSPECTOR: You understood then, did you, that the
16 reason it was being taken away was for forensic
17 examination?

18 A. That's right, sir.

19 THE INSPECTOR: Were you puzzled by the fact that your
20 weapons and equipment had been taken away for forensic
21 examination?

22 A. Yes I was, sir, yes.

23 THE INSPECTOR: Did you ask anybody why that had happened?

24 A. I will have raised the question, no doubt.

25 THE INSPECTOR: You must have done.

1 A. Yes.

2 THE INSPECTOR: Do you remember what answer you got?

3 A. This is really difficult to remember. I can remember
4 having items of my clothing taken off me. I can't
5 remember what was said.

6 THE INSPECTOR: Do you remember now, without remembering the
7 detail, that you were told that it was alleged, or said,
8 that somebody had been beaten up?

9 A. I remember the military policeman coming for my clothes.
10 Again, I cannot remember what was said. It was said
11 between the platoon sergeant, I guess, and the platoon
12 commander and the -- sorry (to the interpreter).

13 THE INSPECTOR: Did you talk to any of your colleagues and
14 ask them whether they had had their weapons and kit
15 taken away?

16 A. It was all in the same police station, so they did it
17 all -- they took everybody's clothes at the same time.

18 THE INSPECTOR: Did you ask them: "Why is this happening?"

19 A. I will have done, sir, yes, but I can't actually
20 remember, you know, speaking about -- what was said.

21 THE INSPECTOR: Can you not remember now anything about the
22 explanation that was given or was around at that time as
23 to why this had happened?

24 A. I cannot recall a conversation that day. All I can
25 remember is what happened when they took my clothes off

1 me, my helmet off me, I think it was, and my boots.

2 THE INSPECTOR: You believe you must have discussed it with

3 your fellow section members?

4 A. I will have done, yes, sir, because we all got -- we all

5 got our kit taken off at the same time so we would have

6 spoke about it.

7 THE INSPECTOR: Can you not remember anything about the

8 outcome of such discussions that you must have had with

9 your colleagues?

10 A. No. It was -- we were just shocked, to be honest with

11 you. You don't expect for this to happen in the middle

12 of a warzone, you know, because we didn't know anything

13 about it.

14 THE INSPECTOR: Mr Poole.

15 MR POOLE: Do you recall the platoon commander or Sergeant

16 O'Brien speaking to you about an incident that happened

17 on patrol when back at camp?

18 A. They wouldn't have spoken to us about it if there was

19 anything to talk about.

20 Q. Sergeant O'Brien says he recalls one occasion when

21 a patrol returned to camp and he describes the members

22 of that patrol being, his words, "hyped up". Do you

23 have any comments on that?

24 A. I can't recall at this moment.

25 Q. The platoon commander, S010, says he noticed section

1 members seemed excited about something, as though
2 something had happened on patrol. He says he spoke to
3 the section collectively. Can you recall any occasion
4 when the section commander spoke to you all after
5 a patrol?

6 A. No, I don't remember that, no.

7 Q. I had described to you some of the evidence given by
8 S003 a moment ago. He also describes a large black dog
9 arriving and being shot during the incident involving
10 the two Iraqi males. Do you recall any incident
11 involving a dog being shot?

12 A. No, I do not.

13 Q. S002 gave an account to the Royal Military Police on
14 1 December 2003. He describes going out on patrol with
15 S001 and S004, chasing a vehicle into a village, two men
16 refusing to come out of the vehicle, being put on the
17 floor and him having to restrain one of them using an
18 arm lock. Do you recall any incident matching in
19 a description?

20 A. No, I do not.

21 Q. Were there any occasions where force had to be used to
22 restrain civilians?

23 A. No.

24 Q. So on no stop and search, as far as you can recall, did
25 any member of your section have to use force on any

1 civilian?

2 A. I can't remember that.

3 Q. S002 remembers seeing S001 using his helmet to hit one
4 of the men to get him on the floor. Did you ever see an
5 incident matching that description?

6 A. No.

7 Q. Did you ever see S001 use his helmet to strike anyone?

8 A. No. You wear your helmet at all times. You never take
9 it off.

10 Q. So would I be right in saying you have never seen anyone
11 in your section using their helmet in that way?

12 A. No.

13 Q. You have seen a number of statements prepared by Iraqi
14 witnesses. Do you have any specific comments that you
15 would like to make about those statements?

16 A. No, I do not, no.

17 Q. Is there anything else you would like to say to the
18 inspector or the family and relatives of Mr Abdullah?

19 A. No, I haven't.

20 MR POOLE: No further ...

21 THE INSPECTOR: Thank you Mr Poole. Thank you.

22 Now, Ms Al Qurnawi, I think we will take a break
23 now, all right?

24 MS AL QURNAWI: Okay, all right.

25 THE INSPECTOR: If there is anything --

1 MS AL QURNAWI: Do you mind --

2 THE INSPECTOR: Yes? What did you want to say?

3 MS AL QURNAWI: No, please go ahead, go ahead. We are

4 listening.

5 THE INSPECTOR: If there is anything you want to discuss

6 with your clients in this break, then do so and let me

7 know when you come back whether there is anything in

8 particular that you want to put to me which you want me

9 to investigate with this witness. I emphasise with this

10 witness. All right?

11 MS AL QURNAWI: Yes. That's clear.

12 THE INSPECTOR: Is that clear?

13 MS AL QURNAWI: Yes.

14 THE INSPECTOR: The next question is: I am very keen that we

15 should make this break as short as possible. For the

16 interpreter, this is very tiring. For everybody it's

17 fairly -- one might say it takes a bit of energy. Is 45

18 minutes enough? Is that all right?

19 So I will ask S006 to remain, namely not go away

20 until we come back. Do you understand? And we will see

21 whether Ms Al Qurnawi has any questions, and we will see

22 whether we have any further questions. But otherwise,

23 with luck, unless you are going to stay and listen to

24 further evidence, you should be at liberty to go. Do

25 you understand?

1 A. Okay, sir.

2 THE INSPECTOR: Thank you very much.

3 I don't know whether -- is Mr Mitchell still here?

4 (Man indicates he is)

5 I will deal with this in public. You have asked me

6 to provide you with, as it were, a list and the cipher

7 numbers against the list of names of those soldiers that

8 have now anonymity. Why do you want that?

9 UNIDENTIFIED MALE SPEAKER: Not the names next to the

10 ciphers; just a list of ciphers, so we know how many

11 anonymity orders are in place.

12 THE INSPECTOR: I see. You don't want revelation of the

13 names?

14 UNIDENTIFIED MALE SPEAKER: No, no, no.

15 THE INSPECTOR: That makes life a lot easier. You just

16 wanted to know how many cipher numbers there are?

17 UNIDENTIFIED MALE SPEAKER: Yes.

18 THE INSPECTOR: That can be provided to you by one of my

19 team without difficulty. Thank you. Thank you very

20 much.

21 MS AL QURNAWI: Sorry, just a second, Sir George. Is there

22 any chance to have the break, let's say, half an hour?

23 The family can't stay in Basra tonight and they have to

24 go back to Al Uzayr, which is about two hours away. We

25 are just concerned about the time, if anything can be

1 done about this. Now we have 4.30 in Basra.

2 THE INSPECTOR: We will make it half an hour. All right?

3 MS AL QURNAWI: Yes, please. All right, that's fine, thank

4 you.

5 (1.24 pm)

6 (The short adjournment)

7 (1.53 pm)

8 THE INSPECTOR: Good afternoon.

9 Good afternoon, Ms Al Qurnawi. Can you hear me,

10 Ms Al Qurnawi? No.

11 MS AL QURNAWI: Can you hear me now?

12 THE INSPECTOR: Can you hear me?

13 MS AL QURNAWI: Yes, I can hear you. Very well.

14 THE INSPECTOR: Good. Ms Al Qurnawi, do you have any

15 questions?

16 MS AL QURNAWI: No, Sir George, we have no questions other

17 than the questions you yourself and Tom have already

18 asked the witness.

19 THE INSPECTOR: Thank you very much.

20 MS AL QURNAWI: The only question I have, may I just know,

21 how long do you think this inquiry today will sit?

22 Because the family have to travel back ...

23 THE INSPECTOR: How much time do we have your end? When do

24 the family need to leave?

25 MS AL QURNAWI: Now is 5 o'clock. Give me just a second.

1 (Pause).

2 Sir George, they have about two to three hours
3 maximum.

4 THE INSPECTOR: Excellent. We will do it in that time.

5 Okay?

6 MS AL QURNAWI: Okay.

7 THE INSPECTOR: S006, Mr Poole has a couple of questions for
8 you.

9 MR POOLE: The impression we get from your evidence is that
10 as far as you were concerned, you were always in a
11 war fighting situation throughout the time you were
12 based in Al Uzayr. Is that correct?

13 A. That is correct, yes.

14 Q. Does it follow that vehicles stopped at a VCP might very
15 well contain enemy combatants?

16 A. Sorry, can you say that question again?

17 Q. Does it follow, if you're in a war fighting situation,
18 that vehicles that you stop at a VCP could contain enemy
19 combatants?

20 A. Yes.

21 THE INSPECTOR: Could you keep your voice up on that?

22 A. Okay. Yes.

23 MR POOLE: In that situation, would that inform how a VCP
24 was carried out?

25 A. It would still be the same what you have trained all

1 your life in. You would still know what to do if that
2 person was an enemy, I guess.

3 Q. If the occupants of a vehicle were asked to get out by
4 the chatter and refused, am I right that you would not
5 know at that stage whether they were civilians or enemy
6 combatants?

7 A. All through the war, the actual Iraq army never wore
8 uniform.

9 Q. So do I take it from that answer that even when the
10 people were out of the vehicle, you would still not be
11 sure whether they were civilians or combatants?

12 A. Depending on the behaviour, that's the only way we could
13 determine if --

14 Q. So having stopped a vehicle in that situation, the
15 occupants having refused a request to get out of the
16 vehicle, would force not have to be used in order to get
17 out of the vehicle?

18 A. People would generally get out of the vehicle if you
19 asked them to get out. There would be no reason to use
20 force.

21 Q. So generally, people would comply with a request? But
22 presumably there were occasions when people would not
23 voluntarily get out of a vehicle?

24 A. I can't actually remember a moment where they didn't get
25 out of a vehicle if we asked them to.

1 THE INSPECTOR: Do I understand you then to say that you can
2 remember people being asked to get out of the vehicle
3 and getting out of the vehicle?

4 A. I just remember the way a VCP is formed and I can't --
5 nothing stands out where anybody refused to get out of
6 the vehicle.

7 THE INSPECTOR: Can you remember occasions when they were
8 asked and did get out?

9 A. It's too long ago. It would just be speculating. If
10 I was to say that, I would be speculating. It's not
11 great.

12 THE INSPECTOR: If you were to put yourself in the position
13 of an Arab civilian in a vehicle which had been stopped
14 by your patrol, it could be, from their point of view,
15 quite a frightening experience. Is that right?

16 A. Yes, I think if somebody was to invade our country and
17 pull my family up or, you know -- I probably would be
18 scared myself, yes.

19 THE INSPECTOR: But putting yourself in one of those
20 vehicles which is stopped, there would be two vehicles
21 containing soldiers carrying arms, in vehicles which go
22 one at the front and one behind. Right?

23 A. Right.

24 THE INSPECTOR: You call him the chatter, but whoever it is,
25 the person who gets out along with the other person to

1 assist, they don't go up to the vehicle, do they, as you
2 remember it, behaving as though they're polite policemen
3 stopping you on the road in Yorkshire? I have chosen
4 Yorkshire for no good reason. But all right?

5 A. Right, yes. I guess it's different from that, yes.

6 THE INSPECTOR: And quite frightening. You're approached by
7 at least two men on foot who are armed with rifles and
8 they're no doubt shouting at you. They are not saying,
9 "Please get out"; they are no doubt shouting, and you
10 cannot speak the language, so you think "get out". Is
11 that right? Is that how it must have gone?

12 A. I can't personally remember that happening. It never
13 needed to get to that stage.

14 THE INSPECTOR: What, never needed to get to a shouting
15 stage?

16 A. I can't remember that.

17 THE INSPECTOR: All right. I feel bound to ask you
18 this: you faced a charge of murder some years back.
19 That is right, isn't it?

20 A. That's correct, sir.

21 THE INSPECTOR: You listened to evidence at that court
22 martial --

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

24 THE INSPECTOR: -- given by various witnesses from Iraq.

25 A. Yes, sir.

1 THE INSPECTOR: Before they gave their evidence, I would
2 assume that you were made familiar, by your solicitor,
3 with what was in their witness statement. Correct?
4 A. Yes, that would have happened, sir, yes.
5 THE INSPECTOR: So those years ago -- and it was quite
6 a number of years -- you had every reason to try and
7 remember what these witnesses were talking about.
8 A. Yes, sir.
9 THE INSPECTOR: Was your recollection better then than it is
10 now?
11 A. Of the witnesses' statements?
12 THE INSPECTOR: When you knew what it was that was being
13 said at that time many years ago, you must have asked
14 yourself: "Do I recollect anything like this?"
15 A. Yes, sir.
16 THE INSPECTOR: You were asked in extensive interviews about
17 the facts of this incident which is alleged to have
18 taken place on 11 May, weren't you?
19 A. That's right, sir, yes.
20 THE INSPECTOR: And for every good reason -- this is not
21 a criticism of you, because faced with a charge of
22 murder, you were entitled to take a certain position --
23 you made no comment.
24 A. That's right, sir.
25 THE INSPECTOR: What I'm asking you now is really whether

1 you now believe that at that time your recollection was
2 better than it is now.

3 A. It would have been clearer of the war. My memories
4 would have been clearer, but in terms of an incident,
5 I could not remember an incident that was anything to do
6 with this.

7 THE INSPECTOR: So what you're telling me now -- this is
8 important for me to know -- is that when you were being
9 asked in all those interviews, when you said, "No
10 comment", the position was the same? You had no
11 recollection of any such incident taking place; is that
12 right?

13 A. That's right, sir.

14 THE INSPECTOR: That was your recollection then --

15 A. That's right, sir.

16 THE INSPECTOR: -- and it remains your position now?

17 A. Yes, it does, sir.

18 THE INSPECTOR: Thank you. Thank you very much. Thank you.

19 A. Thank you, sir.

20 THE INSPECTOR: You can stand down, move back. As I say, if
21 you wish to stay, then obviously do, but if you want to
22 go, then you are free to go.

23 A. Thank you, sir.

24 (The witness withdrew)

25 MR POOLE: We will next take evidence from S004, please.

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S004 (called)

Questions by MR POOLE

MR POOLE: Good afternoon.

A. Good afternoon.

Q. If you could turn to tab 4 of the bundle in front of you, please. You should find there a statement dated 20 September this year.

A. That's correct.

Q. That's a statement that you have provided to this investigation.

A. Correct.

Q. That statement will stand as your evidence to the investigation, but I am going to ask you some questions on behalf of the inspector.

You have been sat in court whilst S006 has given his evidence. Is that right?

A. Yes, that's correct.

Q. I apologise, therefore, that some of these questions you have heard already. I am going to start with some questions about your early army career and the initial training that you received.

You enlisted in the army in 1998; is that right?

A. Yes, that's correct.

Q. We know and have heard evidence that the common training that all new recruits receive is split into two phases.

1 Starting, then, with phase one training, do I understand
2 that you underwent that at Lichfield?

3 A. Yes, I did.

4 Q. I think you say in your statement that was 12 weeks of
5 training; is that right?

6 A. That's correct.

7 Q. Briefly, could you tell us what that training entailed?

8 A. The sole purpose of phase one training is the transition
9 from a civilian to a basic soldier, not specialised in
10 any infantry or anything like that, literally just the
11 transitional period from a civilian to a basic soldier.

12 Q. Would I be right in saying it is competency-based
13 training?

14 A. With phase one training you will literally cover from
15 how to iron an uniform, how to have a shave, up to basic
16 personal weapon-handling skills, and that would be it,
17 yes.

18 Q. If we move, then, to phase two training which you
19 underwent at Catterick. You say in your statement that
20 that was an 18-week course. Is that right?

21 A. That's correct.

22 Q. The difference between phase two training and phase one
23 training, please?

24 A. Well, phase two training, that is when you go to your
25 specialised choice of role within the military.

1 Everybody, from a chef to an infantryman and everyone
2 else, everybody has to complete phase one, and it's
3 all -- although you may be trained by different cat
4 badges, it's all the same training syllabus.

5 Once you get to phase two then it becomes more
6 specialised within whichever role you have chosen to go
7 in. So it will be more -- say, for the chefs, you would
8 be going and doing your learning how to cook, whereas
9 with us it was more sort of extensive weapon training
10 and increased level of personal fitness.

11 THE INSPECTOR: S004, can you just alter your body language.

12 I know Mr Poole is asking the questions but you have the
13 interpreter there, hungry to pick up your answers, and
14 if you are not conscious of where he is, you perhaps
15 will go on for too long without giving him a chance.

16 A. Apologies.

17 THE INSPECTOR: So you have two arcs. You've got that arc
18 and that arc. (indicated)

19 MR POOLE: There came a time, obviously, when you joined the
20 3rd battalion parachute regiment?

21 A. That's correct.

22 Q. When was that?

23 A. That was early -- sort of the first part of 1999.

24 I can't remember the exact month, but ... in fact, no,
25 sorry, probably about the summertime. So about -- by

1 mid-1999.

2 Q. You undertook three tours in Northern Ireland with
3 3 para. I want to ask you some questions now about the
4 training that you received prior to being deployed to
5 Northern Ireland.

6 Before your first deployment, can you recall the
7 predeployment training you received?

8 A. Yes, I can.

9 Q. We have heard reference by S006 to that taking place at
10 Lydd. Is that the same for you?

11 A. The training we did would have been slightly different.
12 When I first went to Northern Ireland, it was under
13 a completely different -- it wasn't the Terrorism Act;
14 it was the Northern Ireland Emergency Provisions Act.
15 It was the training team that delivers it, was
16 specifically Northern Ireland based, Northern Ireland
17 orientated training, rather than the OPTAG which
18 previous witnesses referred to.

19 So although the elements are going to be the same,
20 it would have been a lot more Northern Ireland specific.

21 Q. So would I be right in saying --

22 (Power cut in Basra)

23 MS AL QURNAWI: Hello?

24 THE INSPECTOR: Hello.

25 MS AL QURNAWI: Can you hear us?

1 THE INSPECTOR: It looked as though you had a power cut.

2 MS AL QURNAWI: Yes, yes, exactly, it is what happened.

3 THE INSPECTOR: Okay.

4 MS AL QURNAWI: Yes, please go ahead.

5 MR POOLE: Would I be right in saying, then, that you would

6 have received infantry training and then specific

7 training for deployment in Northern Ireland?

8 A. The infantry training wasn't part of the Northern

9 Ireland training, no.

10 Q. We are specifically interested in training on vehicle

11 check points. Did you receive such training prior to

12 being deployed in Northern Ireland?

13 A. Yes, I did, yes.

14 Q. We have heard evidence from S006 that that was at

15 platoon level. Was that the same in your experience?

16 A. My first tour of Northern Ireland was actually a full

17 battalion deployment so we had centralised,

18 battalion-sized briefings, followed then by sort of

19 lower level company or platoon level reinforcement

20 training of it. But initially it would be -- the first

21 brief was at battalion level.

22 Q. Could you describe how you were taught to carry out

23 a VCP in Northern Ireland?

24 A. There's a few different types of VCPs, from your vehicle

25 VCPs to what's referred to as eagle VCPs, which is

1 helicopters.

2 THE INSPECTOR: Could you confine it to vehicle VCPs.

3 A. Yes, sir. Yes, a VCP doesn't need to be -- a VCP can
4 simply be two people stopping a car. It doesn't have to
5 have a full ...

6 Q. If a VCP was carried out by a platoon, how are you
7 trained to conduct such a VCP?

8 A. With a full strength platoon and best case scenario, you
9 have three sections within the platoon. If it was in
10 a platoon VCP, all this would come under the command of
11 the platoon commander. He would then direct the -- all
12 three relevant section commanders to take, for
13 argument's sake, one section off and act as a left
14 cut-off, two section as a right cut-off, and then three
15 section, for argument's sake, would be the chatter, the
16 actual section sort of stopping the vehicles.

17 Would you like me to go into the roles within the
18 sections, as in the cut-offs and ...?

19 Q. Yes, if you could, and if you could perhaps focus on the
20 role in, as you described, the third section,
21 ie. chatter.

22 THE INSPECTOR: Would it help, Ms Al Qurnawi, if the witness
23 was more loud and came closer to the microphone for you?

24 MS AL QURNAWI: No. We can hear it very well. Our problem
25 is just with the camera because of the power cut, but it

1 seems now it's being sorted so please continue.

2 THE INSPECTOR: Okay.

3 MR POOLE: So if you could describe the various roles but
4 perhaps focus on the section that is acting as the
5 chatter.

6 A. Okay. Well, briefly, the cut-off roles -- as I know you
7 have already heard today, it's the protection of the
8 main element of the VCP. So they would, in essence,
9 provide a 360 degrees cover around the VCP with
10 overlapping arcs amongst these members of the section,
11 as well as they can provide like an early warning system
12 for vehicles coming in to us to give us a heads-up what
13 vehicles are coming. They'll let us know the main
14 section on the radios of what's coming ahead.

15 The primary role of the section actually stopping
16 the vehicles -- there is no set formation, as it were.
17 The ground will always dictate how and where you will
18 place your men.

19 Once the VCP has been laid out in however the ground
20 would dictate the most optimum way to stop the vehicle,
21 we would then stop the vehicle and question the driver
22 in the vehicle, the occupant in the vehicle.

23 At this stage in Northern Ireland, you would, nine
24 times out of ten, always have an RUC or PSNI member with
25 you who would then actually take over anyway.

1 Q. So someone within the section would be --
2 (Power cut in Basra)
3 Someone within the section would be tasked with
4 opening the dialogue with the vehicle?
5 A. Again, if -- that would be the case if we didn't have
6 a local police force with us.
7 Q. So am I right, then, in saying the interaction with the
8 vehicle, once it's been stopped by the section, was
9 really left to the RUC?
10 A. That's correct, yes.
11 THE INSPECTOR: Can you hear, Ms Al Qurnawi?
12 MS AL QURNAWI: Yes, we can hear you, but we cannot see you.
13 But again, it's fine (breaking up).
14 THE INSPECTOR: Okay. We'll go on then.
15 MS AL QURNAWI: Okay. Yes, go on. We can hear you very
16 well.
17 MR POOLE: Am I right in saying these VCPs were foot
18 patrols?
19 A. No. I was told to concentrate on vehicle patrols.
20 Q. Sorry, I thought you meant stopping of vehicles. So you
21 are talking about using vehicles in the actual stop?
22 A. Again, the elements of it are very similar, whether you
23 have a vehicle with you or not. Obviously if you have
24 vehicles you will always utilise them because they're
25 a much better stopping force than a person for --

1 THE INSPECTOR: I am just thinking of time, Mr Poole. It
2 may be possible to see the difference between Northern
3 Ireland and Iraq by just considering one or two
4 questions. In Northern Ireland, the chatter, or the
5 front man, was going to be from the RUC or PSNI. Is
6 that right?

7 A. That's not entirely correct, sir, no. He would
8 accompany the chatter but there always would be
9 a military chatter just in case we didn't have PSNI with
10 us.

11 THE INSPECTOR: Why were the PSNI or the RUC there at all?

12 A. A lot of the time they are local police officers from
13 the local areas so they knew -- we would only be there
14 for six months at a time. They would know the
15 personalities. They would know who the people of
16 interest are and what vehicles they were driving. They
17 had local knowledge, which always helped.

18 THE INSPECTOR: Were you ever the chatter in Northern
19 Ireland?

20 A. Not on my first tour, but after that, that was my
21 primary role, yes, sir.

22 THE INSPECTOR: Were there occasions when you were the
23 chatter when the driver would not get out of the
24 vehicle?

25 A. My honest recollection, I always -- we always had PSNI

1 with us so they always dealt with it. I was purely
2 there running play checks, and I would speak to other
3 people in the vehicle. But no, I never had anything
4 like that.

5 THE INSPECTOR: So there were occasions when somebody didn't
6 get out of the vehicle. Is that right?

7 A. Yes. Well, there were occasions there would be
8 arguments with the PSNI. Part of our training, though,
9 was always being aware of PR traps and they would
10 quite -- they very quickly could escalate from somebody
11 threatening to -- not getting out of the car, a few
12 phonecalls and then you have a crowd, be it PR traps for
13 cameras, or could quickly escalate to public order as
14 well.

15 THE INSPECTOR: A PR trap is ...?

16 A. That would be somebody being awkward, trying to gauge --
17 or trying to get a reaction out of a soldier that wasn't
18 quite sure of his training that they could then capture
19 on camera and use for propaganda purposes.

20 THE INSPECTOR: What I am interested in is whether, when you
21 went to Iraq, you had any personal experience of having
22 to get a person out of a vehicle who was reluctant to
23 get out.

24 A. During my time in Iraq, the most it ever got
25 escalation-wise would be shouting and then they would

1 always get out of the car.

2 THE INSPECTOR: So when you got to Iraq, you were a chatter?

3 A. That's correct, yes.

4 THE INSPECTOR: But on every occasion that you remember, you
5 were able to persuade somebody to get out of the vehicle
6 by sounding ferocious rather than by doing anything?

7 A. The majority of my experience with the locals was they
8 were all very happy to comply because they had nothing
9 to hide. So yes, that was fine.

10 THE INSPECTOR: Mr Poole, can you pick that up? Are we
11 ready to go to Iraq?

12 MR POOLE: Yes. You deal with predeployment training for
13 Iraq in your statement. You describe the three-week
14 training in the Brecon Beacons. Am I right that the
15 emphasis on that training was to prepare you for a war
16 fighting situation?

17 A. That was the sole reason for being in Brecon Beacons,
18 was war fighting training, yes.

19 Q. We know you were deployed to Kuwait in February
20 or March 2003. You received some acclimatisation and
21 in-theatre training there.

22 In terms of rules of engagement, were you familiar
23 with the white card or card alpha?

24 A. I was familiar with the yellow card. For me, the white
25 card was always the rules of engagement for the

1 battleground in Northern Ireland, not Iraq.

2 Q. Just to be clear, you were familiar with the yellow card
3 that you were issued with in Northern Ireland?

4 A. That's correct.

5 Q. And when you were deployed to Iraq, what did you
6 understand about the rules of engagement in Iraq?

7 A. I don't ever recall any formal lesson or brief on it.
8 The only thing that was ever sort of mentioned in
9 training was: "This is not peacekeeping; this is a war
10 fighting operation we're training for."

11 During Northern Ireland, or whenever we came under
12 the yellow card, we always had to have one in our
13 possession. Every soldier had to have a Fabloned -- a
14 waterproofed -- yellow card in their top left pocket.
15 So -- we didn't have that when we were in Iraq.

16 Q. Others in your section refer to the white card or card
17 alpha. To summarise your evidence, you can't recall
18 being issued or having on your person at any time the
19 card alpha or white card?

20 A. No.

21 Q. Tell us, if you can, what you understood to be the
22 difference between the peacekeeping role in Northern
23 Ireland and the war fighting role you were performing in
24 Iraq?

25 A. The peacekeeping role in Northern Ireland -- in my view,

1 we were almost just an extension of the police force.
2 It was more things like making sure diesel was not being
3 brought from southern Ireland to Northern Ireland,
4 counterfeit DVDs, and just -- almost petty crime in some
5 ways, as well as obviously the risk of terrorism as
6 well. But Northern Ireland was an extension of the
7 police force, whereas with the war fighting in Iraq, we
8 had weapons we'd never seen before coming out just
9 before, radios we'd never had just before. We were told
10 we were going and aiming -- or -- aiming, or preparing
11 to go and fight a competent enemy.

12 But again, just for clarification, this was only
13 ever said during -- like before we went on fitness, or
14 more as a sort of motivational talk for prepping us for
15 the -- before we do live firing ranges or fitness down
16 in Brecon. This wasn't a formal brief.

17 Q. When it came though to the actual crossing of the border
18 into Iraq, before that happened, presumably you were
19 briefed on what you were about to do when you crossed
20 the border?

21 A. To my understanding, our role, once we had crossed the
22 border, was to go and secure the GOSPs, the gas/oil
23 separation plants.

24 Q. Having achieved that, you then moved to Al Uzayr?

25 A. We spent a ... maybe a few weeks -- I cannot be sure on

1 the exact time frames -- around the GOSPs, the gas/oil
2 separation plants, and then we reformed, as it were, as
3 a battalion, in a place called Camp Condor. I believe
4 this to have been an old Iraqi base because they had
5 weapons storage facilities there. Whether it was
6 an airfield or an army camp, I am not too sure.

7 And that's where the battalions formed more on
8 a sort of permanent base. After a few weeks there, then
9 is when we moved to Al Uzayr as a platoon.

10 THE INSPECTOR: Did you know why you were sent up to

11 a forward base at Al Uzayr? Did you know the reason?

12 A. I wasn't given a formal reason why. For me, I assumed
13 it was occupying the ground, sort of the extending -- we
14 couldn't stay in one place. Extending the reach,
15 providing security but ...

16 But again, that's something that, again, we will
17 come up with rather than being officially briefed: "This
18 is what's going on."

19 MR POOLE: You were based at a former police station in

20 Al Uzayr; is that correct?

21 A. There was talk it was a police station or a Ba'ath party
22 building. I don't think anyone was truly sure what it
23 was.

24 Q. Can you assist us with the timeframe, how long you spent
25 at Al Uzayr?

1 A. I would say it was a few weeks. I wouldn't go as far as
2 to say it was a few months, but in all fairness, by then
3 every day, week, was -- our day was split down into
4 a rotation, you know. It was -- you didn't really have
5 a set "Oh, today is Tuesday", so timeframe almost sort
6 of went out the window for us. We were at work until we
7 went home.

8 Q. As I understand it, the day was split into three eight
9 hour shifts; is that right?

10 A. I believe so, yes.

11 Q. One of those eight hour shifts would be the patrol
12 shift?

13 A. That's correct, yes. That's not necessarily saying we
14 were patrolling for eight hours. That would just mean
15 you could go out -- you may go out for a one-hour
16 patrol, you may go out for a half-hour patrol or not.
17 But that was your section's tasking for that eight
18 hours.

19 Q. Whilst you were at Al Uzayr, did you understand the
20 war fighting phase to have ended at any point?

21 A. I've got no recollection at all of ever being told the
22 war fighting phase was over. Gradually -- the only,
23 I suppose, indication possible was our posture. We
24 would change from helmet to berets. But again, I can't
25 say whether that was because of comfort, because it was

1 a lesser threat -- I don't know.

2 THE INSPECTOR: You were in the village or close to the
3 village of Al Uzayr, were you?

4 A. That's correct, yes.

5 THE INSPECTOR: So you were close to civilian life in the
6 village?

7 A. There was a residence directly across the road, yes. We
8 had a houses within a stone's throw.

9 THE INSPECTOR: Can you help us as to what you saw as your
10 relationship with the village and the people who may be
11 around it? Because you say it was always a war fighting
12 front, but there you were in the middle of a civilian
13 settlement.

14 A. As I had also said as well, my encountering with the
15 local population, nine times out of ten was always fine.
16 If anything, they were nice to us because they needed
17 stuff from us, be it assistance with helping them get
18 power back on, medical attention ...

19 So, yes, we were never told that no, this isn't war
20 fighting, but as a decent person, if there's no threat
21 then you're going to -- as a soldier, whoever, you will
22 sort of bring back your posture slightly because there's
23 no point, in my eyes, in intimidating locals. You are
24 not going to achieve anything there.

25 THE INSPECTOR: But did you have a different attitude when

1 you were on the road? Was it the A6 or route 6? Did
2 you have a different attitude on that road when you were
3 on patrol than when you were in the village in the base?

4 A. In any situation, to a certain extent, you will adapt to
5 the situation around you. So if you're in a situation
6 that called for a more aggressive-looking posture then
7 you would change that to deescalate.

8 If you were the local -- for argument's sake, the
9 local across the road bringing us bread, which they did
10 frequently, then we will be at as soft a posture as we
11 could about whilst maintaining professionalism.

12 THE INSPECTOR: When you were patrolling on the road, you
13 were, what, carrying out, as you saw it, a war time
14 function or what?

15 A. Officially, it felt like -- then, no, we would just
16 dominating the ground. We were showing a presence,
17 again, almost then an extension of a police force but
18 not, because there wasn't one in place.

19 MR POOLE: Before I ask you some general questions about the
20 patrols that you went on, I just want to better
21 understand the section.

22 The platoon commander, S010, at this time platoon
23 sergeant, was Sergeant O'Brien, the section commander
24 S001, and then the private soldiers you describe are
25 S004, yourself, S006, S002, S005 and S007. Is that

1 right?

2 A. That's correct.

3 Q. How well did you know the other private soldiers in your
4 section?

5 A. S003, 5 and 6 were all members of my platoon. S002 and
6 7 were in different platoons within the battalion, so
7 I knew their names, knew their faces, but nowhere near
8 as much as I knew the others.

9 Q. You were the most senior private soldier in your
10 section; is that right?

11 A. That's correct.

12 Q. Does it therefore follow that you would be the person
13 reporting to the section commander?

14 A. I was the second in command. I was the 2ic, only acting
15 because I had never actually done the drilling duties,
16 the command course. So I didn't have the rank but
17 I assumed the position, being the most senior private
18 there.

19 Q. What was your relationship like with the section
20 commander?

21 A. I respected him as a soldier and a commander, due to his
22 experience and his levels of professionalism, as well as
23 getting on with him on a personal level.

24 Q. The platoon sergeant, Sergeant O'Brien, what was your
25 relationship like with him?

1 A. Sergeant O'Brien actually comes from a different cap
2 badge all together. He was only with us on an exchange.
3 So I didn't know him before he came to the platoon.
4 However, personally, and a general consensus amongst the
5 platoon was he was a highly respected man.

6 Q. What about the platoon commander, S010?

7 A. My personal opinion of him is ... I didn't really
8 respect him. I found him a very weak leader. He didn't
9 command the respect of any of the -- that wasn't just
10 a personal -- that seemed to be a general thought. But
11 I can only obviously speak for myself.

12 Q. The section commander we know would come out on the
13 patrol with the section. That is right, isn't it?

14 A. Most of the time. There was the odd occasion that he
15 didn't.

16 Q. On an occasion when the section commander would be on
17 patrol with the section and something noteworthy
18 happened on that patrol, how would that be reported back
19 to the platoon?

20 A. One point just to clarify on that I don't want to
21 mislead in any way -- the only time he wouldn't be there
22 would be admin runs. So if I was going back to
23 Camp Condor, then sometimes he wouldn't come, but actual
24 patrols he would be with us.

25 But as with any patrol, you would always radio

1 back -- it doesn't even have to be if anything happened.
2 You would regularly do it to let people know your
3 location, because for argument's sake, if all of
4 a sudden we went missing, they would have an idea of
5 where to start looking for us from.

6 Q. Would there be, for example, any discussion between
7 yourself and the platoon sergeant?

8 A. Is this on a patrol?

9 Q. This is: the section has been out on patrol, something
10 has happened that is worthy of reporting, whether you
11 would speak to Sergeant O'Brien about that.

12 A. So we're talking about once we are back at the base now?

13 Q. Yes, because presumably Sergeant O'Brien is not with you
14 on patrol; he would be at the base. You would return to
15 base. Would there, in those circumstances, be dialogue
16 between yourself and Sergeant O'Brien?

17 A. If I felt, as the commander on the ground, or as
18 an acting NCO, anything needed reporting, then yes, of
19 course it would be.

20 Q. The reference you make to radio logs -- I would just
21 like you to look at tab 8 of the bundle, please. As we
22 understand it, this is a record of radio communications
23 from 11 May 2003. Are you familiar with this type of
24 document?

25 A. I've seen this type of document before many times, yes.

1 Q. Can you assist: looking at the information here, who
2 would be completing this document? In other words, is
3 this at camp or is this sort of, as it were, on patrol?

4 A. This to me looks like it was from on camp. This looks
5 like an A4 book, this sort of size (indicated), which
6 you wouldn't take on the ground.

7 Q. If you go to the bottom of this document and you work up
8 four entries, you see an entry timed at 17.51. There's
9 a call made from call sign D21C to D20. The text is:

10 "Vehicle avoided VCP."

11 Are you able to assist, by reference, if necessary,
12 to the cipher guide and the S0 numbers, with the call
13 signs that we see being used there?

14 A. I couldn't say with any form of certainty. I can say
15 what it should be but I couldn't say with any sort of
16 certainty exactly, no.

17 Q. D21C; does that indicate someone that's second in
18 charge?

19 A. No.

20 Q. You said you could perhaps indicate generally what you
21 would expect to see. Looking at that entry at 17.51, in
22 your experience, what is that telling us?

23 A. That tells me D20 is the person filling the log in, and
24 between every section you will have two call signs,
25 because only two of you in the section have radios that

1 can make it back, and that's the two commanders. So the
2 call signs would be for that section D21C or D21D, D21C
3 being the commander of Charley Fire team, so the overall
4 section commander, and D21D would be the commander of
5 Delta Fire team, which will always be the section 2ic.

6 Q. So that entry, D21C, for your section, that should be
7 S001?

8 A. As long as everything was running correct, then yes.

9 Q. So this, on the face of it, 17.51, is S001 reporting to
10 camp that a vehicle has avoided VCP?

11 A. Potentially, yes.

12 Q. Then at 18.10, reporting:

13 "Checked two passengers (?). Nothing found. Let
14 go."

15 A. "Check two packs (?). Nothing found. Let go."

16 That's what it says, yes.

17 THE INSPECTOR: What's the entry above, 18.05, to D20 again,
18 from, it would seem, if right, S001? Is that RCR or ...
19 how do you read that?

20 A. I would read that, sir, as "radio check okay".

21 THE INSPECTOR: Thank you.

22 MR POOLE: Some general questions then about going on
23 patrol. What would you wear on patrol?

24 A. You would go out -- every time you went out on the
25 ground, you went out in what's called full scales. So

1 we would have full uniform, body armour, webbing with
2 our ammunition and water and everything in it, as well
3 as a day-sack with warm kit, waterproofs. Any soldier
4 should be able to live out of his kit for at least
5 24 hours with all he has on the belt, and that's what we
6 go on the ground with every time.

7 Q. In terms of weapons, you were issued with a rifle?

8 A. That's correct, yes.

9 Q. When you went out on a patrol to effect a VCP, two
10 vehicles would be used, as I understand it: a Wimic and
11 a Pinz-gauer?

12 A. That's correct.

13 Q. Did certain people within the section have set roles,
14 for example, a driver or a gunner?

15 A. Only the drivers drove the vehicles.

16 Q. Are you able to assist us, by reference to the S0
17 numbers, with who the drivers of the section were for
18 those two vehicles?

19 A. The Wimic was S002 and the Pinz-gauer was S007.

20 Q. That was always the case, was it?

21 A. They were the two rigid slots. You mentioned the
22 gunners. We had two gunners in the section. We had the
23 general purpose machine gunner, which is a higher
24 calibre, higher rate of fire, bigger weapon, and then
25 you had the -- what was referred to at the time as the

1 Mini-mi. Because as I said earlier on, it was a new
2 weapon we had just been given for the tour, so no one
3 really knew -- actually now it's called the LMG, the
4 light machine gun.

5 That weapon has the features of the GPMG but only
6 fires a smaller calibre, the same as our rifles. But
7 because it had a higher rate of fire, we would always
8 have one of the gunners being what we call top cover, so
9 stood up through the turret in the Wimic. So to cut
10 down on fatigue we would rotate them two around.

11 Q. So on the Wimic, at any one time there would either be
12 a GPMG gunner or a Mini-mi gunner?

13 A. That's correct.

14 Q. And no gunner on the Pinz-gauer?

15 A. The other gunner would be in the Pinz-gauer, but the way
16 the Pinz-gauer is -- there's no sort of firing post, as
17 it were, through it. You would just be sat in the back
18 as a passenger.

19 Q. Again, by reference to the S0 numbers, can you assist
20 with who was designated to fire the GPMG?

21 A. I believe it to be S005.

22 Q. And the Mini-mi?

23 A. Again, I believe that to be S006.

24 Q. Would it be wrong to say that every time the Pinz-gauer
25 went out on patrol, S007 would be driving it?

1 A. No, I think that would be accurate. That wouldn't be
2 wrong.

3 Q. In terms now of VCPs, you were the chatter. There were,
4 in my understanding, two types of VCPs: a static stop
5 and a rolling stop VCP. Is that right?

6 A. From what I recall, yes.

7 Q. Dealing with a static VCP first, when a vehicle is
8 stopped, am I right in saying that the drivers of the
9 Wimic and the Pinz-gauer remain in their vehicles?

10 A. Yes, either in or as in door open but stood right next
11 to it. They can reach the steering wheel with their
12 hand -- arm's reach, yes.

13 Q. Whatever weapon is mounted on the Wimic, that gunner
14 will also remain with that weapon; is that right?

15 A. Not necessarily, no. That will be section commander's
16 discretion on the ground, and the ground will dictate
17 the optimum position to put the gunner in with giving
18 him protection but also being able to give us cover.

19 Q. S006 gave a very rough estimate of the number of VCPs
20 that he was involved in whilst based at Al Uzayr,
21 whether static or rolling. So in terms of number of
22 vehicles that you have stopped, how many VCPs were you
23 involved in in Iraq?

24 A. I honestly would not have a clue.

25 Q. In a typical eight-hour shift that involved patrolling,

1 would you always effect at least one VCP, for example?

2 A. Again, typicals are very ... if there was -- we could go
3 out doing a patrol and not see anybody, so there would
4 be no point. It was ... I can't recall ever going out
5 and not doing one, but I cannot recall ever going out
6 and doing five. I just genuinely don't know.

7 Q. Regardless of the regularity, to the best of your
8 recollection, how many VCPs? Was it a handful or was it
9 one hundred, somewhere between?

10 A. As I say, I really wouldn't like to guess a number
11 because it truly would just be a guess. It would.
12 I have taken part in some but as I have said -- I can't
13 say I haven't done any but I really wouldn't like to
14 guess about it.

15 Q. Presumably there were occasions when a vehicle failed to
16 stop at a static VCP? Do you recall any such incident?

17 A. No.

18 Q. So as far as you're concerned, all the VCPs you were
19 involved in were static VCPs?

20 A. No, I don't recall saying that. Yes, we did both --
21 a rolling VCP would be if you are just driving down the
22 road and you stop one. A static one would be -- it
23 makes more tactical sense for the majority of VCPs to be
24 rolling VCPs because you don't want to be in one place
25 for too long.

1 Q. But you never encountered at all an instance of
2 a vehicle failing to stop at either a static or
3 a rolling VCP?

4 A. No.

5 THE INSPECTOR: So that entry in the log doesn't mean
6 anything so far as you're concerned?

7 A. It means nothing to me at all.

8 MR POOLE: You earlier said and described being in a
9 war fighting situation and that continuing, as far as
10 you can recall, throughout your time at Al Uzayr. So it
11 follows that any vehicle stopped during a VCP, as far as
12 you and your section are concerned, might very well
13 contain enemy combatants?

14 A. Any vehicle you stop could, yes.

15 Q. Therefore, if stopped and the occupant refused to get
16 out of the vehicle, would the priority be to get those
17 occupants out of the vehicle?

18 A. Again, now we're talking purely hypothetical. Yes, you
19 would get -- try and find some way to get a dialogue
20 with them, and if they weren't complying, of course you
21 would. But again, that's just -- that's training. That
22 would be a hypothetical situation.

23 Q. In terms of, though, training for that hypothetical
24 situation, were you trained how to physically remove
25 someone from a vehicle?

1 A. No.

2 Q. What level of force do you say could be used in that
3 hypothetical situation?

4 A. Well, again, you would use the minimum force you would
5 need to achieve your aim. If, when they said no, we
6 just let them go and just let them carry on, it would
7 defeat the object of a VCP. So you would need -- sorry.

8 Q. If you then have to effect a search of the occupants of
9 that vehicle, how do you do that?

10 A. I wasn't a searcher as such. Again, going back to
11 Northern Ireland scenario, there were searches, so
12 I cannot give you a book answer, but you would just --
13 you would search somebody. If you had the hoodlum, it
14 would be like the wand they use in the airports. Then
15 you would sort of wand that over them to see if there
16 was anything.

17 But again, I don't know if I was just lucky or what,
18 but the locals knew the drill. The minute you stopped,
19 they would start -- they would lift -- they would lift
20 the clothes and turn, so you've already seen they are
21 not carrying anything. They would do it as a matter of
22 course anyway, nine times out of ten.

23 THE INSPECTOR: Could you just look at paragraph 19. Just
24 run your eye down paragraph 19. (Pause)

25 You have gone over the page, have you, to 34 now?

1 A. I have, sir, yes.

2 THE INSPECTOR: I don't want to misunderstand you, which is
3 why I have drawn your attention to this. It may be that
4 I have misunderstood you, but I am unable at the moment
5 to reconcile what you've been saying about your
6 recollection of VCPs when on patrol and what you are
7 saying in this paragraph.

8 A. I remember this incident now. Now I've read it, yes,
9 it's ...

10 THE INSPECTOR: So that everybody understands what I'm
11 endeavouring to clear up with you, I had understood your
12 recollection to be that happily you had never
13 encountered a local who hadn't done what you asked him
14 to do, namely get out of a vehicle. That's what I had
15 understood you to say this afternoon. But that doesn't
16 seem to tie in with what we're reading here, does it?

17 A. It doesn't, sir, no. This event I actually -- I do
18 remember. I had forgotten this event, but yes.

19 THE INSPECTOR: It is one event, is it?

20 A. It's the one -- it's one specific event I can remember,
21 yes.

22 THE INSPECTOR: Go back to the previous page and pick up
23 the paragraph where it reads:

24 "On some occasions when vehicles were stopped,
25 physical force was sometimes necessary to effect

1 compliance with orders in order, for example, to effect
2 a search."

3 Then over the next sentence:

4 "When a vehicle was stopped and the driver or
5 occupants were told to get out of the vehicle, and if
6 they then did not comply, they might then be pulled
7 physically from the vehicle."

8 Now, is that something which, in fact, you recollect
9 took place on more than one occasion? It may not have
10 been you doing it, but do you recollect on more than one
11 occasion people were having to be removed from a vehicle
12 because they had not complied?

13 A. Yes, sir. The bit you read out then, I'm generally
14 talking. Yes, there will be times people won't -- so
15 they may have to be pulled out. But that's
16 a generalisation. What I was on about with the specific
17 incident was -- the bit further down with the AK47 close
18 to him. That's when I meant when I said the specific
19 incident.

20 THE INSPECTOR: Going back to the first part of my question,
21 when you were on patrol with your colleagues, as we see
22 here, do you recollect there being occasions when it
23 wasn't you who asked the driver or the passenger to get
24 out but one of your fellow soldiers had had to get
25 somebody out?

1 A. Well, with that one, sir, nine times out of ten it would
2 have been me being the chatter. So it would have been
3 me converting(sic) with them.

4 If it wasn't, I would have been doing something
5 else, so I can't in all honesty sit here and say it
6 definitely didn't happen and I didn't see it, but
7 I cannot say it did either, because I would have been
8 concentrating on what I was doing, which would have
9 stopped me being the chatter, if that makes sense.

10 THE INSPECTOR: Not quite. You see, it may be my fault but
11 I have to clear this up. You seem to be saying in this
12 paragraph, from your own experience of being present on
13 such an occasion, that on occasions, people were told to
14 get out of the vehicle, they did not comply and they
15 have been pulled out. That's what you appear to me to
16 be saying.

17 A. That may be poorly worded on my part then, sir, to be
18 honest.

19 As I say, generally talking, then there's going to
20 have been times -- I'm sure it happened -- where people
21 were pulled out, yes. That's just speaking generally.
22 But I stand by what I said earlier on: nine times out of
23 ten, I had compliant locals so ...

24 THE INSPECTOR: You have a gun with you.

25 A. Yes, sir, I do.

1 THE INSPECTOR: You have a helmet on. You've got a pack on
2 your back.

3 A. Yes, sir, I do, yes. Or it could be in the vehicle if
4 I'm close to the vehicle. It is not necessarily on my
5 back.

6 THE INSPECTOR: Do you have two free hands?

7 A. You can have two free hands because your weapon is
8 slung, it's attached to you, so if you need to, you can
9 put the weapon behind your back, if you needed two free
10 your hands. You would only do that if you had somebody
11 else, obviously, to give you cover.

12 THE INSPECTOR: What I am following through with you is the
13 necessary physical force and the method which you will
14 have to employ if you have to get somebody out of
15 a vehicle who has failed to comply with a request.
16 Would you expect the rifle to be slung and both hands
17 being used?

18 A. Again, there is no sort of -- there's no sort of hard
19 and fast answer to that. It would be: if you had
20 somebody there that could give you protection, then yes,
21 you could free up both hands, but as a rule, I found
22 that if you shout at someone and you point a weapon at
23 them, they will get out of the car.

24 THE INSPECTOR: So it's not just raising your voice; it's
25 also pointing a weapon?

1 A. How you hold the rifle is almost in a pointing poise
2 anyway, so yes, you wouldn't just shout and have it here
3 (indicated); you'd -- you get the point.

4 THE INSPECTOR: I am having to examine the circumstances in
5 which soldiers are put when being ordered to carry out
6 this sort of operation. Therefore I am very interested
7 to know how these things can be done other than in
8 a confrontational situation with threatened --
9 threatened, I emphasise -- violence. Do you understand?

10 A. I understand, sir, yes.

11 THE INSPECTOR: I don't imagine that many people sitting in
12 a vehicle would feel other than threatened if some paras
13 carrying guns confronted them, asked them to get out of
14 the vehicle and then moved to a position in which they
15 were impatient about the speed and inevitably looked
16 threatening with a gun. I am not exaggerating that
17 picture, am I?

18 A. No, I could see that as people would see that as
19 a threatening -- I am sure anybody in this room wouldn't
20 particularly like having a rifle pointed at them and
21 being shouted at, no.

22 THE INSPECTOR: Were you ever aware, because you had been
23 told, about cultural aspects which can affect the way
24 a man responds in Iraq -- namely an Iraqi man -- to
25 a threat of violence from another man? Were you ever

1 talked to about that?

2 A. No, sir.

3 THE INSPECTOR: Coming back to my question, two hands, a man
4 who's in the front of a vehicle with you at the door on
5 his side -- correct? You have to pull him with some
6 force to get him out, haven't you?

7 A. It would depend on the size of him, how much he's
8 resisting, but yes, you are going to have to put some
9 force to pull somebody out of the vehicle -- anybody to
10 pull anybody out of a vehicle.

11 THE INSPECTOR: The more you think he's resisting, the more
12 force you're going to have to use?

13 A. That would be reasonable to say, sir, yes.

14 THE INSPECTOR: This is a position of violent physical
15 confrontation, isn't it?

16 A. It could definitely be taken that way, sir, yes.

17 THE INSPECTOR: It is your training that you must be showing
18 strength.

19 A. Yes, sir.

20 THE INSPECTOR: You must show that you are dominant.

21 A. We have to control the situation, yes.

22 THE INSPECTOR: And if it was the culture of the Arab man
23 that when confronted with that, his culture was not to
24 give in, you have an inflammatory situation.

25 A. That would be fair to say, sir, yes.

1 THE INSPECTOR: Now, that's life when you're a soldier.
2 That's life when you're in a well lied (?) battle
3 position. What I want you to try and capture from your
4 recollection for me is whether this atmosphere, to
5 a greater or lesser degree, was present when you were
6 carrying out VCPs. Do you understand?

7 A. In general, then, yes, you would. If met with
8 resistance then you would have to escalate to control
9 the situation, sir, during a VCP -- during anything
10 really, sir, yes.

11 THE INSPECTOR: You see, I don't want to go away from a day
12 like today, or indeed any other day when I'm hearing
13 from you and the soldiers, without feeling a sense of
14 reality because witnesses have, for one reason or
15 another, not evoked from their evidence the reality of
16 these situations. Do you understand what I am saying?

17 A. I understand, sir, yes.

18 THE INSPECTOR: So let's evoke as much as we can about the
19 reality of armed paras approaching a vehicle, which
20 they're suspicious about, for whatever reason, with some
21 men in the front and one of them at least doesn't
22 cooperate, or doesn't appear to cooperate.

23 It gets tough, doesn't it?

24 A. The situation you have described has potential to, yes.

25 THE INSPECTOR: Well, it's likely to get tough on every

1 occasion in the situation I describe, isn't it?

2 A. It is, sir, yes.

3 THE INSPECTOR: Otherwise you are being a feeble soldier,
4 not taking control of a situation which you've got to
5 control. Correct?

6 A. Or just being seen as unprofessional, sir, yes.

7 THE INSPECTOR: All right, unprofessional. I take back the
8 word "feeble". You get the message.

9 Now, let's just go on with this situation. When you
10 get him out by using the force you have had to use,
11 what's the next thing you have to do?

12 A. You would search them.

13 THE INSPECTOR: How do you effect a search?

14 A. You would separate, segregate and search the person,
15 then the vehicle, if you had the manpower to get all of
16 that done.

17 THE INSPECTOR: Let's stick with the man for the moment.
18 You get the man out. He is still not very pleased with
19 what's happening to him and you don't know what's
20 causing him to be as resistant as he is. Correct?

21 A. In the scenario you are discussing, yes.

22 THE INSPECTOR: In my scenario. He's got to be searched.
23 What do you do physically to search him? Do you have to
24 force him to the ground? Do you have to force him
25 against the vehicle? Do you have to get his hands

1 behind his back? What do you have to do in order to
2 safely carry out a search of the man?

3 A. You use the minimum force necessary. If that means
4 restraining them, putting them to the ground, any of the
5 examples you have just used, then that's what you would
6 do.

7 If it got to the stage you're saying, then he needs
8 searching, so he will be searched.

9 THE INSPECTOR: He will be searched?

10 A. He will be searched.

11 THE INSPECTOR: If he's resisting, he's going to be put to
12 the ground.

13 A. You would restrain him in any way you needed to restrain
14 him, yes.

15 THE INSPECTOR: He's likely to be put to the ground?

16 A. That would strike me as the easiest way to control
17 a person, yes.

18 THE INSPECTOR: It strikes me as the easiest way too. Then
19 when you get him on the ground, what do you do with him
20 then?

21 A. Search him.

22 THE INSPECTOR: Now, are you doing this on your own or would
23 you, at this stage -- I am not talking about a specific
24 occasion; you know that -- would you expect to have
25 somebody with you?

1 A. Yes. If it's going to do anything -- as I said earlier
2 on, once you sling your weapon, especially if you are
3 unsure of how hostile this person is, you would need
4 somebody else covering you. So yes ...

5 THE INSPECTOR: Now, I don't want to go too far in the
6 situation -- we may have to come back to it. I want to
7 try and keep the thread with your statement and with
8 what Mr Poole is asking.

9 Now, it sounds as though, on the occasion you're
10 referring to at the top of page 34, namely your AK47
11 example or occasion, this was quite a serious moment
12 until it was controlled.

13 A. Yes. Very much so, sir, yes.

14 THE INSPECTOR: From what you say, he wasn't given a chance
15 to get out. You saw the weapon and pulled him out. Is
16 that right?

17 A. That's exactly right, sir. I did what I believed the
18 safest thing to do to stop that threat escalating and
19 him getting hands on a weapon.

20 THE INSPECTOR: How did he respond to the physical force you
21 used to get him out?

22 A. I didn't understand what he was saying. He started sort
23 of -- he actually appeared to be then in a very
24 non-confrontational gesture at all, and it turned out
25 there was also a bag of money in the car and it turned

1 out that was his savings and the rifle was to protect
2 his own money. So he didn't adopt an aggressive posture
3 at all. Once we established what it was, he was on his
4 way.

5 THE INSPECTOR: So that was a potentially boiling point
6 which cooled rapidly?

7 A. That's a fair description, sir, yes.

8 THE INSPECTOR: Finally in this series, at least for me, for
9 the moment, are you saying to me that on no occasion do
10 you recollect, when on a patrol in the region of
11 Al Uzayr, having to pull anybody from a vehicle other
12 than this one person who had the AK47 next to him? Is
13 that what you are saying to me?

14 A. That's what I'm saying, sir, yes. This one mainly stuck
15 in my head because there was a carrier bag full of money
16 which was a bit of a shock to see. Hence why that's why
17 I remember that one so well. Yes, that's an isolated
18 incident I remember, but that's the only incident
19 I remember.

20 THE INSPECTOR: Are you saying that you have no recollection
21 of seeing any member of your patrol having to physically
22 remove somebody from a vehicle?

23 A. Not that I remember, sir, no.

24 THE INSPECTOR: Could it have happened without you seeing
25 it?

1 A. If I was concentrating on something else, possibly, yes,
2 sir.

3 THE INSPECTOR: Thank you.

4 We must go on. In terms of time, Ms Al Qurnawi,
5 I was intending to go on.

6 MS AL QURNAWI: Now it's 7 o'clock. I just want to check
7 with the family. Just I need to check with the family.

8 (Pause)

9 They need to leave, because now it's 7 o'clock and
10 it's going to take them at least two hours to get back
11 home and it's already dark in Basra.

12 Hello?

13 THE INSPECTOR: Yes. I'm sorry, I'm thinking,
14 Ms Al Qurnawi.

15 Just let me ask: Mr Poole, how much longer?

16 MR POOLE: At least half an hour, I would have thought.

17 THE INSPECTOR: Ms Al Qurnawi, we've got at least another
18 half an hour of questions for this witness.

19 MS AL QURNAWI: Okay.

20 THE INSPECTOR: Can we compromise to this extent: that if
21 the families have to go -- and I understand entirely why
22 they do -- can we go on, assuming I have the agreement
23 of everyone present, for a half hour and complete this
24 witness with you staying to listen to it?

25 MS AL QURNAWI: Okay, let me take instruction.

1 Yes, please go ahead but I think we have some
2 questions, so when do you think we will be able to put
3 these questions to the witness? Today or tomorrow?
4 They can stay another half an hour.
5 THE INSPECTOR: They will stay another half an hour, or you
6 will?
7 MS AL QURNAWI: For me, it's fine. I can stay longer, not
8 a problem.
9 THE INSPECTOR: Okay. If they have questions, perhaps when
10 we stop this evening they could give you the questions
11 and could you -- not necessarily by tomorrow morning,
12 but could you email the questions to me as soon as
13 possible. Then I will look at the questions and decide
14 whether I need this witness to come back to answer them
15 or whether he answers them because we send them to him
16 in writing. Let me decide on that when I see the
17 questions. All right?
18 MS AL QURNAWI: Okay, yes, sounds good.
19 THE INSPECTOR: Good. So on we go.
20 MR POOLE: You were interviewed by the Royal Military Police
21 on 13 November 2003. Do you recall that interview?
22 A. I will take your word for it. I can't ...
23 MR POOLE: Regardless of the date, do you recall being
24 interviewed by the RMP?
25 A. Yes.

1 Q. That interview was approximately six months after the
2 incident that we're dealing with on 11 May. So your
3 recollection of the incident would be better then than
4 it is now. Is that fair?

5 A. I think ten years plus -- yes, it's fair to say
6 everyone's going to start ...

7 Q. The gist of the evidence that you gave to the RMP is
8 that every patrol that you went on in Al Uzayr was
9 pretty much the same, each was pretty uneventful, and
10 there was no one incident that stuck in your mind.

11 That was the gist of your evidence then. Does that
12 remain the position today?

13 A. Besides the AK47 and the bag of money, yes, all the
14 patrols were uneventful.

15 Q. Is there any reason you wouldn't have referred to the
16 AK47 incident when interviewed by the RMP?

17 A. There's no reason I would have intentionally left it
18 out. I was -- I should imagine -- well, I know it was
19 quite a stressful time in my life and I had a lot of --
20 a lot of things going in my head. So I just -- I may
21 have accidentally overlooked it. It wasn't intentional.

22 Q. Now, it is only fair that I put the accounts to you of
23 other members of your section who recall an incident on
24 11 May 2003.

25 S003 says in his statement prepared for the

1 investigation that he received instructions from S001
2 that the section was to set up a VCP on highway 6 and
3 the purpose was to search and locate weapons coming
4 across the border. He describes an incident taking
5 place on a road between Mahr Al Ez and Al Ferka village
6 village where a vehicle was stopped and the occupants of
7 the vehicle made to lie on the ground.

8 Do you recall an incident matching that description?

9 A. No. I would say S003 obviously has a much better memory
10 than me because I don't recall that at all.

11 Q. He goes on to describe personally searching one of the
12 men, who was dressed in Arab dress, and having to force
13 him down using his body weight. Do you recall any
14 incident matching that description?

15 A. No.

16 Q. He recalls a large black dog arriving and being shot.
17 Do you recall such an incident?

18 A. No.

19 Q. S002 told the Royal Military Police, on 1 December 2003,
20 that he remembers going on patrol with S001 and S004.
21 He recalls chasing a vehicle into a little village. Two
22 men in the vehicle came out but would not lie on the
23 floor. He had to restrain one of the men using an
24 arm lock, and he remembers S001 using his helmet to hit
25 one of the men to get him on the floor.

1 Do you recall an incident matching that description?

2 A. Absolutely not.

3 Q. Did you ever see S001 use his helmet to strike someone?

4 A. Not only have I not seen it; that's out of character for

5 S001. Definitely not.

6 Q. Have you ever seen anyone else on your section use their

7 helmet in this way?

8 A. Not at all.

9 Q. You have seen a number of witness statements prepared by

10 the Iraqi witnesses and you have set out comments you

11 have on those statements at paragraphs 30 to 40 of your

12 own statement. Is there anything you wish to add to

13 what you have said there?

14 A. No, thank you.

15 Q. You say you cannot recall the specific incident on

16 11 May 2003. Do you recall discussing an incident that

17 happened on patrol when you returned to camp with either

18 members of your section or the platoon sergeant?

19 A. No.

20 Q. The platoon sergeant, Sergeant O'Brien, recalls an

21 occasion when the section returned to camp and, in his

22 words, "seemed hyped up". Can you shed any light on

23 what he's referring to there?

24 A. The only time I ever remember anybody being hyped up was

25 when there was talk of us going home. So no, I can't.

1 Q. In terms of the timeline, that would be after
2 11 May 2003?

3 A. Sorry, what would be after?

4 Q. The news reaching you that you would be going home.

5 A. We didn't get much notice at all that we would be going
6 home. It happened quite quickly once -- so it was near
7 the end of the tour, yes.

8 Q. Just to help me with dates, we are now
9 talking July 2003, are we not, when you returned to the
10 UK?

11 A. That sounds about right. I couldn't be absolutely sure
12 but that sounds about right.

13 THE INSPECTOR: I think it was the end of June but it
14 doesn't ...

15 MR POOLE: The platoon commander, S010, has given evidence
16 that he noticed section members were excited having
17 return from a patrol, as though something had happened
18 on that patrol. Can you shed any light on that
19 evidence?

20 A. No.

21 Q. He says he spoke to the section collectively to try and
22 find out whether something had happened on the patrol.
23 Can you recall the platoon commander talking to you in
24 that way?

25 A. Not at all, no.

1 Q. There came a time not long after 11 May when you became
2 aware that someone had been killed and you were going to
3 be investigated by the RMP. You were cautioned on
4 24 May. Do you recall a number of items of kit and
5 equipment being removed from you?

6 A. I recall the date the RMPs turned up, yes, and removed
7 all of our ...

8 Q. The items seized from you were rifle, helmet, webbing,
9 two combat shirts and a pair of boots. This must have
10 come as a surprise?

11 A. That's a slight under-- yes, it was a big surprise.

12 Q. When you were first aware of the allegations, did you
13 link these to any activities you were involved in with
14 your section?

15 A. No, none at all.

16 Q. Did you discuss the allegations with others in your
17 section?

18 A. No. We were all pulled separately with our own police
19 officer and ...

20 Q. You're aware that your rifle was taken away by the SIB
21 for forensic testing?

22 A. Yes.

23 Q. Following that forensic testing and examination, a spot
24 of blood was found in one of the screw holes of the
25 rifle butt. You're aware of that?

1 A. Yes.

2 Q. You are also aware that there is extremely strong
3 scientific support for the assertion that that blood
4 spot tested from that screw hole originated from a male
5 child of the parents of Mr Abdullah. Can you explain
6 that?

7 A. No.

8 Q. Is there anything with regard to the time that you were
9 in Iraq that you think could explain that blood being on
10 your rifle butt?

11 A. There's ... I couldn't -- I know we had injured people
12 turning up to our base, our platoon location. There was
13 people that turned up that had been shot and people over
14 time wanting medical attention. I mean, you know, you
15 couldn't just let them wander in, so you would have to
16 escort them in, and places like that. So there was
17 blood around. But to give you an absolute definite
18 answer, no, I can't explain why it's there.

19 Q. Did you ever strike a civilian with your rifle?

20 A. No.

21 Q. Are you aware of anyone else in your section striking
22 a civilian with their rifle?

23 A. No.

24 Q. In one of the situations that we discussed earlier,
25 where occupants of a vehicle have shown resistance and

1 have had to be forcefully pulled out of the vehicle and
2 have then resisted being searched, is that an occasion
3 when resort may be made to striking with a rifle?

4 A. No.

5 Q. Have you ever caused an injury to a civilian that drew
6 blood, to your knowledge?

7 A. No.

8 Q. Has anyone on your section, to your knowledge, caused
9 an injury to a civilian that drew blood?

10 A. Not to my knowledge, no.

11 MR POOLE: I have no further questions.

12 THE INSPECTOR: I need your help. As you have heard, two of
13 your colleagues, who it seems invariably were on patrol
14 with you, have remembered an occasion, as has been
15 described, when at least one civilian taken out of
16 a vehicle was forced to the ground.

17 I ask myself now, with you here to assist me, as
18 opposed to some weeks hence when I am looking at the
19 transcript and writing my report -- I ask you now to
20 think how it can be that two witnesses remember
21 an occasion as they have described but you have no
22 recollection at all. How can that be?

23 A. I don't know, sir. I've got no recollection.

24 THE INSPECTOR: You see, I will have to ask myself: if it
25 happened, would it have been something which S004 would

1 have thought unusual? And I would look at your evidence
2 and say: if it happened, from what he told me, it would
3 be a very unusual event. That is right, isn't it?

4 A. That's right, sir, yes.

5 THE INSPECTOR: It being an unusual event, I would say to
6 myself: one would expect him to recollect it then. Do
7 you see the sense of that?

8 A. That would be fair, sir, yes.

9 THE INSPECTOR: Yet he told me he couldn't recollect it.
10 What are the options? It happened but you didn't see
11 a thing? Is that an option?

12 A. I don't recall -- I don't recall it happening, sir.
13 That's all I know for sure.

14 THE INSPECTOR: Could it have happened without you seeing it
15 happen?

16 A. I can't categorically say yes or no. It would be
17 unlikely, but I cannot categorically say yes, it could,
18 or no, it wouldn't because there are so many variables.

19 THE INSPECTOR: Then I have to ask myself: how does blood
20 which scientific analysis suggests is highly likely to
21 be blood of the type of Mr Abdullah -- how does that
22 appear on his rifle butt? Can you help me on that?

23 A. Unfortunately, sir, I can't.

24 THE INSPECTOR: Well, Ms Al Qurnawi, we may have finished
25 a little earlier than we thought, but if there are any

1 questions then you do what we planned and let me have
2 them by way of email.

3 MS AL QURNAWI: Yes. Will do. What time are we starting
4 tomorrow?

5 THE INSPECTOR: The relentless pace that you impose upon me.
6 I say 9.30 tomorrow. Is that all right?

7 MS AL QURNAWI: Yes, that's fine. Okay.

8 THE INSPECTOR: Good night and thank you. Wait a minute.

9 MS AL QURNAWI: Yes.

10 THE INSPECTOR: (Pause) Do you know now whether you have
11 any questions or not for this witness?

12 MS AL QURNAWI: I myself have a couple of questions but
13 I have not discussed it with the family yet. I need to
14 discuss with them before they leave, so probably -- you
15 have already covered most of the questions. I do not
16 think our questions are going to be too complicated or
17 too long.

18 THE INSPECTOR: You see, I would like, so far as the witness
19 is concerned -- you understand I don't want to be in a
20 position where I ask the witness to return tomorrow and
21 then find no questions. I would rather be in a position
22 in which you would -- you probably want not to come back
23 tomorrow?

24 A. That's correct, sir.

25 THE INSPECTOR: The witness would, as one expects, not want

1 to come back tomorrow, but we can put questions to him
2 and to his solicitor in writing if there's anything
3 which you do come up with overnight. All right?
4 MS AL QURNAWI: All right. That's fine.
5 THE INSPECTOR: That's fine, all right. Good. Thank you.
6 Well then, it is good night.
7 MS AL QURNAWI: Okay, good night, thank you. Thank you,
8 good night, goodbye.
9 THE INSPECTOR: Thank you.
10 Then you are released.
11 A. Thank you.
12 THE INSPECTOR: You have had a long day and I am sorry,
13 Mr Interpreter, but it doesn't look as though it will be
14 any better tomorrow and I suspect even worse the next
15 day.
16 MR POOLE: Next week. Then good night. 9.30 tomorrow.
17 Thank you.
18 As luck would have it, we will be travellers again
19 in the building. I don't know where we are going to be.
20 Do we know?
21 THE CLERK: Perhaps if people could go to court 27 and can
22 be redirected from there in the event that court room is
23 not available.
24 THE INSPECTOR: With luck, 27 may have a connection. If
25 not, we will be redirected.

1 (4.30 pm)

2 (The hearing adjourned until 9.30 am on Tuesday,

3 11 November 2014)

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