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Tuesday, 11 November 2014

(9.30 am)

(Proceedings delayed)

(11.26 am)

THE INSPECTOR: Ms Al Qurnawi, can you hear me?

A. Yes, I can hear you, but I cannot see you.

THE INSPECTOR: Can you see me now?

MS AL QURNAWI: Yes, I can see you.

THE INSPECTOR: Could you apologise to everybody there for this technical difficulty we have had and for the delay.

MS AL QURNAWI: Yes, apology accepted.

THE INSPECTOR: Thank you. We will start today with S003.

I apologise to S003 for the delay and to everybody here, but it's good that we are now up and running.

S003 (called)

THE INSPECTOR: S003, I made a statement yesterday, much of it not specifically directed to soldiers -- or, to be more accurate, former soldiers -- but I did say certain things about the protection which exists for soldiers giving evidence to me. It's probably not necessary for me to go over it, but are you familiar with the protection that you have against any prosecution arising out of what you say to me in answer to questions.

A. Yes, sir.

THE INSPECTOR: Can I just add: the public importance of the

1 protection being provided is that it can lead to frank
2 and full disclosure, to the best recollection of the
3 witness, of what happened on the day in question.

4 That's the purpose of it. You understand?

5 A. Yes, sir.

6 THE INSPECTOR: Thank you. Mr Poole, who is assisting me,
7 is going to ask the bulk of the questions. I shall want
8 to elaborate at certain stages and so I shall also ask
9 questions, but for the moment, I will turn matters over
10 to Mr Poole.

11 Questions by MR POOLE

12 MR POOLE: Good morning. There will be a sequential
13 translation. In practice, that means I will ask
14 a question and it will then be translated into Arabic.
15 If you could then answer that question and then your
16 answer will be translated. If you could please bear in
17 mind when answering the question that it is going to be
18 translated. If it's going to be a particularly long
19 answer, if you could break it down to allow for it to be
20 translated.

21 In the bundle in front of you, could you turn to
22 tab 3, please. You should find there a statement that
23 you have provided to the investigation, dated
24 23 September of this year, and at the end of that
25 statement, on page 28, a statement that you provided to

1 the Royal Military Police on 24 May 2004. The statement
2 you have provided for the investigation will stand as
3 your evidence to the inspector, and the purpose of these
4 questions is to clarify and expand on that statement.
5 When it comes to questions about the incident we're
6 dealing with, what we really want your assistance with
7 is bringing those events to life and painting as clear
8 a picture as possible about what happened on that day
9 and also your experiences in Iraq.

10 I will start with some questions about your early
11 army career and your initial training. You enlisted in
12 the army in 2002; is that correct?

13 A. That's correct, sir.

14 Q. You describe undergoing phase one and phase two training
15 at Catterick.

16 A. That's correct, sir.

17 Q. In respect of the phase two training, you say in your
18 statement that you had some very basic training on
19 detaining suspects. Could you explain, please, what
20 that training entailed.

21 A. It's with regards to using plastic cuffs and that was
22 about it, sir.

23 Q. Did you receive any training on control and restraint
24 techniques?

25 A. Not that I can remember, sir.

1 Q. Were you taught how to search somebody?

2 A. No, sir.

3 Q. Is it correct to say that at no stage, either in the UK

4 or in Iraq, did you receive any formal training on

5 vehicle check points?

6 A. That's correct, sir.

7 Q. So until you went to Iraq and carried out a vehicle

8 check point, am I right to say you had no training and

9 no experience of doing so?

10 A. Yes, sir.

11 Q. You joined 3 para in January 2003. You say in your

12 statement you joined in January 2003 and you were

13 deployed on Operation TELIC in February 2003.

14 A. As far as I can remember, that's correct, sir.

15 Q. So between joining and being deployed to Kuwait, what

16 training did you receive?

17 A. We did receive some basic training but I can't remember

18 the exact training we had. It might have been weapons

19 training. It might have been talking about Iraq itself

20 and the people and the culture. It was very basic, sir.

21 Q. Would it be right to characterise that training as

22 training for a war fighting situation?

23 A. I can't really answer that, sir, because I came directly

24 from battalion and straight to my regiment, sir, and

25 I was never exposed to going to war before. So it is

1 really hard for me to answer.

2 Q. You were deployed to Kuwait initially?

3 A. Yes, sir.

4 Q. And assigned to 7 platoon?

5 A. Yes, sir.

6 Q. Just to confirm the members of that platoon: the platoon
7 commander, S010; there was a platoon sergeant that
8 initially you cannot recall, who was replaced by
9 a Sergeant O'Brien; is that right?

10 A. That's correct, sir.

11 Q. The section commander, S001, and excluding yourself, the
12 private soldiers were S002, S004, S005, S006 and S007.
13 Is that correct?

14 A. That's correct, sir.

15 Q. Am I right that S004 was the most senior private
16 soldier?

17 A. It would be fair to say so, sir.

18 Q. So behind the section commander, S001, he was next in
19 charge; is that right?

20 A. Sorry, are you saying that S004 was --

21 Q. Yes.

22 A. Yes, that's correct, sir.

23 Q. You say in your statement that in Kuwait, for three
24 weeks or so, you underwent some further weapons training
25 and acclimatisation.

1 A. From what I can remember, that's right, sir.

2 Q. Did you receive any briefings on what your role was to
3 be when you crossed the border?

4 A. It's been a very long time ago but for what I could
5 remember, it was to protect the oil fields.

6 Q. If you have a look at page 21, please. At the very top
7 of that page, you say:

8 "We were briefed that there could be hostile
9 elements among the civilian population and that there
10 were active militias in the area which we might have to
11 deal with after the Iraqi army was defeated."

12 Did you receive any training or briefing to assist
13 you in distinguishing between civilians and active
14 militia members?

15 A. I can't remember specific briefings but possibly, yes.
16 There could have possibly been briefings on ...

17 Q. Can you recall what you were told in respect of the
18 distinction between civilians and members of the
19 militia?

20 A. I can't exactly recall what was said, sir. It is a long
21 time ago. But I do remember a briefing.

22 Q. At the time, then, when you crossed the border into
23 Iraq, were you confident that you would be able to
24 distinguish between civilians and militia members?

25 A. No, because some of them did not wear uniform. Some of

1 them wore civilian clothes.

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

4 A. Yes, sir. Before we deployed to Kuwait, we had
5 a briefing on language and certain words were taught to
6 us. I can't remember the exact words.

7 Q. Were you provided at any stage with training on cultural
8 sensitivities in Iraq?

9 A. Yes, sir. I vaguely remember having training on that.

10 Q. Can you recall what you were told in respect of cultural
11 sensitivities?

12 A. I can't specifically remember. It's been a long time,
13 sir. A long time.

14 Q. You refer, again at page 21 of your statement, to the
15 rules of engagement and the fact that they were on
16 a card. If you can turn to tab 7 in the bundle, please.
17 Is that the card that you're referring to?

18 A. It vaguely looks ... like it, sir, but I cannot
19 100 per cent say. But it does look like it.

20 Q. Were you briefed, before you crossed the border, on how
21 the rules of engagement might change if you move into
22 a non-war fighting phase?

23 A. Not that I can remember, sir.

24 Q. If we now move, then, to the time when you crossed into
25 Iraq. We understand from other witnesses that the

1 battalion successfully secured the oil fields and then
2 moved north into Maysan province. Is that correct?

3 A. Yes, sir.

4 Q. Could you, in your own words, please, describe the
5 situation as you found it when you crossed into Iraq.

6 A. It was a very uncertain time. We were not sure whether
7 we would be attacked. We were unsure of what to expect.

8 THE INSPECTOR: What did you see? Can you try and paint
9 a picture of what it was that you were seeing. You were
10 in a truck, I take it, a four-tonne truck, in the back
11 of it. What did you see on this journey into Iraq?

12 A. So we saw a lot of deserts, also quite a lot of battle
13 debris. Whether that was from the previous war or the
14 one we're talking about I couldn't tell you, but there
15 was a lot of debris. There were also a lot of oil
16 fields burning.

17 THE INSPECTOR: Human beings?

18 A. We would come across human beings, yes, sir.

19 THE INSPECTOR: Dead or alive?

20 A. There were some dead human beings and most of them
21 alive, sir.

22 THE INSPECTOR: Did you have any reason to have any
23 exchanges with those people you did see or did you just
24 move on through the desert to wherever you were to stop?

25 A. Sir, during that time, in the beginning, we were on the

1 move, so we did not stop, sir.

2 THE INSPECTOR: Presumably you camped up from time to time?

3 A. That's correct, sir.

4 THE INSPECTOR: Then you just moved on the next day?

5 A. Yes, sir.

6 THE INSPECTOR: Shall we go into Maysan province now?

7 MR POOLE: Yes.

8 There was a time when the battalion was based at

9 Camp Condor. Your platoon was sent to an old police

10 station near Al Amarah. Do you recall that?

11 A. Yes, sir.

12 Q. The police station you describe as being in the vicinity

13 of the village.

14 A. Yes, sir.

15 Q. Could you please describe, in as much as detail as you

16 can recall, the police station, its immediate

17 surroundings and the civilian life that you saw.

18 A. It was an empty building surrounded by a wall. There

19 were lots of people walking in and around the streets.

20 There were people present and near it.

21 Q. In terms of interaction with civilians, could you

22 describe that, please?

23 A. We did interact with the civilians. They would always

24 come to the gates. They would speak to us. But we did

25 not -- I personally did not have a lot of interaction

1 with them.

2 THE INSPECTOR: Children as well?

3 A. Yes, sir.

4 MR POOLE: You used the words "vicinity of the village". Is
5 the police station within a civilian settlement?

6 A. From what I can remember, there was a market nearby,
7 yes, sir.

8 Q. We have heard about patrols being carried out on
9 route 6. Could you help us with the location of route 6
10 in respect of the police station?

11 A. Sir, it's a very long time ago and I can't remember.
12 I really can't.

13 THE INSPECTOR: Could you have walked without it taking too
14 long from the police station base to highway 6?

15 A. I don't think it was that far away, sir. It was
16 possibly quite nearby, yes.

17 THE INSPECTOR: We talk about patrols. Was that sometimes
18 on foot in the village as well as going out in
19 a vehicle?

20 A. Yes, sir.

21 MR POOLE: You say in your statement that you have no clear
22 recollection of the ending of the war phase and the move
23 into peacekeeping.

24 A. That's correct, sir.

25 Q. On page 22, there's a paragraph below the first hole

1 punch hole that starts:

2 "Although at some point we clearly moved from
3 a war phase to a law and order role, I am not conscious
4 that this affected the way we operated."

5 Could you just expand on that for me?

6 A. Yes, sir. At some stage, we handed in most of our
7 ammunition that we were allocated to start a war. The
8 area we worked in was still very volatile. We were
9 still vulnerable as soldiers, so we still worked in the
10 same way, sir.

11 Q. You say "very volatile". Was that your experience or
12 what you were briefed?

13 A. It was my experience, sir.

14 Q. Describe why you say it was a very volatile situation.

15 A. You could still hear shots going off during the day and
16 you wouldn't know where it was coming from. We had
17 several injured people being brought to the police
18 station. Injured and been shot, sir. There were still
19 a lot of things happening in the area, sir.

20 Q. The injured people you referred to, were they civilians?

21 A. I'm not sure whether they were civilians but we presumed
22 they were at that time.

23 Q. When an injured person was brought to the police
24 station, what happened?

25 A. They were assisted by us, as soldiers, and referred to

1 our medic that was on hand at the police station, and
2 then we treated ...

3 Q. Did you yourself have an experience of assisting someone
4 that attended the police station with an injury?

5 A. Yes, sir. I helped carry an injured person so that he
6 could be treated.

7 THE INSPECTOR: Just the one occasion you remember, or were
8 there others?

9 A. I can think of at least two occasions, sir.

10 THE INSPECTOR: And how badly, so far as appearance was
11 concerned, did they seem to you? How badly hurt or
12 wounded did they seem to you to be?

13 A. Well, they were shot, sir, so they were bleeding.

14 MR POOLE: Of the two occasions you recall, were these men
15 or women that you assisted?

16 A. They were men, sir.

17 Q. I am going to ask you some general questions now about
18 your daily activities and patrols. I understand that
19 you operated on a rotation of three eight hour shifts.
20 One of those shifts would involve going out on patrol
21 and also carrying out vehicle check points; is that
22 right?

23 A. We didn't always go out on patrol and we didn't always
24 do vehicle check points, sir.

25 Q. When you would go out on a patrol to carry out a VCP,

1 what would you be wearing?

2 A. We would be wearing helmets and full battle dress, sir.

3 Q. So that would be combat fatigues, body armour, webbing?

4 A. That's correct, sir.

5 Q. You were issued with a rifle?

6 A. Yes, sir.

7 Q. We understand that there were two vehicles, a Pinz-gauer

8 and a Wimmick, and we understand that the Wimmick had

9 the capacity for a mounted machine gun. Is that right?

10 A. That's correct, sir.

11 Q. You say in your statement you were never the driver of

12 either of these vehicles; is that right?

13 A. That's correct, sir.

14 Q. Neither were you the gunner?

15 A. That's correct, sir.

16 Q. To the best of your recollection, were there assigned

17 drivers for those vehicles?

18 A. I am not too sure about that, sir.

19 Q. It was said by S004, who we heard evidence from

20 yesterday, that S007 would always drive the Pinz-gauer.

21 Is that your recollection?

22 A. Yes, sir, I do remember him driving the Pinz-gauer.

23 I am not too sure whether he always drove the

24 Pinz-gauer.

25 Q. You seem to suggest in your statement that drivers

1 changed on different days depending on who was on
2 patrol.

3 A. As far as I remember, that's right, sir.

4 Q. Do you recall that when on patrol, the section was split
5 into Charlie Fire team and Delta Fire team?

6 A. I can't specifically remember, sir.

7 Q. Does it follow you would not be able to assist with
8 which members of the section were in which of those two
9 teams?

10 A. Sir, again, it's a very long time. I can't remember.

11 THE INSPECTOR: Did you, for example, to the best of your
12 recollection, always travel in the Pinz-gauer or were
13 you sometimes in the Wimmick?

14 A. I can't remember driving in the Wimmick, sir. I would
15 probably have been in the Pinz-gauer. I am not
16 100 per cent sure.

17 THE INSPECTOR: You cannot remember being driven in the
18 Wimmick, so the chances are that you were pretty well
19 invariably in the Pinz-gauer?

20 A. Like I said, sir, I cannot be 100 per cent sure but
21 I cannot remember driving in the Wimmick so ...

22 MR POOLE: What communications would you carry when in those
23 vehicles?

24 A. We were issued a PRR radio.

25 Q. Was that issued to each member of the section?

1 A. Yes, sir.

2 Q. When out on patrol in these vehicles, what
3 communications, if any, were there back to camp?

4 A. There would be some communication with S001 back to
5 camp. I am not too sure what the radios were called
6 that were issued at that time.

7 Q. Would it be right to say it was left to S001 to
8 communicate with camp, as opposed to individual members
9 of the section?

10 A. That is right, sir.

11 THE INSPECTOR: Was his camp communication carried by him or
12 was it in the vehicle or one of the vehicles?

13 A. I can't remember, sir.

14 MR POOLE: Are you able to give evidence about the nature of
15 the communications that S001 had with camp?

16 A. No, sir.

17 Q. So you don't know, for example, whether a call would be
18 made at regular intervals or only if an incident
19 occurred on the patrol?

20 A. I did see S001 communicate during patrols on a few
21 occasions. On quite a few occasions it did happen.

22 THE INSPECTOR: On those occasions, can you remember where
23 he was when he did it? That's my question about was it
24 in a vehicle or was it something which he had with him.

25 A. I can't specifically remember, sir, but it could

1 possibly have been in the vehicle.

2 THE INSPECTOR: Can I ask you, before we perhaps go on away
3 from it, about the make-up of a patrol. Was it, as you
4 recollect, six or seven or more people who went out on
5 a patrol?

6 A. Usually six or seven people, sir.

7 (Break in video link)

8 THE INSPECTOR: I was asking the witness about the number of
9 people normally in a patrol. He replied six or seven.

10 Let's take six as an example. Obviously two are
11 taken up driving. To your recollection, were the four
12 left two in one vehicle and two in another?

13 A. Could have possibly been, sir.

14 THE INSPECTOR: You don't have a clear idea on that?

15 A. No, sir.

16 THE INSPECTOR: If one of the party was a gunner, he could
17 be on a Mini-mi machine gun or on a fixed machine gun.
18 If a fixed machine gun, that was on the Pinz-gauer, as
19 I understand it?

20 A. Sorry, sir, you said the fixed machine gun is on the
21 Pinz-gauer?

22 THE INSPECTOR: It's on the Wimmick, is it?

23 A. It would be on the Wimmick, sir.

24 THE INSPECTOR: If the fixed machine gun was on the Wimmick,
25 would the Mini-mi gunner also be armed with a Mini-mi in

1 involved in a search. But like I said, I am not
2 100 per cent sure.

3 Q. You say in your statement that your role during a stop
4 and search was the lookout because you were the least
5 experienced. Is that your recollection?

6 A. Yes, sir.

7 Q. During a stop and search, do the drivers of the two
8 vehicles leave their vehicles?

9 A. I would assume they would stay with the vehicle, sir.

10 Q. Was that your experience of stop and searches?

11 A. They are responsible for the vehicle, sir, and that is
12 what we usually do.

13 Q. Those operating the Mini-mi or the GPMG, the other
14 machine gun, do they remain with their guns or do they
15 leave the vehicle?

16 A. I would assume that the vehicle-mounted gunner would
17 stay with the vehicle, as he's got a good view. The
18 Mini-mi gunner would dismount to offer all-round
19 defence, sir.

20 Q. We heard from S004 yesterday that his normal role was
21 what he described as the chatter. Do you understand
22 what is meant by "the chatter"?

23 A. I don't, sir.

24 Q. He described his role as the person responsible for
25 speaking to the occupants of a vehicle that had been

1 stopped.

2 A. That would make sense, sir.

3 Q. Is it your recollection that there would be somebody

4 tasked with that role?

5 A. Yes, sir.

6 Q. So if we are looking at a patrol of six people and the

7 two drivers remain with the vehicles, the mounted

8 machine gunner remains with the mounted gun --

9 THE INSPECTOR: Can you hear us?

10 MS AL QURNAWI: We can hear you but we cannot hear

11 the interpreter very well. He may need to get closer to

12 the microphone, please.

13 THE INSPECTOR: Okay. We'll move him closer.

14 MS AL QURNAWI: Thank you.

15 MR POOLE: So if you have six people on patrol, the two

16 drivers remain with their vehicles, the mounted machine

17 gunner remains with the mounted gun, and you have

18 somebody that is likely to be S004 as the chatter, that

19 leaves you and another person. What were you doing

20 during a stop and search?

21 A. I would be looking out, sir.

22 Q. The other person that's unassigned a task, what would

23 they be doing?

24 A. The same as me, sir, looking out, in the opposite

25 direction possibly.

1 Q. You say on page 22 of your statement, in the penultimate
2 paragraph:

3 "We did on occasions chase vehicles and stop
4 them ..."

5 How many times were you involved in a chase and
6 stop?

7 A. From what I can remember, twice.

8 THE INSPECTOR: Twice in the whole period of time we're
9 talking about that you were at the police station?

10 A. Sir, it has been a long time ago, but I do remember
11 stopping vehicles. I couldn't actually give
12 a 100 per cent figure to you but -- it wasn't a lot but
13 it did happen, sir.

14 MR POOLE: Am I right that one of those occasions was the
15 incident of 11 May?

16 A. Yes, sir.

17 Q. I will ask some questions about 11 May in a moment. Was
18 that the first chase and stop or had you experienced
19 something similar before 11 May?

20 A. Sir, again, one day is like another in Iraq. It's
21 difficult to puzzle it up to work out when what
22 happened. All I can say is we did stop vehicles.
23 Whether it was before that or after, I don't know.

24 Q. As we understand from other members of your section,
25 there were a number of stop and searches where vehicles

1 voluntarily would stop and voluntarily consent to
2 a search. What I'm particularly interested in is those
3 occasions where a vehicle does not stop and you then
4 give chase and then perform a search of that vehicle.

5 As I understand your evidence, the 11 May was not an
6 isolated incident. Am I right?

7 A. Yes, sir.

8 Q. Now, to the best of your recollection, on those
9 occasions when a vehicle has failed to stop and your
10 section has had to give chase and brought the vehicle to
11 a stop, how are the occupants of that vehicle removed
12 from the vehicle?

13 A. Sir, I was not directly involved with the search, as
14 I said before, but from looking in, I could see that
15 they were asked to get out of their vehicle so their
16 vehicles could be searched.

17 Q. Do you have any experience of occupants of a vehicle
18 that has been stopped refusing to get out of
19 the vehicle?

20 A. No, sir.

21 THE INSPECTOR: You can't remember any occasion when you
22 were a witness to somebody who had refused to get out of
23 a vehicle being removed?

24 A. No, sir.

25 Q. Other than the incident of 11 May, were you involved

1 yourself in searches of people that had got out of
2 a vehicle?

3 A. No, sir.

4 THE INSPECTOR: We are talking about events other than
5 11 May at the moment. Other than on 11 May, do you have
6 any recollection of seeing people who had come out of or
7 been brought out of a vehicle being on the ground in
8 order to be searched?

9 A. No, sir.

10 MR POOLE: What would happen if weapons or suspicious items
11 were found during a search?

12 A. That would be up to S001 to report that back to the
13 platoon commander.

14 Q. We have heard some evidence that you did not have the
15 power or authority to remove weapons. Was that your
16 understanding?

17 A. I'm not too sure, sir. I don't know.

18 Q. Can you recall any instances when weapons were removed
19 or other items removed from a vehicle that had been
20 stopped?

21 A. No, sir.

22 Q. If we can move then to 11 May.

23 THE INSPECTOR: Page 23, if you have that.

24 MR POOLE: You say that this is the first time that you had
25 been instructed to carry out a static VCP. That's your

1 recollection?

2 A. Yes, sir.

3 Q. Had there been stop and searches that you had been
4 involved in prior to 11 May?

5 A. On patrol possibly, yes, sir, but I was not involved
6 with searching.

7 Q. What was the nature of the briefing that you received
8 before going out on 11 May?

9 A. Again, it's a long time ago, but it was on the lines of
10 weapons coming over the Iranian border, that we should
11 be on the lookout for any in the vehicles.

12 Q. Can you recall who gave that briefing?

13 A. I can't, but possibly S001 or S010, sir.

14 Q. You refer to the two usual vehicles. Your recollection
15 is that S002 was driving the Wimmick?

16 A. As far as I can remember, that's correct, sir.

17 Q. You say:

18 "I think S007 was in the Pinz-gauer."

19 A. I think so, sir.

20 THE INSPECTOR: How clear is that? For reasons I need not
21 go into, it's just important for me to get an idea of
22 how clear your recollection is on S007 being the driver,
23 as he would have been, of the Pinz-gauer.

24 A. From my recollection, sir, I can remember S007 being
25 allocated to us as a driver.

1 THE INSPECTOR: Of the Pinz-gauer?

2 A. As far as I can remember. I think he was the driver.

3 Like I said, I am not 100 per cent sure but ...

4 THE INSPECTOR: No, no, but as far as we can be certain

5 about anything at this far remove; is that fair?

6 A. Yes, sir.

7 THE INSPECTOR: So you recollect you were in the Pinz-gauer

8 that day?

9 A. Yes, sir.

10 THE INSPECTOR: So just trying to build up the picture then,

11 we have S007 driving, you travelling in the back, as

12 I understand it, of the Pinz-gauer, on the outside

13 facing backwards; is that right?

14 A. Yes, sir.

15 THE INSPECTOR: Among the people in our code here, guide,

16 who do you recollect being with you in the Pinz-gauer?

17 A. Sir, again, I'm trying to remember but it's really hard.

18 It's a long time ago. I can't remember.

19 THE INSPECTOR: Is it likely that there was one other or is

20 it possible that you were the only other person in the

21 Pinz-gauer with S007 driving and you in the back? Is

22 that possible?

23 A. No, sir, it's not possible.

24 THE INSPECTOR: So there would have been at least one other

25 with you in the back. Is that right?

1 A. That's right, sir.

2 THE INSPECTOR: Thank you.

3 MR POOLE: You can't recall who was in the other vehicle,
4 other than the driver. Is that right?

5 A. That's right, sir.

6 Q. S001, the section commander; is it likely that he was
7 the other person with you in your vehicle?

8 A. I can't remember, sir.

9 Q. But you recall that he was on this patrol on that day?

10 A. Yes, sir.

11 Q. You describe finding the location that had been agreed
12 upon and sitting in the two vehicles by the side of the
13 road like a highway patrol. This was somewhere on
14 highway 6.

15 A. As far as I can remember, that's right, sir.

16 Q. Are you able to help with how far, for example, away
17 from the police station this location was?

18 A. I can't remember, sir.

19 Q. There came a time when you saw a vehicle stop and turn
20 around.

21 A. Yes, sir.

22 Q. How long had you been sat beside the road at that point
23 in time?

24 A. I can't remember, sir.

25 Q. Had you effected other stop and searches prior to seeing

1 this vehicle?

2 A. Yes, there had been other vehicles stopped and searched.

3 THE INSPECTOR: As a result, when you saw the vehicle that

4 you remember seeing, were you in the back of the

5 Pinz-gauer or were you on the ground? Do you remember?

6 A. At that stage I was on the ground, sir.

7 THE INSPECTOR: Were you on the same side of the highway,

8 the two vehicles, or one on each side of the highway?

9 A. I can't specifically remember, sir.

10 THE INSPECTOR: You appreciate I'm only trying to build up

11 as clear a picture as we can. All right?

12 Your Pinz-gauer was obviously facing in one

13 direction. The vehicle you saw, was it coming from the

14 direction your Pinz-gauer was facing or from the

15 direction behind the Pinz-gauer?

16 A. I can't remember, sir.

17 THE INSPECTOR: What did you see this vehicle do?

18 A. It stopped and turned around, sir.

19 THE INSPECTOR: Can you broadly describe the vehicle now?

20 A. It was a white vehicle, sir, but again, it's a long time

21 ago. I can't exactly remember what it looked like.

22 THE INSPECTOR: As a result of you seeing the vehicle turn

23 around, did you then speak to somebody?

24 A. I pointed it out to S001, sir.

25 THE INSPECTOR: You realise I have to find facts, which is

1 why I ask detailed questions. Would I infer from that
2 that S001 was next to you when you saw the vehicle and
3 you just turned to him, or did you have to go across the
4 road or did you have to walk a distance to talk to him?
5 Do you remember?

6 A. Again, I can't specifically remember but I would assume
7 I would have been a distance away.

8 THE INSPECTOR: Having spoken and told S001, did that result
9 in a chase taking place?

10 A. Yes, sir.

11 THE INSPECTOR: Do you remember, did the Pinz-gauer have to
12 turn round and go back down the road? Is that how it
13 was?

14 A. I can't remember, sir.

15 THE INSPECTOR: You can't. All right. Is it the case that
16 the Pinz-gauer is slower than the Wimmick?

17 A. Yes, sir.

18 THE INSPECTOR: Do you remember the Wimmick going off at
19 a greater speed than the Pinz-gauer was able to go off
20 at?

21 A. I can't remember, sir.

22 THE INSPECTOR: Just look at the bottom of page 23, would
23 you. Would you like to just read -- at the bottom of
24 page 23, there's a sentence which begins:

25 "We set off down the highway. The Pinz is slower

1 than the WMK and we were left behind. As I was in the
2 back, I could not see forward. I had a restricted view
3 sideways and I could see behind. I did not know what
4 was happening ahead. We went off quite fast for about
5 five or so minutes."

6 Just pausing there, that's why I was asking you the
7 question I did. Is that how you do recollect it, as you
8 put it in your statement there?

9 A. Yes, sir.

10 MR POOLE: There came a time when you dismounted your
11 vehicle. You say you found that you were in a village
12 but did not know where. Could you describe what you saw
13 immediately around you when you got out of your vehicle?

14 A. We were in a village. I saw houses.

15 Q. You got out of the back of your vehicle; is that right?

16 A. I got out of the back, sir, or the side (inaudible).

17 Q. The Wimmick had already arrived at the scene. Is that
18 right?

19 A. Yes, sir.

20 Q. Knowing as you do the relative speeds of the two
21 vehicles and the time or distance that you travelled,
22 are you able to assist with how long the Wimmick had
23 been at the scene before you arrived in your vehicle?

24 A. I couldn't exactly say, sir, but the Wimmick was there
25 before the Pinz-gauer.

1 THE INSPECTOR: What about any other vehicle? Did you see
2 another vehicle which had been stopped by the Wimmick or
3 what?

4 A. Yes, sir: obviously the white pick-up truck.

5 THE INSPECTOR: Was the Wimmick front or aft of the pick-up
6 truck?

7 A. Again, sir, I can't remember.

8 MR POOLE: You say you can't be exact when asked about the
9 time between you arriving and the other vehicle being on
10 the scene. Are we, though, talking a matter of
11 a minute, five minutes, ten minutes?

12 A. Maybe a minute, sir. Again, I am not 100 per cent sure.

13 Q. Did you see your colleagues from the other vehicle out
14 of their vehicle when you arrived?

15 A. Yes, sir.

16 Q. Are you able to recall who you saw?

17 A. No, sir.

18 Q. Did the driver of your vehicle remain with your vehicle?

19 A. I can't specifically remember, sir, but I would have
20 thought he would.

21 Q. Did you see the occupants of the white pick-up truck
22 being removed from their vehicle?

23 A. No, sir.

24 Q. So are you not able to say whether they voluntarily got
25 out or had to be physically removed?

1 A. No, sir.

2 Q. We know there were two men in the white pick-up truck.

3 Where were they when you first saw them?

4 A. They were lying next to each other, sir.

5 Q. Face up or face down?

6 A. Face down, sir.

7 Q. How far apart were they?

8 A. Again, I couldn't say exactly but I would say about

9 a metre apart.

10 Q. How far from your vehicle were they?

11 A. Again, I couldn't give an accurate distance --

12 THE INSPECTOR: Everything is approximate.

13 A. I would say 10, 15 metres, sir.

14 MR POOLE: How far from the white pick-up truck?

15 A. Probably about the same, sir.

16 THE INSPECTOR: That's quite a distance from the pick-up

17 truck, isn't it?

18 A. Yes, sir. Like I say, I can't specifically remember --

19 THE INSPECTOR: No, but we are not talking about two people

20 lying on the ground next to the pick-up truck by the

21 sound of it, are we?

22 A. No, sir.

23 MR POOLE: And the other vehicle, how far away were they

24 from that?

25 A. Probably about the same, sir. But again, it's a very

1 long time ago. I am sort of trying to work out where
2 everything was. It's very hard to remember.

3 Q. So we have the three vehicles stopped, the two men lying
4 face down on the ground about a metre apart,
5 approximately 10 to 15 metres away from any of the three
6 vehicles. You have just got out of your vehicle. Where
7 were other members of your section?

8 A. They were either with the vehicle or forming up as an
9 all-round defence, which is what we usually do, sir.

10 Q. When you first saw the men on the ground, how far was
11 the closest member of your section to the men?

12 A. Not very far, sir; a couple of metres.

13 Q. What was the demeanour of the men on the ground?

14 A. Sorry, what do you mean with "demeanour", sir?

15 THE INSPECTOR: Well, were they moving, were they
16 gesticulating or were they just lying there? Do you
17 remember?

18 A. They were lying still, sir.

19 THE INSPECTOR: Apart from your patrol, your section, the
20 two men in Arab dress on the ground, were there any
21 other Arab people about?

22 A. Not what I immediately saw, sir.

23 THE INSPECTOR: But there came a time when there were?

24 A. That's right, sir.

25 MR POOLE: You were instructed by S001 to check the men for

1 weapons, and you say someone else was also tasked with
2 that. Do you remember who that was?

3 A. I don't specifically remember, sir.

4 Q. Do you remember where S001 was when he gave you that
5 instruction?

6 A. He was on his way to search the vehicle, sir.

7 Q. Was he accompanied by anyone to go and search the
8 vehicle?

9 A. Again, I cannot 100 per cent remember but I thought he
10 was with S004, sir.

11 Q. So you approached the men. Did they remain motionless
12 on the floor as you approached them?

13 A. They did until I approached them, sir.

14 Q. What did they do as you approached?

15 A. They started to move and wanting to get up, sir.

16 Q. What did you do?

17 A. I used my left hand to push the occupants to the floor.

18 THE INSPECTOR: You used your left hand. Was it one person
19 you pushed to keep them on the floor? What part of that
20 other person's body did you come into contact with?

21 A. The part of his back, shoulder, sir.

22 THE INSPECTOR: Were you shouting, saying anything to him?

23 A. I can't remember, sir.

24 THE INSPECTOR: Is it likely?

25 A. I could have asked him to lie still. I can't remember,

1 sir. I really can't.

2 THE INSPECTOR: Forgive me again for trying to get
3 the atmosphere, but when you use a word like "I asked
4 him", it conveys a sense of what you did. But to use
5 a word like "ask" in circumstances in which you are
6 a soldier, being armed, having to search somebody who
7 could be a threat to your safety and the safety of
8 others, who appears to want to get up from a position
9 which he's obviously been put into -- it isn't
10 a criticism, but I find the word "ask" doesn't convey
11 what I would believe is likely to have happened.

12 Isn't it likely that you would have been shouting at
13 him to achieve control over him and telling him, even
14 though he might not understand: "Lie down!" I don't
15 want to dramatise but I just don't want to hear
16 something which doesn't reflect what is likely to have
17 gone on. Do you get the thrust of what I am trying to
18 do?

19 A. I understand what you're saying, sir.

20 THE INSPECTOR: So could you think hard and just tell me, in
21 your own words, what this situation was like and what it
22 presented you with. Okay? Do your best.

23 A. Sir, it is like you say. You are aware of safety. What
24 I said to him I can't remember, but I did push him down
25 to the ground.

1 THE INSPECTOR: You are not likely to do that in a way,
2 I would suggest, in which you are gently doing it. You
3 must exert force -- force which you would no doubt
4 consider reasonable to use -- to keep him on the ground.
5 Is that right?

6 A. Yes, sir, reasonable force.

7 MR POOLE: Before you touched the man, did you see any
8 visible injuries on his person at all?

9 A. No, sir.

10 Q. Having forced him back to the ground, how did he react?

11 A. He was face down on the ground and he was lying still.

12 Q. Was that a result of you maintaining force?

13 A. I briefly handled him.

14 Q. Having released him, so you're no longer applying any
15 force to him at all, did he attempt to get up again?

16 A. Not that I can remember, sir.

17 Q. The other man beside him, was he in your line of sight
18 when this was going on?

19 A. When you say the other --

20 Q. The other Arab male that was lying on the floor as well.

21 A. I was occupied with my suspect. I wasn't looking at the
22 other suspect.

23 Q. Do you recall though that man attempting to get up off
24 the floor?

25 A. Like I said, sir, I was occupied with my suspect.

1 I can't remember.

2 Q. There came a time when you say you returned to the
3 perimeter to keep a lookout. Describe how that came
4 about.

5 So at one point you have been asked to search the
6 man. You have had to apply some force to ensure he
7 returned face down to the ground. He's then, you say,
8 compliant and lying face down on the ground. Talk me
9 through your actions from that point to when you, as you
10 say, returned to the perimeter.

11 A. Well, I briefly searched him, sir, and whilst doing
12 that, one of my colleagues asked me to go back and have
13 a look out on the perimeter, as he was concerned about
14 the safety.

15 THE INSPECTOR: How do you search a man lying on the ground
16 with his face down? What do you do?

17 A. I searched him with my hands, sir. He's -- underneath
18 his arms, on his legs, to see if he's carrying any
19 sidearm.

20 THE INSPECTOR: Is this patting clothing? Is that how you
21 do it?

22 A. Yes, sir.

23 THE INSPECTOR: On both sides? Were you standing over him
24 astride or something like that?

25 A. I can't specifically remember, sir, but I did search

1 him. I did not turn him around. I briefly searched
2 him.

3 MR POOLE: When carrying out that search, did you see any
4 injuries on the man?

5 A. No, sir.

6 Q. Is it possible that you might not have seen injuries
7 such as broken skin or bruising?

8 A. Like I said, I did not turn him over, so possibly, yes.

9 THE INSPECTOR: Did you even see his face at any time?

10 A. Yes, sir. He was moving around. I did see his face.

11 THE INSPECTOR: When you saw his face, you have no
12 recollection now -- and this is all I want, your
13 recollection -- of any injuries to his face?

14 A. Not that I can remember, sir.

15 THE INSPECTOR: If there had been some, do I take it it's
16 more likely you would have noticed them?

17 A. Yes, sir.

18 MR POOLE: When you went back to the perimeter, did you take
19 up a fixed point?

20 A. Yes, sir.

21 Q. How far was that from the man that you had just
22 searched?

23 A. Again, about 10 or 15 metres, sir.

24 Q. Where were you looking when you adopted that position?

25 A. I was looking out, sir.

1 Q. So in terms of what we have heard described as your arc,
2 the two Arab men on the ground, were they within your
3 line of sight?

4 A. No. They would have been the opposite way, sir.

5 Q. So do I take it from that that they were effectively
6 directly behind you?

7 A. As far as I can recall, that's correct, sir.

8 Q. You say in your statement you were covering your arcs
9 and occasionally looking in. Do I take it by
10 "occasionally looking in", you mean effectively looking
11 behind you towards where the two men were?

12 A. Yes, sir.

13 Q. When you looked in, what did you see?

14 A. I saw S001 and S004, which -- I think it was them --
15 again, we all have our helmets on; it's really difficult
16 to identify people with helmets on -- searching the
17 suspects again.

18 Q. Did you think that strange, as you and a colleague had
19 just performed a search?

20 A. No, I don't think it's strange.

21 THE INSPECTOR: Can you remember now: was one of them
22 searching one and the other one searching another, S001
23 and S004, or were they both searching each man, or how
24 were they doing it? Can you remember?

25 A. I cannot remember, sir. I was vaguely looking in and

1 focused on my arc for safety reasons.

2 THE INSPECTOR: Were there any English voices? Were there
3 any voices? Was anybody shouting or saying anything at
4 this time?

5 A. I can't remember, sir.

6 THE INSPECTOR: What was the terrain like? Are these men
7 lying in a road or are they lying at the side of the
8 road or what? What is it they're lying on in terms of
9 the terrain?

10 A. I cannot specifically remember, sir, but I would have
11 thought it would be ground, sand or gravel.

12 THE INSPECTOR: You say gravel. There's gravel present in
13 the sand as well, is there?

14 A. Sir, it's very sandy out there. I probably mean the
15 same thing. Sand.

16 THE INSPECTOR: Do you get rock in the sand as well?

17 A. I can't remember, sir, but --

18 THE INSPECTOR: But if it's the road they're lying in, it
19 would be worn down, whatever it was, by vehicles.
20 That's why I'm asking whether you think it was the road
21 or not.

22 A. Sir, I can't specifically remember on what they were
23 lying.

24 THE INSPECTOR: Did there come a time when the local
25 inhabitants were on the scene, or some of them?

1 A. Yes, sir.

2 THE INSPECTOR: When was that?

3 A. It was while I was looking out at the perimeter, and --

4 looking back, I could see people coming in from the

5 village side.

6 THE INSPECTOR: What were they doing?

7 A. I am not too sure what they were doing, sir, but they

8 were coming towards the scene.

9 THE INSPECTOR: Were there voices?

10 A. Yes, sir.

11 MR POOLE: Did you or anyone else in your section have to

12 handle any of the other civilians?

13 A. I never had to handle any civilians coming in to my

14 side.

15 Q. Are you aware of anyone else in your section having to

16 do so?

17 A. Yes, sir.

18 Q. You witnessed that?

19 A. Looking back, yes, sir.

20 Q. Can you describe to us what you witnessed.

21 A. I witnessed people coming in to the scene and some of my

22 colleagues asking them to move away.

23 Q. Presumably this is a potentially threatening situation?

24 A. Yes, sir.

25 Q. You used the word "asking" again. Is it more likely

1 that there would have been raised voices and fairly firm
2 instructions given by your colleagues?

3 A. Yes, sir, asking with authority.

4 Q. Did that stop the other civilians encroaching on the
5 scene?

6 A. Like I said, I was looking out to my perimeter, sir, and
7 we weren't there very long. All I can remember was
8 mounting up and leaving the scene.

9 Q. Did you witness any contact between anyone in your
10 section and anyone else other than the two men on the
11 ground?

12 A. No, sir.

13 THE INSPECTOR: What about a dog?

14 A. There was a dog on the scene. It was snarling and
15 barking, and it was shot, sir.

16 THE INSPECTOR: Did you shoot the dog?

17 A. I did not shoot the dog, sir.

18 THE INSPECTOR: Do you know who did shoot the dog?

19 A. I am not sure, sir. I couldn't say.

20 MR POOLE: It was, though, someone from your section as
21 opposed to a civilian?

22 A. I would have thought it was from my section, sir, as if
23 it wasn't we would have reacted to it, and we didn't.

24 Q. When a shot is fired, do you not need to account for
25 that bullet?

1 A. I would have thought so, sir.

2 Q. So we should expect to see a report or some written
3 account of that shooting of the dog incident?

4 A. Yes, sir.

5 Q. Who ultimately within the section would be responsible
6 for that filing of a report?

7 A. Well the person who shot the dog, possibly, and the --
8 S001.

9 Q. Am I right in saying this is not something that could
10 have gone unnoticed by other members of your section?

11 A. That's right, sir.

12 Q. S002 describes an incident on 11 May. He describes
13 having to restrain one of two Iraqi males on the floor
14 with an arm lock. Did you witness this?

15 A. No, sir.

16 Q. He also recalls S001 using his helmet to hit one of the
17 men to get them on the floor. Did you witness that?

18 A. No, sir.

19 Q. Have you ever seen anyone on your section use their
20 helmet in that way?

21 A. No, sir.

22 Q. Just assist us with the type of helmet that is worn, or
23 you were wearing at the time. Are you able to tell us
24 what it is made out of?

25 A. As far as I know, it's made out of hardened plastic with

1 kevlar inside. Again, I am not 100 per cent sure.

2 Q. What sort of weight are we talking about?

3 A. Maybe 1 kilogram? I'm not too sure.

4 Q. There obviously came a time when you had to get back

5 into your vehicle. How long between getting out of your

6 vehicle and getting back in did this whole incident

7 last?

8 A. Again, I can't give a specific time but it wasn't very

9 long. We weren't there very long on the ground, sir.

10 Q. Doing the best you can, seven years after the event, are

11 we talking five minutes, ten minutes, 15 minutes?

12 A. Maybe five minutes, sir. Again, I am not 100 per cent

13 sure.

14 Q. Do you remember if anything of interest was found in the

15 vehicle?

16 A. I don't know, sir.

17 THE INSPECTOR: When you left the scene, where were the two

18 men who had been on the ground?

19 A. As far as I know, they were still on the ground, sir.

20 THE INSPECTOR: Did you have any thoughts at the time, or

21 have you had any thoughts since, about the fact that the

22 scene was left by the section at a time when there were

23 two people lying on the ground? Did you ever ponder

24 that, think about it?

25 A. I didn't think on that, sir. That would be the

1 responsibility of my section commander.

2 THE INSPECTOR: I take it from what you have told me already
3 that up to 11 May you had never seen an incident like
4 this in the course of a VCP?

5 A. That's right, sir.

6 THE INSPECTOR: After 11 May, I think you were there until
7 the end of June. Did you ever see another incident
8 which was in any way similar to that which took place on
9 11 May?

10 A. No, sir.

11 THE INSPECTOR: Using your own words but endeavouring to
12 help me about this incident, how would you describe it?

13 A. Sir, I've given my statement and it's been a very long
14 time ago, and it's very hard for me to remember
15 everything and describe everything. I think what I want
16 to say is what's in my statement, sir.

17 THE INSPECTOR: I think you might have misunderstood my
18 question. I don't mean give detailed facts. I just
19 want you to, if you can, describe it in terms of
20 anything. I mean, was it a somewhat unpleasant
21 incident, or was it a perfectly routine incident, or was
22 it an ugly incident, or was it a bit more violent than
23 you thought things normally were? I mean, just tell me
24 about it, telling me in all frankness what you, who have
25 given this account -- you have given this account for

1 a long time now and for that you can be commended, but
2 just tell me: how did it seem to you? Did it seem like
3 the sort of thing that was inevitable or what? Just
4 tell me. If you can't say anything, I'll accept it, but
5 for the moment, just ponder and tell me how you would
6 describe it.

7 A. Everything seemed to be quite normal, sir, except for
8 the dog being shot.

9 THE INSPECTOR: But you had never seen two men lying on the
10 ground before to be searched? Correct?

11 A. No, sir.

12 THE INSPECTOR: And you never saw two men lying on the
13 ground again; is that right?

14 A. That's right, sir.

15 THE INSPECTOR: How do you describe that as "normal"?

16 A. We were isolated, sir. We were away from base. We were
17 six soldiers and in that situation it makes it difficult
18 not to do that, I think.

19 THE INSPECTOR: Thank you. Yes?

20 MR POOLE: You may or may not be aware but S004's rifle that
21 was taken from him in the investigation and underwent
22 forensic testing -- a spot of blood was found in one of
23 the screw holes in the rifle butt, and there is
24 extremely strong scientific support for the assertion
25 that that blood spot, tested from that screw hole,

1 originated from a male child of Mr Abdullah's parents.

2 From what you saw of the incident on 11 May, do you
3 feel able to explain the presence of that blood on the
4 rifle butt?

5 A. Sir, I couldn't comment on that.

6 Q. Have you ever witnessed S004 strike anyone with his
7 rifle?

8 A. No, sir.

9 Q. Have you seen any members of your section use their
10 rifle in that way?

11 A. No, sir.

12 Q. On your return to base on 11 May after this incident,
13 did you speak to anyone about the incident involving the
14 two Iraqi men?

15 A. No, sir.

16 Q. You say in your statement that S010 spoke to S001. Do
17 you know what that was about?

18 A. I don't know what the conversation was about, but I did
19 see them speaking to each other.

20 Q. Did you think this was in any way connected with what
21 had happened earlier in the afternoon?

22 A. I thought he was explaining to him what had happened.

23 Q. So your understanding was this was S001 explaining to
24 S010 what had happened on the patrol?

25 A. Yes, sir.

1 Q. Did S010 speak to you, either personally or collectively
2 as a section, about that patrol?

3 A. I can't recall S010 ever speaking to me about the
4 incident.

5 Q. What about your platoon sergeant, Sergeant O'Brien?

6 A. Sergeant O'Brien never spoke to me, sir.

7 Q. A couple of days later, you heard rumours that someone
8 had been killed.

9 A. That's correct, sir.

10 Q. Did you link this to the incident that you describe
11 happening on 11 May?

12 A. No, sir.

13 Q. On 24 May, you were cautioned by the Royal Military
14 Police. Were you expecting that?

15 A. No, sir.

16 Q. Did you understand why you were being cautioned?

17 A. They explained to us what had happened and it all
18 happened from there, sir.

19 Q. When it was first explained to you why you were being
20 cautioned, what was your immediate thought or thoughts?

21 A. That's very specific, sir. I can't remember.

22 Q. A number of items were seized from you, and again, they
23 underwent forensic testing, in particular the boots that
24 were believed to be worn by you on 11 May. There was
25 found on those boots to be evidence of spattered blood,

1 which the forensic report says originated from
2 an unknown female. The nature and the distribution of
3 those blood spots is what the analyst describes he would
4 expect to see if these boots had been involved in
5 the kicking of a bleeding female when she was close to
6 the ground. Do you wish to comment on that?

7 A. I certainly don't remember ever kicking a female lying
8 on the ground, and I can't account for the blood on the
9 shoes.

10 Q. You have seen a number of witness statements prepared
11 for the investigation by Iraqi witnesses and you have
12 set out your comments on those at pages 26 and 27 of
13 your statement. Is there anything you wish to add to
14 what you have said there?

15 A. (Pause) No, sir.

16 THE INSPECTOR: Thank you. (Pause)

17 Thank you very much. Thank you very much for
18 coming, for cooperating with this investigation, and
19 thank you very much for the assistance you have
20 provided.

21 A. Thank you, sir.

22 THE INSPECTOR: Just wait a moment. I will just have
23 a communication with Iraq.

24 A. Yes.

25 THE INSPECTOR: Ms Al Qurnawi, I was proposing to stop now.

1 Can you hear me?

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

3 THE INSPECTOR: Following the procedure that we adopted
4 yesterday, if you have any questions for this witness,
5 could you send them to me, send them to my team. I can
6 then decide on the way forward in dealing with them.

7 All right?

8 MS AL QURNAWI: All right, will do.

9 THE INSPECTOR: Thank you.

10 Now, that completes our evidence this week, but we
11 are due to take more evidence, as you know, next Monday,
12 Tuesday and Wednesday.

13 MS AL QURNAWI: Yes.

14 THE INSPECTOR: At the moment, because I am very
15 disappointed with the technical arrangements that we
16 have had to live with over the last two days, I may
17 decide that we should go to --

18 (Break in the video link)

19 (Without video link)

20 What I am going to say I will say now and I can say
21 it to Ms Al Qurnawi either by email or otherwise.

22 I think the uncertainty that we have had to put up with
23 in the last two days is just wholly unacceptable. Some
24 time ago, the Ministry of Defence offered the facility
25 at the Ministry where there can be a video link and

1 where, if there's difficulty, there are people on the
2 premises who can deal with it. Because I considered
3 that unless it was necessary, it was more desirable for
4 the separation of this investigation from the Ministry
5 of Defence to be public as well as real, I declined and
6 made the arrangements for these last two days, and as
7 they are for next week.

8 I may well simply have to give in, and you will
9 understand why, and I am making it public that I will
10 give in --

11 (Video link returned)

12 MS AL QURNAWI: Hello?

13 THE INSPECTOR: Ms Al Qurnawi?

14 MS AL QURNAWI: Yes, sorry.

15 THE INSPECTOR: I have just explained -- and I would like to
16 explain to you -- that I find what we have had to put up
17 with unacceptable. Originally, I was offered facilities
18 at the Ministry of Defence. I took the view that
19 I would rather not have the investigation, which is
20 independent, of course, of the Ministry of Defence,
21 taking place within the building of the Ministry of
22 Defence. But the advantage that is now obvious to me is
23 that I would then have available next week an electronic
24 system of communication with you which would not only be
25 probably -- well, certainly more reliable than what we

1 have had, but the weakness that this system has is that
2 there is nobody on site when things go wrong to put it
3 right, whereas there will be somebody at the Ministry of
4 Defence. So I just wanted to tell you that I may well
5 decide that the thing I have to do in order to avoid
6 these unacceptable delays and uncertainties for us all
7 is to take the offer from the Ministry of Defence, which
8 you would understand makes no difference to the
9 independence of the investigations. All right?

10 MS AL QURNAWI: I understand. Yes, all right.

11 THE INSPECTOR: Thank you. Thank you very much. Then
12 I will say goodbye to you and all your clients until
13 next week.

14 MS AL QURNAWI: Exactly. Thank you. Goodbye.

15 THE INSPECTOR: So that's where we are. We will post the
16 position on the website but those who really need to
17 know -- Mr Interpreter, the most valued man here, and
18 you, of course, and your colleague -- we will keep you
19 informed.

20 I am afraid it will mean inevitably, won't it, you
21 having to get passes and go through the security system
22 at the MOD and so forth, but that will be a picnic
23 compared to the anxiety and frustration of sitting here
24 not getting anywhere.

25 Thank you very much indeed.

1 (1.45 pm)

2 (The hearing adjourned until Monday, 17 November 2014)

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S003 (called)1

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Questions by MR POOLE2

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