

Monday, 15 December 2014

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(9.30 am)

(Proceedings delayed)

(9.47 am)

THE INSPECTOR: Are we all set then?

MS AL QURNAWI: Yes, we are ready. Good morning.

THE INSPECTOR: Good morning to you all. It is for you to start, Ms Al Qurnawi, as you realise. How would you like to do this?

MS AL QURNAWI: I was wondering, I mean I have -- Dalal is here, so I mean I could summarise what she would like to say or to add or you would like to ask her a question and she will answer. So we are open for this.

THE INSPECTOR: Could I suggest as follows: first of all, you establish with her that we have her witness statement and that she signed it on the date that we have and establish with her that she is satisfied that it is a true and accurate statement of what she recollects.

MS AL QURNAWI: Okay.

THE INSPECTOR: If then there is any particular question that you wish to put to her, to emphasise it because it's important, or if there are any other questions that you have, because you have spoken to her since the statement was made, which amplify or say something you

1 think we should hear from her, then please do that.

2 If not, then I will turn over to Tom Poole and he
3 can begin to ask her some questions and I will probably
4 ask her some questions as well.

5 All right? How does that sound?

6 MS AL QURNAWI: Fine.

7 THE INSPECTOR: Thank you.

8 MS DALAL FINJAN SADDAM(called)

9 (All evidence interpreted unless indicated otherwise)

10 THE INSPECTOR: Ms Al Qurnawi, can you remember, you
11 obviously do, but can we make sure that you take the
12 questioning at a pace which, having asked the witness
13 the question, you give the interpreter here in London
14 time to tell us what the question is, then indicate to
15 her that she can reply and then we go forth in that way.

16 All right?

17 MS AL QURNAWI: All right.

18 Okay. She now understands the steps we will take so
19 shall we start?

20 THE INSPECTOR: Yes.

21 MS AL QURNAWI: I explain to her, yes.

22 THE INSPECTOR: Excellent.

23 THE INTERPRETER: I am only picking up bits and pieces, when
24 she turns her head away from the microphone.

25 THE INSPECTOR: I'm sorry, when you turn your head --

1 MS AL QURNAWI: Yes, okay. Just I will say she just
2 confirmed -- so I had to speak very loudly and I have to
3 ask her what she will be saying, so the first thing,
4 I just ask her to confirm her statement and that it is
5 her statement and the one she has signed this year,
6 August, and she confirmed this.

7 THE INSPECTOR: Yes, good.

8 Ms Al Qurnawi, is it possible for you to -- because
9 she is on your left, when you speak to her you turn your
10 head away from the microphone and we do not then get
11 a clear reception. Either could you ask her the
12 question and not look at her but just speak into the
13 microphone, or I would suggest -- let's try that, shall
14 we? Don't look at her, just put the question to her
15 without looking at her and speaking into the microphone.
16 Let's see how that works.

17 Can we just pause a moment because the interpreter
18 is telling me something.

19 THE INTERPRETER: Perhaps if they sit at the end of the
20 table this end here facing one another it would probably
21 be a good idea.

22 THE INSPECTOR: You mean right up this end?

23 THE INTERPRETER: This end.

24 MS AL QURNAWI: We can face each other. I will ask her to
25 just sit in front of me rather than to my left so

1 probably -- then I can direct the question to her.

2 THE INSPECTOR: Would that work? If she sat opposite you on

3 the other side of the table?

4 MS AL QURNAWI: Yes.

5 THE INSPECTOR: Is she going to be close enough to the

6 laptop?

7 MS AL QURNAWI: No we are not really close enough. I guess

8 you can hear me now?

9 THE INSPECTOR: I can hear you. Let's try now.

10 THE INTERPRETER: Nothing. It's not possible to make out

11 what she is saying.

12 THE INSPECTOR: I am afraid the sound is -- could you move

13 perhaps down towards the laptop, both of you. Okay?

14 A. (Arabic spoken)

15 MS AL QURNAWI: Have you heard this?

16 THE INSPECTOR: Let me see what the interpreter tells me.

17 THE INTERPRETER: I think what I heard, just to paraphrase

18 what she is saying because I was only hearing bits and

19 pieces, that she was shy to give evidence or statement

20 at the beginning and she gave her statement whenever it

21 was, in August. That's all I could hear.

22 THE INSPECTOR: Could you say that to Ms Al Qurnawi in

23 Arabic and then each side will know.

24 MS AL QURNAWI: If she would like to add anything or would

25 like to amplify or correct anything in addition that

1 (inaudible) or renew latest statement that she signed
2 in August and what she said, because that had been in
3 2003 when the court martial evidence was given, she
4 mentioned some or made some incorrect remarks about her
5 broken tooth at the time. As according to her at the
6 time what had happened is there was (inaudible) went to
7 help her brother and the kids and the push that she
8 received at the time but at the time when she was asked
9 by the court under oath to confirm her statement, she
10 made a correction or admission at the time saying that
11 she lied about her tooth.

12 The new thing she just said today about this, first
13 she corrected at the time because she could not lie and
14 swear under the Holy Koran she said something untrue
15 which is not true therefore she put it right at the
16 time.

17 The new thing she is saying, the real -- which
18 happened to her which she could not mention at the time,
19 ten years, 11 years ago, because she was embarrassed
20 because she was bleeding, menstrual -- from her
21 menstrual system, because the incident happened exactly
22 according to Dalal about three days after she had given
23 birth to her daughter. So what happened and she saw and
24 she went running to help her brother and what I just
25 said she was given the push and the hit she got led her

1 to every time on the (inaudible) to bleed.

2 So this is something new that she did not mention
3 before, neither in 2003 nor in her statement, the latest
4 statement of August 2014, because she felt embarrassed
5 at the time about saying something because she is
6 a very, like, it's a cultural thing to comment about it
7 in front of men and foreign men apart from probably her
8 husband. That's something that is not -- easy.

9 THE INSPECTOR: Fine, thank you. I think, Ms Al Qurnawi,
10 sorry to interrupt, but I think we should perhaps try --
11 it may work more smoothly if we start with questions
12 from this end because they will then be interpreted by
13 our interpreter into Arabic. Your client will then have
14 a chance to hear the question. She will then be able to
15 give her answer. The only thing I would, please, ask of
16 you, is that you do not let her answer the question at
17 such length that it means that the interpreter here is
18 not able to keep up.

19 So could you control her if she's minded to spend
20 a long time answering the question. Okay?

21 MS AL QURNAWI: I am happy to do it this way, maybe it's
22 hard, I am happy for the interpreter to translate what
23 she is saying but as long as -- I will translate to hear
24 what she is saying because it's easier for me to hear in
25 here because she speaks a bit quietly and secondly with

1 the dialect even for me, with this part of Iraq, it is
2 sometimes difficult for me to understand so I am quite
3 sympathetic to the interpreter in case he would not be
4 here or really understand what Dalal is saying or the
5 accent of what she is --

6 THE INSPECTOR: Thank you. We will all work together and we
7 will come up with a result.

8 MS AL QURNAWI: Yes, absolutely. I will just say, if you
9 don't mind, just let me explain to her what you have
10 just said.

11 Questions from MR POOLE

12 MR POOLE: I am going to ask you some questions about the
13 incident on 11 May 2003.

14 On that day, I understand you were living in the
15 Al Firqa village?

16 A. Yes.

17 Q. Could you tell me about the village?

18 MS AL QURNAWI: Is it clear or should I --

19 THE INTERPRETER: No, it's not clear, no.

20 MS AL QURNAWI: Okay. What she is saying is that was this
21 area, this obviously goes back to Saddam's days, that
22 area was occupied by Saddam's army and the military, and
23 after that they moved their group of (inaudible). So
24 they moved. This is basically what the village is.

25 Q. How many dwellings are there in the village?

1 A. 25.

2 Q. Roughly how many people live in the village?

3 A. I don't know.

4 Q. Is there a single road that runs through the village?

5 A. Yes, there is.

6 Q. Where is the dwelling that you live in in comparison to
7 the road?

8 A. Right in the middle.

9 Q. How far from the road is your house?

10 A. 100 metres.

11 Q. Between your --

12 MS AL QURNAWI: Approximately 100 metres.

13 THE INTERPRETER: Approximately.

14 MS AL QURNAWI: Between your house and the road, are there
15 any obstructions or anything blocking your view?

16 A. No.

17 MS AL QURNAWI: Nothing.

18 MR POOLE: On the afternoon of 11 May 2003, what were you
19 doing?

20 MS AL QURNAWI: It may be difficult for you, Mr Interpreter.
21 What she said, because she just at the time gave birth
22 three days ago to her baby daughter and that day she was
23 just -- she was at home and house bound with herself and
24 the baby.

25 THE INTERPRETER: I confirm that, yes.

1 MR POOLE: So do I understand that you were inside your
2 house?

3 A. I went outside and I saw the incident.

4 MS AL QURNAWI: Yes, she was inside and then went outside.

5 MR POOLE: What made you leave your house?

6 THE INTERPRETER: Talking about the baby, she took the baby
7 outside and saw the incident.

8 MS AL QURNAWI: No, exactly what she said, because, you
9 know, she held her baby in a cot or something like that
10 and there was water obviously where she showered the
11 baby and then she took the water pot outside because you
12 know it's a village, they just throw the water or
13 whatever outside their houses. When she took it to
14 throw it away outside the house, the water, where she
15 bathed her daughter, she saw the incident.

16 THE INTERPRETER: Okay, that's correct.

17 MR POOLE: You say in your statement that you saw your
18 brother's vehicle stopping to drop off a passenger. Is
19 that what you saw when you left your house?

20 A. Correct.

21 MS AL QURNAWI: Yes, correct.

22 MR POOLE: So that vehicle would have been approximately
23 100 metres away from you. Is that right?

24 A. I don't know, I am a village woman, I don't know.

25 MS AL QURNAWI: In terms of --

1 MR POOLE: Was your brother's vehicle still on the road when
2 you first saw it?

3 THE INTERPRETER: Sorry, I didn't get that.

4 MS AL QURNAWI: Yes, she recognised her brother's car.
5 Sorry, is that the question? I want to be clear about
6 the question.

7 MR POOLE: No. The question was: was your brother's car on
8 the road when she saw it?

9 MS AL QURNAWI: Yes, it was her brother's car.

10 THE INTERPRETER: I think that was "yes".

11 MR POOLE: Was it on the road?

12 MS AL QURNAWI: I am just explaining to her because she got
13 a bit jumpy, just trying to stay and answer it one by
14 one, just answer the question.

15 THE INTERPRETER: She's describing what happened. Basically
16 she's jumping ahead.

17 THE INSPECTOR: Can I help?

18 MS AL QURNAWI: Yes, please do.

19 THE INSPECTOR: When you saw your brother's vehicle, was it
20 still moving or had it stopped?

21 MS AL QURNAWI: Okay. When she saw her brother's car, she
22 saw the car was coming and then it stopped. That's
23 exactly what she --

24 THE INTERPRETER: Saw it coming and it stopped.

25 MR POOLE: Can you describe your brother's car for us,

1 please?

2 A. White car with a yellow line.

3 MS AL QURNAWI: It has, sorry, what did he say?

4 THE INTERPRETER: I thought she said a white car with

5 a yellow line.

6 MS AL QURNAWI: No, black -- black rubber line.

7 THE INTERPRETER: A black line, okay.

8 MR POOLE: Where did the passenger get out of the vehicle

9 from?

10 A. One came out of this door, one came out of the other

11 door.

12 THE INSPECTOR: How many doors? How many doors for the

13 vehicle?

14 A. Four.

15 MS AL QURNAWI: Four doors.

16 THE INTERPRETER: Four.

17 THE INSPECTOR: Were there two people who got out?

18 MS AL QURNAWI: What she saw, she saw only two, maybe there

19 were others but what she saw she remembered the two.

20 THE INTERPRETER: Only two, yes.

21 THE INSPECTOR: Who were the two people you saw getting out?

22 A. My brother and --

23 MS AL QURNAWI: The deceased, Nadheem.

24 THE INSPECTOR: But who was the passenger?

25 A. I don't remember.

1 MS AL QURNAWI: She saw passengers get off the car but she
2 doesn't remember more detail. She said she focused on
3 her brother and Nadheem at the time.

4 MR POOLE: Apart from your brother and the deceased, can you
5 remember how many other people got out of the vehicle?

6 A. I don't know. I did not notice, I did not see.

7 MS AL QURNAWI: What she said, she said she did not pay
8 attention to the other passenger. She said her eye was
9 only on her brother.

10 MR POOLE: You say in your statement that you saw two
11 military vehicles and you say that they were following
12 two cars. Can you describe the cars for me?

13 MS AL QURNAWI: Sorry, do you mean describe all the cars you
14 just mentioned, the two military and the other or ...

15 MR POOLE: Could you start by describing the two cars that
16 the military vehicles were following?

17 MS AL QURNAWI: What she is saying, she is saying what she
18 remembers they were pick ups, similar to the car that
19 her brother -- similar to her brother's car, pick up
20 cars.

21 MR POOLE: Were they travelling along the road when she saw
22 them?

23 THE INTERPRETER: I think she said one car carried on and
24 the other one stopped. That's all I could understand
25 I think.

1 MS AL QURNAWI: I am just asking her to repeat because I am
2 not clear about this.

3 What she is saying, they left the other cars they
4 were chasing and they -- like, the (inaudible) road and
5 they just stopped her brother's car.

6 MR POOLE: Did you see where the two cars went that the
7 military vehicles were following?

8 A. I did not notice, no, I don't know.

9 Q. Is it right they continued driving through the village?

10 A. I don't know. They were on the street.

11 Q. Were they driving quickly?

12 A. Yes, they were fast.

13 Q. The two military vehicles stopped beside your brother's
14 car. Could you describe to me how they stopped and
15 positioned themselves?

16 A. One was beside him and the other one was on the street.
17 And they came out of the car.

18 Q. Could you describe the military vehicles to me, please?

19 A. One had a roof and the other one doesn't.

20 THE INTERPRETER: I think.

21 MS AL QURNAWI: No. She said one had a roof. She didn't
22 notice the second one but she remembers one was with
23 a roof.

24 THE INTERPRETER: Just one with a roof.

25 MR POOLE: After the two military vehicles had stopped,

1 could you see any people in those vehicles?

2 A. Soldiers. It had soldiers.

3 Q. Before any soldiers got out of their vehicles, what

4 could you see?

5 THE INTERPRETER: Sorry, I didn't hear that.

6 MS AL QURNAWI: What she says, she then saw the soldiers,

7 they got out the cars and started the search and then

8 the beatings up happened.

9 MR POOLE: If we could take this slowly, please. When the

10 two military vehicles stopped, was your brother and the

11 deceased still in their car?

12 MS AL QURNAWI: Yes, they were inside.

13 MR POOLE: Out of the three vehicles, so the two military

14 vehicles and your brother's car, who got out of

15 a vehicle first?

16 A. I did not notice, I do not know.

17 Q. Did you see your brother get out of his car?

18 A. The soldiers got them out, one from one side and the

19 other one from the other side.

20 THE INSPECTOR: The soldiers got them out?

21 A. The soldiers did, yes.

22 MR POOLE: Was your brother closest to you or further away

23 from the deceased?

24 MS AL QURNAWI: Can you repeat this question?

25 MR POOLE: Was your brother closer to you than the deceased?

1 MS AL QURNAWI: Her brother.

2 THE INSPECTOR: You say the soldiers got them out. How did
3 the soldiers get them out?

4 A. They pulled them out.

5 THE INSPECTOR: They pulled them? They pulled them out, did
6 they?

7 MS AL QURNAWI: They opened the door and they pulled them
8 out.

9 THE INSPECTOR: What happened as they pulled them out?

10 A. They put them in -- lay them on the floor.

11 THE INSPECTOR: They laid them on the floor?

12 A. Correct, yes.

13 THE INSPECTOR: Could you see both your brother and
14 Mr Abdullah being pulled out or just one of them?

15 A. Both.

16 MS AL QURNAWI: She said both.

17 THE INSPECTOR: If --

18 MS AL QURNAWI: Sorry, I am just repeating the question in
19 her own language just to make sure she understands.

20 THE INSPECTOR: I understand, don't worry, Ms Al Qurnawi.
21 How was it that you could see what happened on the
22 other side of the vehicle from where you were standing?

23 MS AL QURNAWI: Because she is saying -- she came running so
24 she became closer to the cars and she was just next to
25 them and therefore she managed to see how they were

1 pulled out on the floor.

2 THE INSPECTOR: Why did you run to the car?

3 A. Because I saw them beating my brother.

4 MS AL QURNAWI: No, no, sorry, what she said, because she
5 recognised that this is her brother's car and her
6 brother was there in the car so therefore she ran to it
7 to see because she saw her brother in her brother's car.
8 I know it's hard for you to hear it. It's fine, don't
9 worry.

10 THE INSPECTOR: I do not understand why just seeing your
11 brother's car caused you to do anything. Why not just
12 stay where you were? I can understand that if you saw
13 your brother being beaten up, then you would run. But
14 we are asking you questions about what happened before
15 the beating.

16 Now, Ms Al Qurnawi, can you make sure she
17 understands.

18 MS AL QURNAWI: Exactly. I will do that.

19 What she is saying, the reason for her running was
20 her brother and -- to the car, because she saw the
21 soldiers, she saw the army vehicles were there. So she
22 felt, that's what caused her to go, when she saw the
23 army and they stopped there and her brother and that was
24 why she ran towards the car --

25 THE INSPECTOR: I see.

1 MS AL QURNAWI: -- to see what was going on.

2 MR POOLE: You have said that the soldiers pulled your
3 brother out of the car and put him on the ground. Where
4 were you when your brother was put on the ground?

5 A. Near him, on the street.

6 MS AL QURNAWI: No, sorry, she has a bit more.
7 She says she was -- of course on the street in
8 the -- where the cars were stopping, the --

9 THE INTERPRETER: Near him on the street, exactly.

10 MR POOLE: How far away from your brother were?

11 A. Five metres. About five to ten metres.

12 MS AL QURNAWI: Yes, approximately --

13 MR POOLE: How many soldiers pulled your brother out of the
14 car?

15 A. I don't remember.

16 Q. Was it one soldier or more than one soldier?

17 A. When they first came out, there were four.

18 MS AL QURNAWI: Tom, you are asking about how many soldiers,
19 one or more, pulled her brother out of the car, is that
20 your question?

21 MR POOLE: Yes, that's right.

22 A. I don't remember.

23 MS AL QURNAWI: She does not remember that.

24 MR POOLE: Am I right that Mr Abdullah was pulled out of the
25 other side of the car to the side that your brother was

1 pulled from?

2 MS AL QURNAWI: Yes, her brother was on one side and

3 Mr Abdullah was on the other side.

4 MR POOLE: Did you see Mr Abdullah being pulled out of the

5 car?

6 MS AL QURNAWI: Yes. She saw both of them when they were

7 pulled out of the car and put on the ground.

8 THE INTERPRETER: I thought she said --

9 MS AL QURNAWI: Sorry. No, okay, I think before I heard

10 here -- sorry, I am going to ask her again.

11 Did you hear this?

12 A. I saw them when they put them on the floor.

13 THE INTERPRETER: I thought she said initially that I do not

14 remember, okay.

15 MR POOLE: Where was Mr Abdullah put on the floor?

16 A. Both of them next to one another on the floor.

17 Q. How did Mr Abdullah get from one side of the car to the

18 other side of the car?

19 MS AL QURNAWI: Sorry, she -- I don't think she understands

20 the question.

21 THE INTERPRETER: I will repeat it.

22 MS AL QURNAWI: Did you hear this?

23 A. The same way they pulled them and put them together.

24 MR POOLE: So did you see Mr Abdullah being pulled from one

25 side of the car to the side of the car that your brother

1 had been pulled from?

2 MS AL QURNAWI: They pulled her brother -- okay, they pulled
3 her brother from one side and Mr Abdullah from the other
4 side. They then, after getting everyone from each side,
5 pulled them together, brought them and put them on the
6 side.

7 THE INSPECTOR: Okay?

8 THE INTERPRETER: Yes.

9 MR POOLE: How did the soldiers put your brother and
10 Mr Abdullah on the floor?

11 THE INTERPRETER: She's gesturing with her hands, they put
12 them this way (indicated).

13 MS AL QURNAWI: Face down.

14 THE INTERPRETER: Face down, okay.

15 MR POOLE: Did they have to use force to put the two men on
16 the ground?

17 A. They put them on the floor and they were on top of them.

18 MS AL QURNAWI: No, what she said exactly. She said they
19 put them on the floor and then started hitting them.
20 Yes, with their rifles, with their helmets.

21 THE INTERPRETER: And then they started beating them up.

22 MR POOLE: Dealing with your brother, how many soldiers did
23 you see hit him when he was on the floor?

24 A. (Arabic spoken)

25 THE INTERPRETER: I didn't hear that.

1 MS AL QURNAWI: Yes, I will ask her to repeat the answer.
2 You asked her about how many soldiers -- sorry, as far
3 as her brother is concerned, is that regarding her
4 brother?
5 THE INTERPRETER: Yes.
6 MS AL QURNAWI: Did you hear this or shall I ...
7 THE INTERPRETER: I think she is saying all four soldiers,
8 they were beating him up. Is that correct?
9 MS AL QURNAWI: Yes. She said she saw at the time the
10 soldiers who were involved in beating Athar, she said
11 she remembered there were four soldiers and that's
12 according to her not just her brother she said because
13 they were two on the floor, so the beating covered both,
14 Abdullah and her brother. She didn't say four were
15 beating her brother, she saw the four and the -- as
16 I said, for both, beating for both gentlemen.
17 MR POOLE: When the beating started, what did you do?
18 MS AL QURNAWI: Did you hear, I didn't get a chance to
19 translate. Did you hear this?
20 THE INTERPRETER: No I didn't, I thought she said she was
21 crying or shouting?
22 MS AL QURNAWI: Yes, she was crying and shouting.
23 THE INTERPRETER: She was shouting and crying.
24 A. I was screaming and shouting, "Why are you hitting them?
25 What have they done? We are tribal community."

1 MS AL QURNAWI: They have nothing and that's what ...

2 THE INTERPRETER: Yes, okay.

3 MR POOLE: You have described four soldiers beating both
4 your brother and Mr Abdullah. Were there any other
5 soldiers?

6 A. I did not notice.

7 MS AL QURNAWI: Okay. What she said is she doesn't remember
8 exactly but she remembers one soldier was on the top of
9 the (inaudible) it was where -- his uniform and this,
10 like body armour and helmet.

11 THE INTERPRETER: I think one soldier was standing on the
12 vehicle, I think that's what she's trying to say.

13 MR POOLE: Were there any people other than you from the
14 village?

15 A. No, just me.

16 Q. So apart from the soldiers, your brother, Mr Abdullah
17 and yourself, there was no one else present. Is that
18 right?

19 MS AL QURNAWI: She is saying -- she said -- okay -- in the
20 town was her brother and (bad audio) -- far away and
21 the villagers were ... witness ... looking ... from
22 this. (bad audio)

23 MR POOLE: When you started to shout, what happened?

24 MS AL QURNAWI: She said they didn't understand what she was
25 saying.

1 A. They did not understand what I was saying.

2 MR POOLE: Did you move closer to your brother and
3 Mr Abdullah?

4 A. Yes.

5 MS AL QURNAWI: Yes.

6 A. Yes, I came closer.

7 MR POOLE: Did you come into contact with any of the
8 soldiers?

9 A. They pulled my clothes, they pulled me with my clothes.

10 Q. Who pulled you? Was it the four soldiers you have
11 described beating your brother and Mr Abdullah?

12 A. No.

13 MS AL QURNAWI: Sorry, you didn't get this.

14 THE INTERPRETER: No, I didn't.

15 MS AL QURNAWI: What she is saying is: yes, they were the
16 soldiers who were beating her brother and Mr Abdullah
17 and even they hit her with the helmet on her head.

18 THE INTERPRETER: Okay.

19 MR POOLE: When you were hit by one of the soldiers, how
20 long had the beating of your brother and Mr Abdullah
21 been going on for?

22 A. I did not -- I cannot tell -- I cannot say.

23 Q. Can you help me understand. You see your brother's
24 vehicle, you see two military vehicles stop either side
25 of it, you see your brother pulled out of the vehicle,

1 you run from your house until you are about five metres
2 away from your brother. The soldiers then start to beat
3 your brother. You start to shout, at which point the
4 soldiers pull you and you are hit by a helmet. Has that
5 all taken place very quickly?

6 A. Yes, quickly.

7 Q. After you are hit with a helmet are you hit again by any
8 of the soldiers?

9 A. No.

10 THE INTERPRETER: The answer was no.

11 MS AL QURNAWI: Apart from pulling her.

12 A. Apart from pulling me, no.

13 MR POOLE: So you are pulled and struck with a helmet? Is
14 that right?

15 THE INTERPRETER: They are just going over, they couldn't
16 understand me.

17 MS AL QURNAWI: Sorry, could you hear this?

18 THE INTERPRETER: What I heard is she is going over the same
19 thing over again, about pulling her and hitting her with
20 a helmet.

21 THE INSPECTOR: Is that right?

22 MS AL QURNAWI: Yes, whilst she was like shouting, crying,
23 hovering around her brother and Mr Abdullah, trying to
24 stop them from beating them then, yes, she was pulled
25 out from her clothes and then was hit. So that was the

1 (inaudible).

2 MR POOLE: You say in your statement that you fainted.

3 A. Not fainted but I was dizzy.

4 MS AL QURNAWI: After they hit her on the head, she said.

5 THE INSPECTOR: Sorry, what is that? Not fainted but dizzy?

6 THE INTERPRETER: Dizzy after I was hit on the head.

7 THE INSPECTOR: Thank you.

8 MR POOLE: I had understood that you had passed out and had

9 to be carried back to your house. Is that wrong?

10 A. It was correct because I was dizzy.

11 MS AL QURNAWI: Sorry, let me explain, I don't think she

12 really got the question. Just -- I will explain to her

13 what you just said.

14 A. I was walking -- they walked me or held me by the arm.

15 MS AL QURNAWI: Okay. So she was dizzy after they pulled

16 her, hit her, so she was dizzy and she was not carried

17 to the house, she was taken and helped, given a hand by

18 the villagers or whoever and walked her back to her

19 home.

20 THE INSPECTOR: Who helped her? Who?

21 A. My sister. My sister did.

22 MR POOLE: So after you were hit with a helmet and felt

23 dizzy, am I right that at that stage you were then

24 helped back to your house?

25 A. Yes.

1 MS AL QURNAWI: Did you hear this?

2 THE INTERPRETER: Just repeating.

3 A. I got dizzy and was helped back home.

4 THE INSPECTOR: By her sister?

5 A. By my sister, yes.

6 MR POOLE: You have told us that you were pulled by the

7 soldiers and that you were hit once with a helmet. In

8 your statement, you say that you were hit three times.

9 You refer to being hit with a helmet. You also say you

10 were hit with a rifle butt and a hand.

11 Is it correct that you were only hit once with

12 a helmet?

13 A. I was hit with the helmet but I was pulled --

14 THE INSPECTOR: What did she say? She was hit with the

15 helmet?

16 A. And I was pulled by my clothes.

17 THE INSPECTOR: And pulled by my clothes.

18 MR POOLE: You say in your statement that the soldiers shot

19 a dog. Where did the dog come from?

20 A. They shot him near to me.

21 THE INSPECTOR: But the question was: where did the dog come

22 from? Can you tell us?

23 A. I don't know where it came from.

24 THE INSPECTOR: Had you ever seen the dog before?

25 A. No.

1 THE INSPECTOR: Had she seen the dog before?

2 A. I was close to the dog.

3 MS AL QURNAWI: No. What she is saying is the dog just was
4 a dog in the village.

5 THE INSPECTOR: The dog did not belong to anybody?

6 A. I don't know.

7 MS AL QURNAWI: She said she doesn't know. She's a villager
8 and we have lots of stray dogs here so ...

9 THE INSPECTOR: Okay.

10 MR POOLE: What was the dog doing before it was shot?

11 A. She was barking at them.

12 MS AL QURNAWI: At the soldiers, yes.

13 MR POOLE: How do you know one of the solders shot the dog?

14 A. The one standing on the car that shot the dog.

15 Q. When you were interviewed by the Royal Military Police,
16 in December 2003, you were asked whether any of the
17 soldiers fired a weapon during the incident. You said
18 that there was no shooting at all. You now say one of
19 the soldiers shot a dog. Which is it?

20 MS AL QURNAWI: Did you hear this?

21 A. The correct thing is that the dog was shot.

22 Questions from THE INSPECTOR

23 THE INSPECTOR: I have one or two questions. Short
24 questions.
25 What did you do with the baby when you came outside?

1 A. At home.

2 THE INSPECTOR: Where?

3 MS AL QURNAWI: She said she had the baby at home in her
4 house.

5 THE INSPECTOR: Whereabouts in the house?

6 A. We have two rooms.

7 MS AL QURNAWI: They have two bedrooms.

8 A. We only have two rooms, it was in the room.

9 THE INSPECTOR: Was it in bed?

10 A. We don't have a bed. Saddam didn't leave us anything.

11 THE INSPECTOR: But you had a baby --

12 MS AL QURNAWI: It was on the floor.

13 THE INSPECTOR: On the floor? I understand.

14 MS AL QURNAWI: On the floor, yes.

15 THE INSPECTOR: Thank you. So you put the baby on the
16 floor. Why did you put the baby on the floor?

17 MS AL QURNAWI: Okay, did you understand?

18 THE INTERPRETER: No.

19 THE INSPECTOR: Why did you --

20 MS AL QURNAWI: What she is saying is she put it on the
21 floor because they don't have cots or anything so they
22 normally sleep on the floor. So it's --

23 THE INTERPRETER: We don't have a bed, normally she sleeps
24 on the floor.

25 THE INSPECTOR: When did you wash the baby?

1 MS AL QURNAWI: Sorry, what do you mean by ...

2 THE INSPECTOR: What is she saying?

3 A. I'm a villager and I do house work and I bathe her and

4 I went out.

5 THE INSPECTOR: What did you have the water in?

6 MS AL QURNAWI: Sorry, what she was saying, did you hear

7 this? They have like sort of a plastic box where they

8 normally use for --

9 THE INTERPRETER: Plastic tub.

10 THE INSPECTOR: Let me remind you what you said to me this

11 morning. I thought you told me that you went out of

12 your house because you had just washed the baby and you

13 wanted to empty the water which you had used to wash the

14 baby. Did you walk out of the house carrying something?

15 A. Carried the tub out.

16 MS AL QURNAWI: Yes she was carrying --

17 THE INSPECTOR: And that is a plastic tub?

18 MS AL QURNAWI: Did you hear this?

19 THE INTERPRETER: No.

20 THE INSPECTOR: Is it a plastic tub?

21 MS AL QURNAWI: No, it's not plastic, it's some sort of --

22 we use it ... like some sort of metal.

23 THE INTERPRETER: A galvanized tub, I think.

24 THE INSPECTOR: How big?

25 A. (indicated) that's it.

1 THE INSPECTOR: As big as that? Did it have water in it?

2 MS AL QURNAWI: Did you hear this?

3 THE INTERPRETER: No. She was talking about the tub and ...

4 sorry, I'll ask the question again.

5 THE INSPECTOR: Did you carry the tub out of the house?

6 A. I don't remember. I took it out of the house to the

7 outside.

8 THE INSPECTOR: The tub?

9 A. Yes, outside.

10 THE INSPECTOR: What were you going to do with the tub

11 outside the house?

12 A. I took it out with her clothes and I saw the car.

13 THE INSPECTOR: You took the tub out. What clothes?

14 A. The baby's. The baby's clothes.

15 THE INSPECTOR: Why take the baby's clothes out?

16 A. To put it out in the sun.

17 THE INSPECTOR: When you were carrying the tub out, was it

18 then that you saw your brother's vehicle?

19 A. Yes.

20 THE INSPECTOR: What did you do with the tub?

21 A. I left it on the floor and I went.

22 THE INSPECTOR: Where did your brother live?

23 THE INTERPRETER: I think she's naming an area.

24 THE INSPECTOR: Did your brother live in your village?

25 A. No.

1 MS AL QURNAWI: No, not in the same village.

2 THE INSPECTOR: Did your brother often drive his vehicle
3 into your village?

4 A. He is always coming.

5 THE INSPECTOR: Why?

6 A. Because my brother --

7 MS AL QURNAWI: Brother comes to visit.

8 A. -- comes to visit.

9 THE INSPECTOR: But he wasn't coming to visit you on that
10 day, was he?

11 A. No. On that day of the incident he wasn't coming to
12 visit.

13 THE INSPECTOR: Why was he in the village?

14 MS AL QURNAWI: Did you hear this?

15 A. He works ...

16 THE INTERPRETER: Something.

17 MS AL QURNAWI: Like a sort of a taxi. Escort people from
18 point to point.

19 THE INTERPRETER: He works like a taxi.

20 THE INSPECTOR: So he drives his vehicle as a taxi?

21 A. Yes.

22 THE INSPECTOR: Thank you. What is she saying?

23 A. When they helped me back to the house there was blood on
24 my leg but I didn't say anything because I was shy.

25 THE INSPECTOR: Okay. I hear what you say. Ms Al Qurnawi,

1 any more questions for her?

2 MS AL QURNAWI: No, no more questions.

3 THE INSPECTOR: Right, thank you.

4 MS AL QURNAWI: Thank you. Just one ... she just wants on

5 her brother's car, there is somebody today, just this

6 morning, they would like him to give evidence and of

7 course if the tribunal approves this and they brought

8 him today here with them.

9 THE INSPECTOR: Do you want him to say something to me? Do

10 you wish him to give evidence, Ms Al Qurnawi? Now?

11 MS AL QURNAWI: I have not had the chance to discuss because

12 as I told -- only the enquiry by email, the family

13 were -- you raised this point and so I haven't had

14 a chance to speak to the witness or any details with the

15 family, to be honest.

16 THE INSPECTOR: But, Ms Al Qurnawi, I don't want to have to

17 have another day when we have an evidence taking session

18 if it can be avoided. Since we are together today,

19 let's do it today.

20 MS AL QURNAWI: Yes. Exactly. So do you mind -- I mean --

21 because we are going to break for lunch anyway shortly,

22 I think I suggested about 11.30 your time, which is 2.30

23 our time. We can let you know our ...

24 THE INSPECTOR: How long? It's 11.20 now. Do you want

25 until midday? Or do you want until --

1 MS AL QURNAWI: Midday. Which is 3 o'clock our time.

2 Midday your time is going to be 3 o'clock, yes, that's
3 fine.

4 THE INSPECTOR: We'll see you at midday. Good, thank you.

5 MS AL QURNAWI: Thank you, goodbye.

6 THE INSPECTOR: Right. We'll take a well earned break.

7 (11.19 am)

8 (A short break)

9 (12.04 pm)

10 THE INSPECTOR: What's the decision, Ms Al Qurnawi?

11 MS AL QURNAWI: Yes. The decision, Sir George, is he would
12 like to give evidence because I have explained to him,
13 he understood the court martial judgment regarding the
14 part relating to him and all the statements that was
15 sent to me by the enquiry and there are three points he
16 would like to correct because he believes that what has
17 been said in this document does not reflect what he --
18 or what happened at the time. So he would like to give
19 a statement regarding that statement.

20 THE INSPECTOR: Are you content to ask him the relevant
21 question for him to give the response?

22 MR POOLE: Exactly. Yes. I will ask him.

23 THE INSPECTOR: Then we will try that.

24 MR ATHAR FINJAN SADDAM

25 (All evidence interpreted unless indicated otherwise)

1 MS AL QURNAWI: Shall I carry on?

2 THE INSPECTOR: No, let our interpreter tell me what you
3 have asked.

4 MS AL QURNAWI: Let me --

5 THE INTERPRETER: She is just explaining to him what has
6 been said and she has not got to the question yet.

7 THE INSPECTOR: Okay.

8 MS AL QURNAWI: (Arabic spoken)

9 THE INTERPRETER: With regard to the passengers you have in
10 the car.

11 THE INSPECTOR: With regard to the passengers in the car?
12 What was the question?

13 MS AL QURNAWI: Sorry, okay. (Interpreted) Tell us about
14 the passengers in the car.

15 THE INTERPRETER: According to his statements she named
16 three female passengers who were in the car.

17 THE INSPECTOR: The names were Karima?

18 THE INTERPRETER:

19 THE INSPECTOR: Who were the others? And who else --

20 MS AL QURNAWI: Karima, Samira and Dalal, his sister.
21 Did you hear this.

22 THE INTERPRETER: I could hear you but I couldn't understand
23 it.

24 A. Karima and Samira were with me in the car.

25 THE INSPECTOR: And?

1 MS AL QURNAWI: They were passengers, yes.

2 A. And Dalal was with the baby.

3 THE INTERPRETER: I think he said.

4 THE INSPECTOR: Dalal was not in the car?

5 MS AL QURNAWI: No. Yes. This is what he said. He said

6 Dalal was not in the car. She came from her house.

7 That is what he said exactly.

8 THE INSPECTOR: Why have you said in the past that Dalal was

9 in the bus?

10 A. I don't remember this -- I don't remember saying this.

11 THE INSPECTOR: Okay. Next question, Ms Al Qurnawi?

12 MS AL QURNAWI: Yes. (Interpreted) The second point you

13 wanted to clarify about your condition.

14 THE INSPECTOR: What did you want to clarify? Tell us about

15 your condition.

16 MS AL QURNAWI: About the points because -- yes, about

17 the --

18 THE INSPECTOR: Tell me about your condition.

19 A. I was unwell from the beating. But I didn't pass out.

20 MS AL QURNAWI: He wasn't unconscious. He said he was

21 tired, dizzy for three days, but he was not unconscious.

22 For three days, as is stated.

23 THE INSPECTOR: Ms Al Qurnawi, anything more on the injuries

24 or beating? Does he want to say anything more?

25 THE INTERPRETER: Sorry, he said something about "my whole

1 body", I am not sure whether his whole body was aching
2 or he was beaten on the whole --

3 THE INSPECTOR: Is he saying his whole body was beaten?

4 THE INTERPRETER: Sorry, it froze.

5 THE INSPECTOR: It's frozen.

6 (Technical break in the connection)

7 THE INSPECTOR: Can you hear me?

8 MS AL QURNAWI: We can hear you.

9 THE INSPECTOR: Is it the whole of your body that was
10 beaten?

11 MS AL QURNAWI: Did you hear this?

12 THE INTERPRETER: I think what I heard is that.

13 A. I was aching all over my body, my back, from the
14 beating.

15 THE INSPECTOR: I was aching all over my body?

16 MS AL QURNAWI: Yes, correct, that's what he says.

17 THE INSPECTOR: Okay.

18 MS AL QURNAWI: Aching, he was beaten all over his body.

19 THE INSPECTOR: I've got that, okay.

20 MS AL QURNAWI: (Interpreted). And the third point, about
21 the damage to the car.

22 THE INTERPRETER: I didn't understand that.

23 A. Basically my car was damaged. They damaged the car with
24 the butts of their rifles and they kicked it.

25 THE INSPECTOR: Any more questions for him?

1 MS AL QURNAWI: No, no questions, Sir George.

2 THE INSPECTOR: Thank you very much. I will ask Mr Poole.

3 Do you have any questions, Mr Poole?

4 MR POOLE: No.

5 THE INSPECTOR: No. Then we have no questions.

6 MS AL QURNAWI: Okay.

7 THE INSPECTOR: Thank you.

8 MS AL QURNAWI: Thank you, Sir George, thank you.

9 THE INSPECTOR: Any more, Ms Al Qurnawi, or have we finished

10 now?

11 MS AL QURNAWI: I think we have finished from our side.

12 THE INSPECTOR: Excellent. Since we have a chance of, as it

13 were, face to face discussion, have you got anything you

14 want to ask me about now?

15 MS AL QURNAWI: I don't have anything specific, but probably

16 it will be good to know what are the next steps now?

17 Where are we going to go from here?

18 THE INSPECTOR: I intend to have no more hearings like this.

19 All right?

20 MS AL QURNAWI: Yes.

21 THE INSPECTOR: I shall, in the next weeks, prepare my

22 reports in each of the cases. I believe that all the

23 material that we have by way of statements is already on

24 the website.

25 If that is wrong, Sarah Ramsey will let you know in

1 very short time what it is that is yet to come.

2 Ms Al Qurnawi, it will not be evidence relating to
3 these central facts. If there is anything, it would be
4 evidence relating to enquiries I have been making in
5 connection with what I have called training issues. Do
6 you understand what I mean?

7 MS AL QURNAWI: Yes, I understand.

8 THE INSPECTOR: In respect of those, obviously anything
9 I will have by way of a statement must be on the website
10 and if you wish to make any comments to me about that
11 evidence, or any evidence, then please feel at liberty
12 to make your comments to me by email. But essentially,
13 I believe you have responded as fully as I had hoped
14 already in respect of the facts with many comments, for
15 which I thank you, which are relevant to my decision on
16 the facts.

17 But if you feel you wish to make any more comments
18 about the facts, I would ask you to do that in the next
19 14 days, as it were, but I would say before the end
20 of December. Is that all right?

21 MS AL QURNAWI: Yes.

22 THE INSPECTOR: I am not inviting you to do it because, as
23 I say, you have comprehensively covered questions which
24 you have put and made your, in effect, your submissions
25 on the gaps in the evidence and the quality of certain

1 of the evidence. So I have them all in mind.

2 So the next thing you will hear from me, probably,
3 will be some sort of notice as to when my reports will
4 be ready. All right?

5 MS AL QURNAWI: Okay. All right.

6 THE INSPECTOR: That is essentially it. Thank you very
7 much.

8 MS AL QURNAWI: Okay, Sir George, thank you everybody.

9 THE INSPECTOR: We will be in touch again in the new year.
10 Thank you. Goodbye.

11 MS AL QURNAWI: Happy New Year in advance.

12 THE INSPECTOR: And to you. Thank you.

13 (12.20 pm)

14 (The investigation concluded)

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