

1 Tuesday, 18 November 2014

2 (9.50 am)

3 S005 (called)

4 THE INSPECTOR: Good morning.

5 MS AL QURNAWI: Good morning. Can you hear us?

6 THE INSPECTOR: Yes. Good morning.

7 MS AL QURNAWI: Good morning everybody.

8 THE INSPECTOR: Well this morning we are going to start with

9 S005. Mr Poole?

10 Questions from MR POOLE

11 MR POOLE: Good morning, S005.

12 A. Morning.

13 Q. There will be a sequential translation of your evidence.

14 So after I have asked a question, it will be translated

15 into Arabic. Then, if you could answer the question and

16 your answer will then be translated into Arabic.

17 Could I ask you, if you provide a long answer, if

18 you could just break that answer down so it can be

19 translated.

20 In the bundle in front of you, if I could ask you to

21 turn to tab 5, please. You should find there

22 a statement that you have provided for the

23 investigation. If you turn to the last page of that

24 statement, you will see it's dated 13 September of this

25 year.

1 A. Yes.

2 Q. Just perhaps confirm that that is your statement?

3 A. Yes, that's right.

4 Q. Now, I'm going to ask you some questions to clarify

5 aspects of that evidence and to try and better

6 understand the events of 11 May 2003.

7 If we can start then, at paragraph 17 of your

8 statement. You say there that you joined the army in

9 2000.

10 A. Yes.

11 Q. After completing your basic training, you undertook

12 specific paratrooper training and I am right that you

13 became a member of the parachute regiment, didn't you?

14 A. Yes, I did.

15 Q. You were deployed to Northern Ireland, I understand?

16 A. Yes.

17 Q. In your time in Northern Ireland, were you involved in

18 carrying out any vehicle check points?

19 A. No, not myself, no. VCPs, yes, sorry, we would have

20 been, yes.

21 Q. So you were involved in stop and searching of vehicles

22 in Northern Ireland?

23 A. Not stop and search, no, I was part of a team that would

24 have been stop and search.

25 Q. If I could just ask you to remember the translator needs

1 to translate my questions before you answer them.

2 A. Yes, sorry.

3 Q. So you were part of a team that would have stopped and  
4 searched vehicles?

5 A. Yes.

6 Q. What role would you play during those stop and searches?

7 A. Well I would just have been part of the team, you know,  
8 I never did any searches or anything like that.

9 Q. So if you never searched anyone, what would you be doing  
10 whilst a search was undertaken?

11 A. Just all round observation.

12 Q. Did you ever face a situation in Northern Ireland where  
13 occupants of a vehicle refused to get out of the  
14 vehicle?

15 A. No.

16 THE INSPECTOR: Are you saying that never happened or you  
17 simply never saw that?

18 A. I never saw that, no. Not in Northern Ireland, no.

19 THE INSPECTOR: Can I just linger for a while. When you say  
20 you were a lookout, did that mean that you were looking  
21 out over a particular arc of countryside or area or  
22 buildings?

23 A. Yes.

24 THE INSPECTOR: And, whilst you were doing that, did you  
25 also observe or keep aware of what was going on with the

1 vehicle that was being searched and what your colleagues  
2 were doing?

3 A. Well, I would have tried to, yes.

4 THE INSPECTOR: So, although you were concentrating on  
5 a particular arc of observation, you wouldn't be totally  
6 unaware of what may have been going on behind you, or to  
7 your side, where your colleagues were attempting to  
8 search people and a vehicle. Have I summarised it  
9 correctly?

10 A. Yes, I would say that's right.

11 THE INSPECTOR: Whilst this is going on, can we take it that  
12 people are shouting or telling people what to do and so  
13 there are voices to be heard, at least in the  
14 background?

15 A. Well, I can never remember any shouting.

16 THE INSPECTOR: If you saw something which you thought was  
17 a threat, movement, say, in a building or in the  
18 countryside, what would you be instructed to do?

19 A. Well, to keep eyes on it.

20 THE INSPECTOR: What about giving a warning?

21 We have lost contact with Iraq temporarily.

22 (Break in the video link)

23 THE INSPECTOR: Okay? We have waited for you, so I will  
24 pick up where I was.

25 MS AL QURNAWI: Yes, please, thank you.

1 THE INSPECTOR: Just assume that you see something which  
2 causes you to be concerned. Would you have informed  
3 anybody, the person in charge of the VCP or the other  
4 men, or do you just stand there and do nothing about it  
5 or what?

6 A. Yes, you would.

7 THE INSPECTOR: What would you do?

8 A. Inform.

9 THE INSPECTOR: How would you do that?

10 A. Either by radio -- well, PRR or by -- well for shouting,  
11 communicating, talking.

12 THE INSPECTOR: Now, I'm only talking about Northern  
13 Ireland, which is where you have this experience. But  
14 apart from reading a lot of material in these  
15 investigations, about VCPs, I've never been on a VCP.

16 But I want to get an accurate and realistic  
17 impression and understanding of what this duty requires  
18 of soldiers. So, when you're carrying out a VCP in  
19 Northern Ireland, were you in possession of weapons?

20 A. What, personal issue weapons? Yes.

21 THE INSPECTOR: So you would have a rifle with you?

22 A. Yes.

23 THE INSPECTOR: And ammunition?

24 A. Yes.

25 THE INSPECTOR: And so you were, at least in theory, there

1 to, in the worst circumstances that could arise, be  
2 prepared to shoot?

3 A. Yes.

4 THE INSPECTOR: You were stopping vehicles, or vehicles were  
5 being stopped, to be searched. Correct?

6 A. Yes.

7 THE INSPECTOR: And the men, assuming they were men, in the  
8 vehicles, could have been IRA terrorists?

9 A. Yes.

10 THE INSPECTOR: And they could have been armed?

11 A. Yes.

12 THE INSPECTOR: There could have been other IRA terrorists  
13 hidden in the countryside around you?

14 A. Yes.

15 THE INSPECTOR: This is not a picnic, is it?

16 A. No, it's not.

17 THE INSPECTOR: Well I don't want to hear about a picnic,  
18 you see, I want to hear about a real event. Armed  
19 troops stopping a vehicle in which there could be men  
20 who were armed, either in open countryside, where there  
21 could be snipers, or in a built-up area, where equally,  
22 there could be snipers, where in Northern Ireland, on  
23 the road in the countryside, there could be devices. So  
24 having set the scene, let's go back to what it all  
25 involved.

1           How many men in Northern Ireland are we talking  
2           about, usually, as you recollect it, being involved in  
3           a VCP?

4   A. I can't remember now because Northern Ireland's totally  
5           different. You work in multiples, not sections in  
6           Northern Ireland, so I can't remember really, off the  
7           top of my head.

8   THE INSPECTOR: Are there many more people or soldiers  
9           involved in Northern Ireland than there were in Iraq, on  
10          these patrols?

11   A. I can't remember.

12   THE INSPECTOR: How many people would there be, looking out  
13          on their arcs?

14   A. Well, everyone would be.

15   THE INSPECTOR: What about the men, the soldiers, who are  
16          having to search the occupants and the vehicle?

17   A. Well, they wouldn't need to because they would have all  
18          round protection from the other blokes.

19   THE INSPECTOR: In terms of your general instruction, is it  
20          right that it was essential, basic instruction, to  
21          a para like yourself, that in situations like this, you  
22          must always be in control. Namely, dominant; correct?

23   A. (Pause) Well, yeah, I guess so, yeah, but you know, you  
24          wouldn't come over all aggressive and, you know -- you  
25          would be polite.

1 THE INSPECTOR: You can be polite in circumstances where  
2 you're not having to deal with impolite people. But if  
3 you're dealing with somebody in Northern Ireland who  
4 could be a terrorist and doesn't much take to being  
5 stopped and asked questions, being polite might not be  
6 the best way of looking after yourself. Is that right?

7 A. Yes, that's right.

8 THE INSPECTOR: Well, please, let's try and keep to reality.  
9 These are tense situations, aren't they?

10 A. Yeah, but -- you are saying be dominant and everything  
11 like that. I never got aggressive with anybody in  
12 Northern Ireland, I -- you know --

13 THE INSPECTOR: I'm not suggesting that you did anything  
14 wrong, I just want -- just as you have now turned to me  
15 and put a bit of spirit into your answer, so I suggest,  
16 just as you have reacted to me, so you would react in  
17 these situations. That's it, isn't it? Right?

18 A. Yes.

19 THE INSPECTOR: Good, okay. Back to Mr Poole and let's try  
20 and keep both our boots on the ground and get into  
21 a situation that we recognise.

22 MR POOLE: If we can pick up from when you were deployed to  
23 Kuwait. You say in your statement you spent a couple of  
24 weeks there, before crossing the border into Iraq.

25 Before crossing the border, did you receive any



1 training on the rules of engagement?

2 A. I can't remember.

3 Q. What was your understanding of what you could or could  
4 not do, when you crossed the border into Iraq?

5 A. Well, I would use force with force. I can't really  
6 remember the rules of engagement, sorry.

7 Q. You understood though, that you were going to a war  
8 fighting situation?

9 A. Yes.

10 THE INSPECTOR: Had you ever been in a war fighting  
11 situation before?

12 A. No.

13 MR POOLE: Did you receive any training on how to  
14 communicate with Iraqis?

15 A. I can't remember, no.

16 Q. I'm right though, that very rarely, if at all, would  
17 there be an interpreter with you?

18 A. Yeah, that's correct.

19 Q. So if you had to communicate with an Iraqi, how would  
20 you, or those in your section, go about doing that?

21 A. I can't remember.

22 Q. Did you ever have to, yourself, communicate with an  
23 Iraqi?

24 A. Not really communicate, no.

25 Q. Were you given any training at any stage on cultural

1 sensitivities in Iraq?

2 A. No.

3 Q. What was the feeling within your section prior to  
4 crossing the border into Iraq?

5 A. Well, mixed feelings really.

6 Q. What was your own feeling?

7 A. Again, really mixed. I mean, you know, you want to go  
8 out there and everything like that but at the same time,  
9 you're afraid, you know. You've got everything going  
10 on, to be honest.

11 Q. The particular section you were assigned to, looking at  
12 the cipher guide that should be beside you --

13 THE INSPECTOR: It's on your left.

14 A. That, yes? (Indicated).

15 MR POOLE: By reference to those ciphers, the section  
16 commander was S001; is that right?

17 A. Yes.

18 Q. His second in charge, the most senior private, was S004.  
19 Is that right?

20 A. Yes.

21 Q. As well as yourself, within that section there were  
22 S002, S003, S006 and S007; is that right?

23 A. Yes.

24 Q. The platoon sergeant was a Sergeant O'Brien. Do you  
25 remember that?

1 A. Yes.

2 Q. The platoon commander was S010?

3 A. Yes.

4 Q. When you move into Iraq, you say at paragraph 23 of your  
5 statement, you were initially concerned with the  
6 Ramallah oil fields?

7 A. Yes.

8 Q. You then moved as a battalion, towards Basra. We have  
9 heard from others within your section that the battalion  
10 was based at Camp Condor at one stage. Do you recall  
11 that?

12 A. Camp Condor, yeah, that rings a bell. I think it  
13 was ... an old Iraqi Air Force base.

14 Q. We are particularly interested in when your platoon,  
15 8 platoon, moved to Al Uzayr, into the old police  
16 station. Do you recall that?

17 A. I can remember being there, yes.

18 Q. You say in your statement that up until that point, you  
19 hadn't had any real contact with civilian population.

20 A. Yes.

21 Q. When you were based at the old police station, can you  
22 describe the contact you had with civilians?

23 A. It was mainly with the children, to be honest. I mean,  
24 you know, they'd never seen a British soldier before, so  
25 they'd come up, you know, we would have fun with them,

1 kick a football with them and everything like that.

2 Q. What did you understand 8 platoon's role to be when you  
3 were based at the old police station?

4 A. I can't really remember now.

5 Q. On a day-to-day basis, can you remember what your  
6 section was doing?

7 A. (Pause) Well you would have been on patrol and then you  
8 would have been on guard and then you would have had  
9 a rest period.

10 Q. What was the purpose of the patrols that were carried  
11 out?

12 A. I'm not too sure now. I think there was a lot of unrest  
13 because we were so close to the Iranian border,  
14 something like that, just ...

15 Q. If you have a look at paragraph 13 of your statement.  
16 You say there that the only real tension was when on  
17 patrol near the Iranian border. Just bring that to life  
18 for me a bit, describe what you mean by "tension".

19 A. I can remember that patrol, yes. That -- this is the  
20 only real tension we had around that area. There was  
21 a very small village and just a couple of buildings and  
22 we went through, stopped and gave a -- someone gave  
23 a bottle of water to a young lad there. And this older  
24 gentleman, must have been early 20s, came like --  
25 picked -- just grabbed it off at the boy, and just threw

1           it back at us, he didn't want us there at all, no.

2   Q.   That's something you remember when on patrol with your  
3           section?

4   A.   Yes, yes.

5   Q.   On that patrol, would I be right in thinking that you  
6           were in the normal two vehicles, the Wimmick and the  
7           Pinz-gauer?

8   A.   Well I can't remember off the top of my head on that  
9           patrol but, yeah, I guess so.

10  Q.   If you weren't carrying out a foot patrol and you had to  
11           use vehicles, would I be right that the norm would be to  
12           take out the Wimmick and the Pinz-gauer?

13  A.   Yes.

14  Q.   You make it clear in your statement that you were aware  
15           that the war fighting phase came to an end, and that you  
16           entered a peacekeeping phase.  I just want to  
17           understand: did the security situation, as far as you  
18           and your section were concerned, change?

19  A.   Explain -- what do you mean?

20  Q.   So when you were based at the old police station in  
21           Al Uzayr, there came a time when war fighting had ended  
22           and you had entered a peacekeeping phase of the mission.  
23           As far as your platoon and your section were concerned,  
24           did the fact that you were on a peacekeeping phase  
25           change how you considered your situation in Al Uzayr?

1 A. (Pause) I'm sorry, I forgot the question.

2 THE INSPECTOR: Let me try and help. We talk about a war  
3 time situation and then a peacekeeping situation. In  
4 truth, it probably depends where you are. You were in  
5 Al Uzayr. Are you able to say, whilst you were there,  
6 were you aware that the circumstances had changed  
7 because it was not a war time situation but was said to  
8 be a peacekeeping situation? Or was it for you, just  
9 the same from beginning to end?

10 A. No, it was the same pretty much for me, from beginning  
11 to end.

12 THE INSPECTOR: In one sense, what we're touching on is  
13 whether the threat or perceived threat, namely the  
14 assessment of risk for soldiers, and for the local  
15 population, from hostile violence, so far as you were  
16 concerned, lessened and changed or whether it was about  
17 the same?

18 A. Oh, I don't know, I can't even -- really remember now  
19 but, yeah, I expect I would have been a lot more chilled  
20 out, you know, with the war phases over and we was going  
21 into a peacekeeping role. But I can't remember.

22 MR POOLE: I will ask you some questions now, about the  
23 patrols. You have said the norm would be to go out in  
24 the Wimmick and the Pinz-gauer.  
25 What was your role when on patrol?

1 A. Before Iraq I was a GPMG gunner for that section.

2 Q. Would the GPMG be used with one of those vehicles in  
3 particular?

4 A. Yes.

5 Q. Which one?

6 A. The Wimmick.

7 Q. So on patrol, you would be in charge of the GPMG and you  
8 would be in the Wimmick?

9 A. Usually, yes.

10 Q. The interview you gave to the Royal Military Police, you  
11 told them that the Wimmick would always carry either the  
12 section commander or the 2iC.

13 So is it right that they would normally not travel  
14 in the same vehicle?

15 A. Yeah, I'd go with that.

16 Q. Would it be normal for S001, the section commander, to  
17 travel in the Wimmick?

18 A. I can't remember now, he would have been in one of the  
19 vehicles.

20 Q. Can you help with who would normally drive either of the  
21 vehicles?

22 A. S002 would have drove the Wimmick.

23 Q. Can you remember who would -- was there a normal driver  
24 for the Pinz-gauer?

25 A. I can't remember now, no, sorry.

1 THE INSPECTOR: Was there also a machine gun known as the  
2 Mini-mi?  
3 A. Yes.  
4 THE INSPECTOR: And your GPMG on the Wimmick; was that  
5 mounted and fixed?  
6 A. No.  
7 THE INSPECTOR: Is it, doing the best you can -- we all know  
8 you're having to remember things a long, long time  
9 ago -- but is there someone you remember now who  
10 normally used to be in charge of the Mini-mi?  
11 A. (Pause).  
12 THE INSPECTOR: Looking at our cipher list.  
13 A. No -- there would have been a Mini-mi in the section but  
14 I can't remember who carried it.  
15 MR POOLE: Sometimes when you went out on patrol, it would  
16 be to carry out a VCP, wouldn't it?  
17 A. Yes.  
18 Q. Sometimes it would be simply the case that you may stop  
19 a vehicle if you thought it was suspicious?  
20 A. Well that would be down to the section commander.  
21 THE INSPECTOR: I think the "you" didn't refer to you, it  
22 meant that's what the patrol would do. Correct? Is  
23 that right? So you --  
24 A. Yes, it is section commander's discretion, isn't it,  
25 what vehicles he wants to stop and everything like that?



1 THE INSPECTOR: What we're trying to do is -- you go out on  
2 patrol, out goes the Wimmick from the base, out goes the  
3 Pinz-gauer.

4 Usually, you're in the Wimmick, usually being driven  
5 by S002. We've got other soldiers in the Pinz-gauer and  
6 you're going off and you go out through the village.

7 Correct? And do you remember, after you've been out  
8 through the village -- not too long a distance, there  
9 was quite a big highway there. Do you remember that?

10 A. (Pause) I don't remember a big highway, I remember  
11 a long road, long tarmac road. It wasn't like the M4  
12 we've got in this country or something like that.

13 THE INSPECTOR: I was not intending to --

14 A. You said a large highway.

15 THE INSPECTOR: Alright, well, that's the importance of us  
16 going through these things. Language is very difficult  
17 because even though -- anyway. We all need to speak the  
18 same language.

19 There was a straight road which was quite a main  
20 road, cutting through the countryside, as opposed to  
21 going through a village. Okay? Is that right?

22 A. Yeah, I can remember a -- yeah, a road, yeah.

23 THE INSPECTOR: Do you remember now -- we'll just call it  
24 a road -- do you remember that it was on that road that  
25 quite a number of the searching and stopping of vehicles

1           took place because it was a road which went from one  
2           place to another and therefore had quite a number of  
3           vehicles travelling on it? Right? Can you remember  
4           that? Is that right?

5   A. No, I can't remember doing absolutely loads of VCPs on  
6           it.

7   THE INSPECTOR: Do you remember that's where VCPs did take  
8           place?

9   A. Yeah.

10   THE INSPECTOR: And are we talking about in the weeks,  
11           because you were there for a number of weeks, in the  
12           weeks you were there, that it was quite a number of VCPs  
13           which took place on that road?

14   A. I can't remember if there was loads of VCPs going on.

15   THE INSPECTOR: No, I am not talking about loads because  
16           I don't know what you mean by loads. I'm talking about  
17           quite a number. I am not talking about one or two  
18           because in the weeks you were there -- you were there  
19           for probably up to three months -- let's say ten weeks.  
20           I don't imagine you were only doing one VCP stop on that  
21           road, once a week, were you?

22   A. I -- I can't remember, no.

23   THE INSPECTOR: We've got more than one VCP taking place on  
24           that road. Right?

25   A. (Nods).

1 THE INSPECTOR: That could be one which took place close to  
2 Al Uzayr, it could be one further up the road and in the  
3 direction of somewhere else. Correct? Is that right?  
4 A. Yes.  
5 THE INSPECTOR: So there, Mr Poole, we're out on the road.  
6 MR POOLE: Could you describe to us how a VCP would be  
7 operated by the two vehicles and the men in your  
8 section?  
9 A. No, I couldn't. I can't even remember how to set one up  
10 now, no way.  
11 THE INSPECTOR: Sorry, I could not quite follow that.  
12 A. I said I don't -- wouldn't know how to work one now,  
13 that's all long gone.  
14 MR POOLE: Let's perhaps pick up your witness statement  
15 then, at paragraph 5, where you're making the point  
16 there that, because you were the gunner on the Wimmick,  
17 you were not involved in the actual searching of  
18 vehicles or people.  
19 What you say at the top of the second page of your  
20 statement is that you would often be perhaps 50 to  
21 100 metres away from where the vehicles were searched.  
22 Now am I right, you would be in the Wimmick at all  
23 times?  
24 A. No.  
25 Q. So when you were recalling, when you made your

1 statement, being 50 to 100 metres away, where would you  
2 be? Would you be in the Wimmick, beside the Wimmick?

3 A. The GPMG gunner would be pushed off to the most  
4 vulnerable point. Which was usually the rear.

5 Q. So we're starting to build a picture then, of you being  
6 told -- am I right -- by the section commander out on  
7 patrol, that you would provide cover at the rear of the  
8 VCP?

9 A. Or a vulnerable point, yes.

10 Q. If you recall, when we were talking about VCPs in  
11 Northern Ireland, you confirmed that you would be  
12 looking and observing your arc but would also be aware,  
13 generally, of what was going on all around you. Is that  
14 the same when you were carrying out a VCP in Iraq?

15 A. Yeah, I guess so.

16 Q. So we have you at the most vulnerable point. You said  
17 to the RMP, when you gave them an interview, that S004  
18 was "the chatter". Is that your recollection?

19 A. Yeah.

20 Q. Now, what does that mean?

21 A. He chats to people.

22 Q. So he's the person that will open up the dialogue with  
23 the vehicle and the people in the vehicle; is that  
24 right?

25 A. Yes.

1 Q. So from where you're positioned within this VCP, you  
2 would hear that conversation, would you?

3 A. No.

4 Q. How are you aware then, that he was the chatter?

5 A. Because he was the 2iC and the 2iC was using the  
6 chatter.

7 THE INSPECTOR: Sorry? He was using the what?

8 A. I know S004 was the chatter. I can remember that, yes.

9 THE INSPECTOR: But what do we mean by "he was the chatter";  
10 chatting to who?

11 A. To the people that were stopped in the VCP.

12 THE INSPECTOR: What Mr Poole wanted to know was how do you  
13 know that he was the chatter? Because you saw him  
14 chatting from time to time, therefore you, as it were,  
15 saw him as the man speaking to --

16 A. Yes.

17 MR POOLE: So we've now assigned roles to two people,  
18 yourself as cover at the most vulnerable point and S004  
19 as speaking to the vehicle?

20 A. Yes.

21 Q. Are you able to tell me what the drivers of the two  
22 vehicles would do at a VCP?

23 A. No.

24 THE INSPECTOR: Do you think they stayed in the vehicle?

25 A. I don't know, I can't remember now.

1 MR POOLE: What about the person in charge of the Mini-mi?  
2 A. He would be pushed off to a vulnerable point as well,  
3 I should imagine.  
4 Q. And the section commander, what would his role be during  
5 a VCP?  
6 A. Probably on the radio to -- back to base, I don't know.  
7 Q. You say you saw S004 speaking to the vehicle. What did  
8 you see S001 doing during VCPs?  
9 A. I can't remember.  
10 THE INSPECTOR: Wasn't it always two men who went to the  
11 vehicle?  
12 A. No, I can't remember now.  
13 THE INSPECTOR: Well thinking about it? Just thinking about  
14 it. What would you think common sense would dictate?  
15 You've got a situation -- one man goes to the vehicle,  
16 perhaps a vehicle with two or more men in; one man goes  
17 to it or two men go?  
18 A. I can't remember.  
19 THE INSPECTOR: What would you think common sense would  
20 dictate?  
21 A. Two guys go, I suppose.  
22 MR POOLE: Now so far, we've been talking about what has  
23 been referred to by others in your section as a static  
24 VCP. In other words, where you are effectively set up  
25 by the side of the road and then stop vehicles that come

1 past.

2 We've seen, from the radio logs from 8 platoon for  
3 the month of May 2003, a few instances where vehicles  
4 are recorded as not stopping at a VCP and the section on  
5 patrol gives chase to the vehicle.

6 Can you remember ever being in the Wimmick and  
7 chasing a vehicle?

8 A. No.

9 Q. Now, you say you can't remember that or that that never  
10 happened?

11 A. Well both really. I can never remember it happening.

12 Q. Can you remember any incidents in which you were fired  
13 upon whilst out on patrol?

14 A. Not in ... not in the police station, you know, there.  
15 In Ramallah, yes.

16 THE INSPECTOR: Can you just tell me in your own words: you  
17 were in this area for about ten weeks, patrolling,  
18 guarding, resting, in a situation of war, or what was  
19 very close to a war time situation, which you'd never  
20 been in before. And you had to go out on patrol  
21 regularly. What happened? Just give me a simple  
22 account, in your own words, of going out on patrol and  
23 what happened. You don't have to be specific, just tell  
24 me what it was all about.

25 A. I can't remember. A lot of time has passed since then,

1 a lot of things have happened in my life, right, since  
2 this, right.

3 THE INSPECTOR: Since being in Iraq?

4 A. Yeah.

5 THE INSPECTOR: I'm not asking you about the incident, I'm  
6 talking about since being --

7 A. I didn't have a big incident. You were asking me about  
8 patrols and everything like that. I can't remember.  
9 It's over 11 years ago.

10 THE INSPECTOR: No recollection -- I mean, I am not  
11 disbelieving you --

12 A. I've got a couple of those photos at home and all, if  
13 you want to have a look. You're asking me about this.  
14 This is 11 years ago. I cannot remember about patrols  
15 and everything like that.

16 THE INSPECTOR: Can you not remember ever being in a Wimmick  
17 vehicle?

18 A. Of course I can, yes.

19 THE INSPECTOR: That's all I'm asking you. What would you  
20 do? You go out in the Wimmick vehicle with probably  
21 S002 driving and, what, the vehicle moved down a road at  
22 a very slow pace or a fast pace or what? What did it  
23 do?

24 A. I can't remember.

25 THE INSPECTOR: Ever. You can't remember anything about it



1 at all?

2 A. Iraq is just one big blur to me. That happened 11 years  
3 ago.

4 THE INSPECTOR: Do you remember the village street or the  
5 village around the base?

6 A. No, not really, no.

7 THE INSPECTOR: So if you were asked, "What did you do when  
8 you went out on patrol", you would say, "I haven't got  
9 the foggiest idea"?

10 A. No, I haven't, no.

11 THE INSPECTOR: Just try and think of something and I'll  
12 stop then, but just try and think about something that  
13 went on. What was the countryside like?

14 A. All I can remember, it was very hot.

15 THE INSPECTOR: Do you remember -- were there mountains  
16 around you or was it desert?

17 A. Desert.

18 THE INSPECTOR: You don't remember ever seeing vehicles  
19 moving about? Or did you? Do you remember some?

20 A. Yes, there was vehicles, yes.

21 THE INSPECTOR: Right. Is it right that we've heard or  
22 gathered, a lot of the vehicles which were moving about,  
23 which the civilians or the locals were in, were open  
24 backed, white trucks. Is that right? Is that how you  
25 recollect it?

1 A. Yes.

2 THE INSPECTOR: Probably made in Japan? Toyotas or the  
3 like?

4 A. I can't remember.

5 THE INSPECTOR: Did you see men and women about? Either in  
6 vehicles or walking? Yes?

7 A. Yes.

8 THE INSPECTOR: Did you ever see local civilians coming to  
9 the base, into the base?

10 A. No.

11 THE INSPECTOR: Some of the soldiers have told us that they  
12 remember people who were wounded, people who were shot,  
13 people who wanted -- came, perhaps looking for food,  
14 children in particular, coming to the base. Do you  
15 remember any of that?

16 A. No.

17 THE INSPECTOR: Do you remember the quarters that you were  
18 living in at the base?

19 A. No.

20 MR POOLE: Do you remember giving a statement to the RMP  
21 in November 2003?

22 A. I can remember talking to them. What the date was,  
23 I can't remember that, no.

24 Q. That interview was about six months after the incident  
25 we're interested in in May.

1           Would it be right you would have answered the  
2           questions asked to you then, honestly and to the best of  
3           your recollection?

4    A.   Yes.

5    Q.   And your recollection will have been better then than it  
6           is now?

7    A.   Yes, a lot better.

8    Q.   Just on the question of how regularly you would stop  
9           vehicles, you were asked a question, and I will read  
10           that question and I will read your answer to you. You  
11           were asked:

12           "Do you recall in that now few days that we've got,  
13           do you ever recall stopping a white, civilian pick-up  
14           truck? Or speaking to the occupants of a white,  
15           civilian pick-up truck?"

16           And you answered:

17           "Near enough every pick-up truck we stopped there  
18           was white."

19           You were then asked:

20           "And how many of those did you used to stop a day,  
21           roughly?"

22           And you answered:

23           "We would always stop a few on patrol."

24           Then you say:

25           "It was mostly Nissan white pick-ups, you know what

1 I mean."

2 So it would appear your recollection six months  
3 after this incident was that, when on patrol, you would  
4 roughly stop at least two vehicles each time. Does that  
5 jog your memory at all?

6 A. No.

7 Q. You were also asked about people coming to the camp and  
8 this was in connection with blood that was found on  
9 S004's rifle. Do you remember being asked questions  
10 about that by the Royal Military Police?

11 A. Yeah, not just -- not specifically that, but I can  
12 remember him -- like, being arrested and obviously  
13 interviewed for this alleged incident, yeah.

14 Q. When asked about that, you said:

15 "There was many people coming in our location,  
16 covered in blood."

17 Do you have any recollection of that now?

18 A. (Pause) I can't remember.

19 THE INSPECTOR: Have you read that interview recently?

20 A. No.

21 THE INSPECTOR: So your attention has not been drawn to that  
22 for the purposes of giving your statement to me?

23 A. No.

24 THE INSPECTOR: Have you done anything -- this isn't  
25 a criticism, I just need to know -- have you done

1 anything to attempt to recollect the facts which you  
2 know I'm trying to investigate?

3 A. I've read bits and bobs and everything like that.

4 THE INSPECTOR: What bits and bobs have you read?

5 A. You've got to appreciate, I work away -- I very rarely  
6 come home, you know, I work away for weeks on end.

7 I come home to a load of letters and everything like  
8 that and then bang, it's back off to work again.

9 THE INSPECTOR: All right. But the fact of the matter is  
10 that that interview that you gave in November 2003 has  
11 not been used to refresh your memory?

12 A. No.

13 THE INSPECTOR: You see, now you know where I was coming  
14 from, when I was asking you questions about white  
15 pick-up trucks, Japanese makes of vehicle and people  
16 coming to the base with blood. Now you know where I was  
17 coming from?

18 A. Yes.

19 THE INSPECTOR: I had assumed that you had had the  
20 opportunity to refresh your memory, from what you'd  
21 said. But it's important that I understand now, from  
22 you, that you haven't. But I take it that you're  
23 content, because I have to make findings of fact, as you  
24 know --

25 A. Yes.

1 THE INSPECTOR: -- are you content that I should take what  
2 you did say in the interview as accurate?

3 A. Yes.

4 THE INSPECTOR: Is there anything else, Mr Poole, we should  
5 go through, in the light of that, from the interview?

6 MR POOLE: No. I just want to be clear, in light of what  
7 you have just said. Could you have a look at  
8 paragraph 1 of your witness statement, please. You say  
9 there that your solicitor has referred you to the  
10 interviews of the other soldiers. You say you have not  
11 read them yourself but you've been referred to the  
12 relevant parts for your comment.

13 A. Yeah, that's pretty much what I've read.

14 Q. Just to be clear: did that include your own interview or  
15 was it just interviews with other soldiers?

16 A. Just the others.

17 Q. You told the RMP that you did not recall any incident  
18 during the patrol that you were on on 11 May 2003. And  
19 it was explained to you by the RMP that from the radio  
20 log, it is apparent that your section conducted a VCP  
21 and that a vehicle failed to stop and two passengers  
22 were searched.

23 Now at the time, that did not jog your memory and  
24 I'm assuming you remain without any recollection of that  
25 incident. Is that right?

1 A. No, I can't remember that, no.

2 Q. If I may, briefly, just remind you what two other  
3 members of your section have said, to see if any of that  
4 jogs your memory.

5 S002 has given evidence that he was driving the  
6 Wimmick. And he refers to chasing a vehicle into  
7 a village and two men being put on the ground and  
8 searched. He recalls having to restrain one of the men  
9 and he recalls S001 using his helmet to hit one of the  
10 men. And he admits to punching one of the men in the  
11 back. Do you have any recollection of an incident  
12 matching that description?

13 A. No.

14 Q. S003 describes a VCP on the main road, seeing  
15 a suspicious vehicle, following that vehicle, stopping  
16 the vehicle and two men in Arab dress being made to lie  
17 on the ground beside the vehicle. And he describes  
18 restraining one of those men. He also recalls a black  
19 dog arriving and being shot. Does any of that ring any  
20 bells?

21 A. No.

22 Q. Are you able to assist us at all with how long it would  
23 take to stop and search a vehicle? And to be clear, I'm  
24 talking about a vehicle that had been stopped after  
25 a chase.

1 A. No.

2 Q. Do you have any recollection of any conversations when  
3 you would return to base after a patrol?

4 A. No.

5 Q. Can you ever recall S010 or Sergeant O'Brien speaking to  
6 you or other members of your section after a patrol?

7 A. No.

8 Q. We know you were cautioned by the RMP on 24 May and had  
9 items of your kit removed for analysis. You were told  
10 at that time, the reason for that and the fact that  
11 someone had been killed and it was said that this was  
12 a result of your section. Can you remember your  
13 reaction?

14 A. No.

15 Q. Have you either read yourself or had the statements of  
16 the Iraqi witnesses read to you?

17 A. No.

18 MR POOLE: I have no further questions.

19 THE INSPECTOR: Just one. Just one question.

20 A. Yes.

21 THE INSPECTOR: Let's see whether you can remember this.  
22 What happened when people inside a vehicle refused to  
23 get out?

24 A. I've never been in that position.

25 THE INSPECTOR: You've never seen that?



1 A. No.

2 THE INSPECTOR: All right. Thank you. Right. Well thank  
3 you for coming. Thank you very much. Ms Al Qurnawi,  
4 would you like to take your break now?

5 MS AL QURNAWI: Yes, please.

6 THE INSPECTOR: Would your clients like to take their half  
7 hour break? Yes?

8 MS AL QURNAWI: Yes.

9 THE INSPECTOR: Good. Let's do that. Thank you. Half  
10 an hour's time.

11 MS AL QURNAWI: See you in half an hour, okay.

12 THE INSPECTOR: Right. Right, half an hour then. thank you,  
13 S005.

14 (11.09 am)

15 (A short break)

16 (11.50 am)

17 MS AL QURNAWI: Okay, apologies for the slight delay.

18 THE INSPECTOR: Right. Are we ready?

19 MS AL QURNAWI: Yes.

20 S001 (called)

21 Questions from MR POOLE

22 MR POOLE: Good morning, S001. You haven't been in court  
23 whilst other evidence has been given. So you won't know  
24 that there's going to be a sequential translation. So  
25 what that means is I'll ask a question, it will then be

1 translated into Arabic. If you could then answer my  
2 question and your answer will then be translated. Could  
3 I ask you, when answering the question, if it's going to  
4 be a long answer, to break it down so it can be  
5 translated.

6 In the bundle on the table in front of you, under  
7 the first tab, you should find a witness statement and  
8 on page 7, it's dated 27 September 2014. Perhaps you  
9 could start by just confirming that that is the  
10 statement you have provided for this investigation?

11 A. Can you just confirm what page? Tab 7 or page 7?

12 Q. The bundle starts with the first tab, which is also  
13 page 1, bottom right-hand corner. Then if you turn  
14 through those pages until you get to page 7, you'll see  
15 a date there, 27 September 2014. It's been redacted,  
16 where necessary. Do you recognise that as your  
17 statement for this investigation?

18 A. Yes, sir.

19 Q. I am going to ask you some questions to clarify aspects  
20 of that evidence and also to try and better understand  
21 the events of 11 May 2003.

22 As I understand it, you joined the army in 1996. Is  
23 that right?

24 A. Yes, sir.

25 Q. At page 1 of your statement, you set out your career

1 progression through the army. And you say, when we get  
2 to page 3, and the start of what is paragraph 2, you  
3 make reference there to service in Northern Ireland.

4 Can I ask you some questions about Northern Ireland?

5 A. Yes, sir.

6 Q. Were you involved in carrying out vehicle check points  
7 in Northern Ireland?

8 A. Yes.

9 Q. You were familiar then, with stopping and searching  
10 vehicles?

11 A. Yes, sir.

12 Q. Now, we understand that, in Northern Ireland, these VCPs  
13 and stop and searches were carried out at platoon level.  
14 Is that your recollection?

15 A. Yes, sir.

16 Q. That would involve then, roughly 20 or so men; is that  
17 right?

18 A. Yes, sir.

19 Q. What would your role be at a typical VCP in Northern  
20 Ireland?

21 A. It would depend on which tour of Northern Ireland,  
22 specifically, depending on what rank I was at the time.

23 Q. Perhaps you can start by telling us about your initial  
24 experience then, of VCPs, when you first toured Northern  
25 Ireland?

1 A. As a private soldier, I would be tasked with, mainly,  
2 security of the rest of the section I was in.

3 Q. What would that entail?

4 A. Keeping look out for known enemy threats. Looking after  
5 my comrades whilst deployed on the ground.

6 Q. Would you ever be involved in searching either a vehicle  
7 or an occupant of a vehicle?

8 A. It would be one of the tasks a private soldier would do,  
9 yes, sir.

10 Q. You have a recollection of searching people or vehicles?

11 A. Generally, sir, in Northern Ireland, searching was done  
12 by the RUC at the time.

13 Q. Were you ever involved in any incidents in Northern  
14 Ireland, where a vehicle was stopped and people would  
15 refuse to get out of a vehicle?

16 A. No, sir.

17 THE INSPECTOR: Do you know whether it happened or not?

18 A. If it did happen, sir, it was up to the RUC to deal with  
19 it because they were local police and knew all the local  
20 terrorists and population. So it was left to them.

21 THE INSPECTOR: Did you see the RUC, on any occasions,  
22 dealing with a reluctant passenger of a vehicle they  
23 needed to get out?

24 A. No, sir.

25 MR POOLE: You referred to touring Northern Ireland more

1           than once and you have just spoken about when you toured  
2           as a private soldier. After being promoted, what was  
3           your role at VCPs or stop and searches?  
4    A. As a Lance Corporal or as a full Corporal, sir?  
5    Q. Perhaps let's start with as a Lance Corporal?  
6    A. As a Lance Corporal, I would be in charge of half of the  
7           section.  
8    Q. And therefore do I take it you then assign roles within  
9           half of that section?  
10   A. The section commander at the time would assign the roles  
11           and I would make sure those roles were carried out  
12           professionally.  
13   Q. Just give us an idea of what those different roles would  
14           be?  
15   A. Security of the VCP team, some type of security for the  
16           RUC, whether it be personal security or to assist in any  
17           searches of the vehicle or person. As stated previous,  
18           the RUC were capable of doing that role on their own and  
19           we were providing overall security for the actual task  
20           in hand.  
21   Q. In terms of the men that were on look out, can you  
22           describe where they would be positioned?  
23   A. The ground would dictate positions of soldiers during  
24           the task, sir.  
25   Q. You were deployed to Kuwait and you say in your

1 statement that from your personal development record,  
2 you were there between 16 February and 22 March. Did  
3 you receive any training in respect of rules of  
4 engagement?

5 A. Not that I recall, sir, no.

6 Q. You understood that you would be, when you crossed the  
7 border, in a war fighting situation?

8 A. Yes, sir.

9 Q. Had you been in a war fighting situation before?

10 A. No, sir.

11 Q. Did you receive any training on how to communicate with  
12 Iraqis?

13 A. No, sir.

14 Q. Were you provided with any training at any stage, on  
15 cultural sensitivities in Iraq?

16 A. No, sir.

17 THE INSPECTOR: Did you become aware of any?

18 A. Sir, I was there a short amount of time, it was  
19 difficult to understand what was going on in that period  
20 of time.

21 MR POOLE: You were the section commander of one of the  
22 three sections that made up 8 platoon. Is that right?

23 A. Yes, sir.

24 Q. Looking at the cipher guide that is the loose sheet of  
25 paper beside you, would I be right that the members of

1           your section were S002, through to S007?

2    A.  Yes, sir.

3    Q.  And the platoon commander was S010?

4    A.  Yes, sir.

5    THE INSPECTOR:  Are there any -- just make sure we haven't

6           omitted anybody -- soldiers, part of your section, who

7           are not on that list, that you remember being part of

8           your section?

9    A.  Yes, sir.

10   THE INSPECTOR:  How many?

11   A.  Just one that stands, out, sir.

12   THE INSPECTOR:  I'll think about that, how we deal with

13           that.

14   Q.  Am I right that -- we will come onto it in a moment,

15           questions about the time you were in Al Uzayr -- during

16           that time, was that additional member of your section on

17           your section?

18   A.  Sir, just to clarify, I can -- the member you're on

19           about, left on compassionate reasons, which is -- which

20           I think -- so he's not relevant to the questioning what

21           we're going --

22   THE INSPECTOR:  I see.  Is he the one you remembered as

23           being part of it but no --

24   A.  Yes.

25   THE INSPECTOR:  I know about him.  It's as a result of his

1 departure, then S004, being the most senior private,  
2 took over as 2iC, second in command. Is that right?

3 A. (Nods) Yes, sir.

4 THE INSPECTOR: Thank you. That's a relief.

5 MR POOLE: Now, as the section commander, could you describe  
6 to us the relationship you had with the private soldiers  
7 within your section?

8 A. I commanded them with respect, authority, as becoming  
9 an NCO in a parachute regiment.

10 Q. Do you feel they would be able to come to you with any  
11 concerns that they might have?

12 A. Yes, sir.

13 Q. Would that be in the first instance, before, for  
14 example, speaking to the platoon sergeant?

15 A. Yes, sir.

16 THE INSPECTOR: I have met most of them now. They seem to  
17 me, seeing them 11 years after the event, to be quite  
18 different in character. Was that your impression of  
19 them at the time?

20 A. As professional parachute regiment soldiers, I would  
21 have trusted my life with them.

22 As civilians, I don't know.

23 THE INSPECTOR: Well, in truth, you did trust your life with  
24 them. That is right, isn't it?

25 A. Yes, sir.



1 MR POOLE: You hadn't been involved in a war fighting  
2 situation before and neither had any of the members of  
3 your section, had they?

4 A. No, sir.

5 Q. Prior to crossing the border into Iraq, what was the  
6 feeling within your section?

7 A. Nerves, apprehension, scared, not too sure what the  
8 future may hold, not sure whether you would come back  
9 alive.

10 Q. Can you paint a picture for us of crossing the border  
11 into Iraq? What you saw, what you experienced at the  
12 time?

13 A. It was a scary time, I think, for everyone concerned.  
14 It was going into the unknown for each soldier, but also  
15 the battalion. No one had done anything like this since  
16 the Falklands war.

17 Q. The platoon was mounted on Pinz-gauers and Wimmicks.  
18 I think I'm right in saying that the initial focus was  
19 to secure the oil fields in Ramallah? Is that right?

20 A. I believe it's so, sir. As it was so long ago, I only  
21 refreshed my mind through my PDR and everything else  
22 what's been given to me, sir. I believe that right,  
23 sir, yes.

24 THE INSPECTOR: Just clarify this for me: this is the  
25 impression that I've formed from what I've seen, that

1           when you crossed from Kuwait into Iraq, you travelled in  
2           trucks?

3    A.   (Nods).

4    THE INSPECTOR:  Is that right?

5    A.   That's correct, sir, four tonne vehicles.

6    THE INSPECTOR:  You travelled by night and camped by day?

7    A.   Yes, sir.

8    THE INSPECTOR:  And as you were in the area of the oil  
9           fields, there were oil fires, remains of Iraq munitions  
10          and vehicles and so forth, some dead bodies.  Correct?

11   A.   Yes, sir.

12   THE INSPECTOR:  All correct so far?

13   A.   Yes, sir.

14   THE INSPECTOR:  And you went through and eventually you came  
15          to what I believe was called Camp Condor.  Is that  
16          right?

17   A.   We camped somewhere, I'm not too sure of the name, sir.

18   THE INSPECTOR:  I think there was a main camp, which you,  
19          after a few days, maybe, of travelling by night, you  
20          came to in southern Iraq.  You came to somewhere which  
21          was -- remind me, Mr Poole, the building was  
22          a converted ...

23   MR POOLE:  An old army air base.

24   THE INSPECTOR:  Air base.  Do you remember that?

25   A.   Yes, sir.

1 THE INSPECTOR: That became the battalion base?

2 A. Yes, sir.

3 THE INSPECTOR: Whilst you were there, the command was that  
4 a platoon should move forward and it took up a position  
5 in Al Uzayr, where you were based in an old police  
6 station. All right so far?

7 A. Yes, sir.

8 MR POOLE: You were based at Al Uzayr from about the end  
9 of April until the end of June. Does that sound about  
10 right?

11 A. Is it in my record, sir?

12 Q. I think you say in your statement it was the last couple  
13 of months before coming back to the UK.

14 A. Yes, sir.

15 THE INSPECTOR: Well I know when you came back because I've  
16 seen the records, so we know you came back in June.

17 MR POOLE: Now you say, at page 4 of your statement, that  
18 for the last half of your time in Iraq, the war fighting  
19 phase was over and you were in the peacekeeping phase.  
20 That seems to suggest that whilst you were at Al Uzayr,  
21 you were in the peacekeeping phase. You say though, in  
22 your statement, that there was "a constant state of high  
23 alert". Now, can you help us: the fact that it may have  
24 been the peacekeeping phase of the mission, did that  
25 have any effect on what your platoon or your section was

1           doing on the ground?

2    A.  No, sir.

3    Q.  So when you refer to "a state of high alert", can we

4           take it that is throughout your entire time at Al Uzayr?

5    A.  Yes, sir.

6    Q.  Just explain in your own words, what constituted that

7           state of high alert when you were at Al Uzayr.

8    A.  Experiencing gun fire on a daily occurrence.  Still not

9           knowing who the enemy was, where they was, what their

10           uniforms were.

11   Q.  A member of your section described a feeling of being

12           exposed when out on patrols from Al Uzayr.  Would you

13           agree with that description?

14   A.  Yes, sir.

15   THE INSPECTOR:  Particularly if the communications broke

16           down between you and base?

17   A.  Yes, sir.

18   THE INSPECTOR:  And indeed the communications were not good,

19           they didn't work very well?

20   A.  Yes, sir.

21   THE INSPECTOR:  Would you like to put it in stronger

22           language?

23   A.  The equipment we had was outdated, was -- didn't work in

24           the United Kingdom, certainly didn't work in a dusty,

25           hot environment and at times, no communications at all.

1 THE INSPECTOR: And is it right that when you were out on  
2 patrol and lost communication with the base, that your  
3 instruction was to then return to base?

4 A. Yes, sir.

5 THE INSPECTOR: And did the fact that your communications  
6 were so unreliable, add to the tension that was felt by  
7 you?

8 A. Yes, sir.

9 MR POOLE: We understand that when you were at Al Uzayr, the  
10 day would be broken up into six hour shifts consisting  
11 of rest, guard, patrol. Is that right?

12 A. I believe so, sir.

13 THE INSPECTOR: Well you remember so, don't you?

14 A. Only from reading my previous statement, sir. To recall  
15 the day-to-day, no, sir.

16 THE INSPECTOR: Now, what I'd like you to do for me is,  
17 doing the best you can, take me, and everybody else  
18 who's going to be listening to you, out on the usual  
19 routine, as you remember it, of a patrol. So I can help  
20 you, I think, by starting you off.

21 You leave, obviously, the base, the ruined police  
22 station, as I understand it, with two vehicles,  
23 a Wimmick and a Pinz-gauer. So far so good?

24 A. Yes, sir.

25 THE INSPECTOR: And, so far as your section is concerned,

1           six or perhaps seven men?

2    A.   Yes, sir.

3    THE INSPECTOR:  Now, you are doing the best from your  
4           recollection now, we can jog it between us with things  
5           that might help you remember, we are now pulling out of  
6           the base.  Are you normally in the Wimmick?

7    A.   Sir, it just depends on the day.

8    THE INSPECTOR:  So not normally in the Wimmick.  Okay,  
9           you're in one of the vehicles.  Now, take us along on  
10          the patrol and give me a description or an account of  
11          a usual patrol.  Can you do that?

12   A.   I will try, sir.

13   THE INSPECTOR:  I'm sure you will.  And take your time,  
14          there's no rush.  Just take us out, down that dusty  
15          street and the dusty village.  What happens?

16   A.   The vehicles would leave the base -- not together, it  
17          would be one at a time, with a large enough gap so if  
18          anything was to happen, two vehicles wasn't taken out at  
19          once.

20                 We'd go out on to the dusty highways and tracks,  
21          observing a barren, featureless desert, with the odd  
22          settlement, the odd vehicle and odd person wandering  
23          around.  And we would go about our task, remaining  
24          highly vigilant.

25                 We would attempt to communicate back to base as

1 often as possible, realising that as soon as  
2 communications were not -- were impossible, we would  
3 have to return.

4 THE INSPECTOR: Let's see if I can turn your mind to  
5 something else on a patrol.

6 Sometimes, I believe you, you as the section  
7 commander, according to your discretion or decision,  
8 would decide on the highway that you were on, that you  
9 should stop vehicles which you believe should be stopped  
10 because they were suspicious. So far so good?

11 A. If tasked to do so, sir, yes.

12 THE INSPECTOR: So you would get that task from the platoon  
13 sergeant or the platoon commander?

14 A. It would normally come from platoon commander, sir.

15 THE INSPECTOR: I had thought that you had a discretion,  
16 even though you hadn't had a command from the platoon  
17 commander, to do that if circumstances required?

18 A. You have some discretion, sir, but there's still  
19 a hierarchy, what you need to be accountable to.

20 THE INSPECTOR: Was it that sometimes that you were on, say,  
21 the highway, as it's been called, and your vehicles were  
22 stopped beside the road in order to observe traffic  
23 going up and down. Is that what happened sometimes?

24 A. Yes, sir.

25 THE INSPECTOR: In the course of doing that, was it the case

1           that sometimes a vehicle which you could see coming from  
2           one direction, when it saw the army vehicles, turned  
3           round and went back in the opposite direction?  
4    A.    Maybe generally sir, but I never observed.  
5    THE INSPECTOR:   You never saw a vehicle do that?  
6    A.    No, sir.  
7    THE INSPECTOR:   Did you, as section commander, ever have  
8           occasion to stop a vehicle which was travelling on the  
9           road?  
10   A.    Taking VCPs, sir, yes.  
11   THE INSPECTOR:   So you would then be taking a VCP and  
12           stationary, at the side of the road or stationary across  
13           the road or what?  
14   A.    VCPs were done like we would do in Northern Ireland.   We  
15           would never block off the flow of traffic.  
16   THE INSPECTOR:   What would be the purpose of a VCP, if it  
17           didn't stop traffic?  
18   A.    The highway was a busy arterial road connecting the  
19           north and the south, consisting of civilian and military  
20           moving up and down there, day and night.   We was not  
21           authorised to stop that amount of traffic.  
22   THE INSPECTOR:   So what traffic did you stop?  
23   A.    Traffic stopped was for intelligence gathering.  
24   THE INSPECTOR:   So what traffic was stopped for intelligence  
25           gathering?



1 A. Any other vehicle, apart from military vehicles.

2 THE INSPECTOR: And when you stopped it for intelligence  
3 purposes, what did that involve doing?

4 A. Cursory glances inside, as you would do in Northern  
5 Ireland.

6 THE INSPECTOR: How would the vehicle be stationary, if it  
7 was travelling on the road?

8 A. It would be flagged down, sir.

9 THE INSPECTOR: So you would flag down, what, a chosen  
10 vehicle?

11 A. Yes, sir.

12 THE INSPECTOR: And when you say "intelligence purposes",  
13 you mean in order to check who, if possible, the  
14 inhabitants of the car were or vehicle; is that right?

15 A. Not individuals, sir, no.

16 THE INSPECTOR: But check what category of people they were?

17 A. Mainly what was in the vehicle, sir.

18 THE INSPECTOR: Or what was on them?

19 A. Possibly, sir, yes.

20 THE INSPECTOR: They could be armed?

21 A. (Nods).

22 THE INSPECTOR: So you were checking for that?

23 A. (Nods).

24 THE INSPECTOR: So I think we're all now getting the  
25 picture, that you have not blocked the road but your two

1 vehicles are at least out into the road, limiting the  
2 flow of traffic. Is that right?

3 A. Yes, sir.

4 THE INSPECTOR: And creating a limited passageway, through  
5 which vehicles were allowed to pass. Correct?

6 A. Yes, sir.

7 THE INSPECTOR: Unless you flagged them down?

8 A. Yes, sir.

9 THE INSPECTOR: So we're getting the picture. Now, is that  
10 called a static VCP? Is that an expression that you  
11 were familiar with or are familiar with?

12 A. Yes, sir.

13 THE INSPECTOR: Were you sometimes given, by the commander,  
14 a specific instruction to set up a static VCP on  
15 a particular road? Is that right?

16 A. Yes, sir.

17 THE INSPECTOR: Now, is it also the case that some vehicles  
18 approached, from time to time, your static VCP and, on  
19 seeing it, turned round and went in the opposite  
20 direction? Does that happen?

21 A. It happens, sir, but like I say, I'd never experienced  
22 it.

23 THE INSPECTOR: How can you say it happened, if you never  
24 experienced it?

25 A. It happens but I've not experienced it.

1 THE INSPECTOR: How can you say it even happens?

2 A. Because it's happened in Northern Ireland. It doesn't  
3 necessarily mean people have things to hide.

4 THE INSPECTOR: Well I'm not saying that, I haven't got that  
5 far. This is not questioning which is described to  
6 catch you out. You understand that?

7 A. Yes, sir.

8 THE INSPECTOR: I'm just trying to understand what it was  
9 like, being a section commander of a platoon of six men,  
10 on a road in Iraq in May 2003. You were there on  
11 a daily basis and I wasn't. But I've got a job of  
12 investigating what used to go on. And I can only ask  
13 you the questions. And they're not designed to catch  
14 you out, they're designed to inform me. So can we have  
15 our dialogue in that spirit?

16 A. Yes, sir.

17 THE INSPECTOR: Good. So, you do not remember, and did not  
18 have any experience, of a vehicle approaching this VCP  
19 in the road on any occasion, in the two months or so  
20 that you were there, which turned away and was  
21 suspicious because it looked as though it was trying to  
22 avoid your VCP. Is that right?

23 A. Yes, sir, not with the vehicle.

24 THE INSPECTOR: Was there any occasion when somebody  
25 reported to you, from your section, that they'd seen

1 a vehicle approaching the VCP and then turning around  
2 and going away?

3 A. Yes, sir.

4 THE INSPECTOR: Did that happen on one occasion or on  
5 a number of occasions?

6 A. It could happen during any VCP, sir.

7 THE INSPECTOR: What then would be the drill, if a vehicle  
8 was seen by somebody in the section and it turned and  
9 looked as though it wanted to avoid the VCP; what was  
10 the drill that you, as section commander, would go  
11 through?

12 A. If we could ascertain the type of vehicle and there was  
13 communications back to base, it would be reported.

14 THE INSPECTOR: And? What are the other options?

15 A. There wasn't really many other options, sir. We had no  
16 air cover. The vehicles wasn't equipped to chase  
17 a vehicle. They was heavy and cumbersome vehicles, full  
18 of military kit. And I was responsible for the people  
19 in those vehicles.

20 So to give chase, sir, would be irresponsible of me.

21 THE INSPECTOR: Would be irresponsible. So are you saying,  
22 as a matter of clear record for me, that you never gave  
23 an instruction, as section commander, that chase should  
24 be given to a vehicle which appeared to have turned to  
25 avoid the VCP?

1 A. Yes, sir.

2 THE INSPECTOR: You're saying that. Mr Poole, perhaps you  
3 would care to put it to S001, what we've heard from  
4 other members of the section.

5 MR POOLE: S002 says that he was the driver of the Wimmick.  
6 Does that accord with your recollection?

7 A. Yes, sir.

8 Q. He refers to being instructed to chase a vehicle into  
9 a village.

10 THE INSPECTOR: By you.

11 MR POOLE: Does that accord with your recollection?

12 A. No, sir.

13 THE INSPECTOR: And other occasions?

14 MR POOLE: S003 says specifically, that when on a VCP by the  
15 side of the main road, he saw a vehicle turn around and  
16 drive away that he thought was suspicious and he was  
17 ordered by you to give chase to that vehicle. Does that  
18 accord with your recollection?

19 A. No, sir.

20 THE INSPECTOR: On other occasions other than 11 May?

21 MR POOLE: We have the radio log from 8 platoon, which you  
22 will find in the bundle at page 150. Perhaps we can  
23 just establish whether we agree about the call signs,  
24 first of all.

25 At the top of page 150, right in the middle, it says

1 "Own call sign D20". Now that's the call sign for  
2 8 platoon, isn't it?  
3 A. I believe so, sir, yes.  
4 Q. D21 is the call sign for 1 Section. That is right,  
5 isn't it?  
6 A. That would be correct, sir.  
7 Q. And 1 Section was your section?  
8 A. I have no recollection of what section I was in, but D21  
9 would be 1 Section.  
10 Q. It would follow that D22 is 2 Section and D23 is  
11 3 Section; yes?  
12 A. Yes, sir.  
13 Q. We see in some of the entries, for example D21, there is  
14 the letter C added. What does that tell us?  
15 A. That would denote a Charlie Fire team, sir.  
16 THE INSPECTOR: Sorry, that would denote a Charlie?  
17 A. Fire team.  
18 THE INSPECTOR: What does that mean? Why is that put in the  
19 log?  
20 A. It's the section, sir, is split into two, half led by  
21 myself, half led by the 2iC.  
22 THE INSPECTOR: I see.  
23 MR POOLE: The section commander, would you lead  
24 Charlie Fire team?  
25 A. Yes, sir.

1 Q. Your 2iC, so S004, would lead Delta Fire team; is that  
2 right?

3 A. Yes, sir.

4 Q. So if we were to see a call sign from D21C, and if D21  
5 is 1 Section, your section, that would be a call from  
6 you?

7 A. Yes, sir.

8 Q. Can you assist. We see some call signs for D20B. Is  
9 that the platoon sergeant?

10 A. Yes, sir.

11 Q. Is D20A the platoon commander?

12 A. Yes, sir.

13 Q. There were some entries, D10 and D10B; can you assist  
14 with what those call signs tell us?

15 A. No, sir. But if the call signs are correct, it would be  
16 maybe 1 Section and 1 Section Sergeant? Maybe? I'm not  
17 too sure. If you show me on the log, sir, I might be  
18 able to assist.

19 Q. If you have a look at page 166, we see an entry at 18.01  
20 from D10 to D20. Then the entry below, from D10B to  
21 D20.

22 A. The bravo prefix is normally for a platoon Sergeant like  
23 you says, but the way it's written may not be an  
24 accurate reflection of what actually happened. The  
25 people logging and receiving information were not

1 signals trained.

2 Q. If I can take you to a specific entry then for 7 May, on  
3 163. In the middle of the page, 19.02, there was an  
4 entry at 19.02 from D22C to D20, so that would be the  
5 section commander for 2 Section, communicating with the  
6 camp. Is that right?

7 A. Yes, sir.

8 Q. Recalling "Four x passengers, one vehicle, bag of money,  
9 one AK47."

10 A. Yes, sir.

11 Q. At 19.05, "Six passengers, one Nissan van, stopped, sped  
12 through VCP."

13 Then the following entry:

14 "One passenger with weapon ran away. Searching  
15 others."

16 Then if you can look at the last entry on that page,  
17 timed at 20.10, there's a situation report and it says:

18 "Chased three to four vehicles. Shots fired.  
19 Vehicles got away. No casualties, friendly or other."

20 Then if you can turn over the page, please, to 164,  
21 there's more detailed description:

22 "Stopped one vehicle. During inspection, three  
23 Nissan pick-ups stopped short, 200 metres of VCP.  
24 Turned round and fled. D2C sent sit rep that they were  
25 giving chase. Chase lasted 30 minutes, during which



1 time they lost comms."

2 It goes on to talk about shots being fired.

3 Is this an incident that you recall?

4 A. No, sir.

5 Q. If this was 2 Section involved, is it your evidence that  
6 the commander of 2 Section was wrong to give chase?

7 A. I wasn't there on the day of that particular incident so  
8 it's the commander's discretion. But as a commander on  
9 the ground, I believed that we wasn't equipped to chase  
10 lighter, more mobile vehicles.

11 Q. Because we have heard evidence from S002, who drove the  
12 Wimmick, that on flat terrain and tarmac, the Wimmick  
13 travelled at about 90 miles an hour. Now, making  
14 allowances for the dusty, non-tarmacked roads you would  
15 be travelling on, the Wimmick could still travel fairly  
16 quickly, couldn't it?

17 A. Yes, sir. But it's a dangerous vehicle, it's very top  
18 heavy.

19 THE INSPECTOR: What's the top speed you've ever been in the  
20 Wimmick in?

21 A. I'd never been in a Wimmick until we deployed to Iraq.  
22 So it wasn't able to do its top speed.

23 THE INSPECTOR: What was the top speed you ever experienced  
24 being in a Wimmick?

25 A. I couldn't say, sir. It wasn't fast.

1 THE INSPECTOR: What about the Pinz-gauer? What was that  
2 like?

3 A. That is more like a people and stores carrier, it's like  
4 a small van.

5 THE INSPECTOR: Faster or slower than a Wimmick?

6 A. It's slower than a Land Rover.

7 THE INSPECTOR: I think, in fairness, the evidence was that  
8 a Wimmick, if it had the sort of loads which I need to  
9 ask you about, in it, would obviously be slower than the  
10 90 miles an hour that was mentioned. What did the  
11 Wimmick have in the back when you went out on patrol?

12 A. The Wimmick was a multi-purpose vehicle. It could be  
13 fitted with anything needed for the job. Generally, it  
14 would have three to four people in, equipment, including  
15 ammunition, first aid equipment and heavy machine guns.

16 THE INSPECTOR: And heavy machine guns?

17 A. Yes.

18 THE INSPECTOR: Guns or one gun?

19 A. It could take two guns fitted as a heavy machine gun  
20 role.

21 THE INSPECTOR: But on these patrols in Al Uzayr, did it go  
22 out with two machine guns?

23 A. Not when it was tasked to us.

24 THE INSPECTOR: No. I'm only interested in when you were in  
25 Al Uzayr, section leader of this group, going out in a

1           Wimmick?

2    A.   (Nods).

3    THE INSPECTOR:  Or the Pinz-gauer.  You've got six men, you  
4           must have two drivers, because you've got two  
5           vehicles --

6    A.   (Nods).

7    THE INSPECTOR:  -- so that only leaves three men.  Second in  
8           command, namely S004, would he travel with you or would  
9           he be in the vehicle you were not in?

10   A.   So we would always be in separate vehicles, just in case  
11          one commander was taken out, there was always somebody  
12          to continue.

13   THE INSPECTOR:  So if we take the average day when you go  
14          out, it's S001 in the Wimmick, let's say, being driven  
15          by S002, with S004 in the Pinz-gauer.  S006; was he the  
16          Mini-mi man, the Mini-mi machine gun?

17   A.   Yes, I think so, but I think the role was split between  
18          others as well.

19   THE INSPECTOR:  What, the role of being of the machine  
20          gunner?

21   A.   Yes, sir.

22   THE INSPECTOR:  In Al Uzayr at this time, you'd go out with  
23          one machine gunner, would you?

24   A.   I can't recall that the weapons, what people had, during  
25          that phase of the operation.  But certainly there should

1           have been one Mini-mi and one GPMG for the whole  
2           section.

3   THE INSPECTOR:   So we've got S003; was he a GPMG man?

4   A.   I have no recollection, sir, but he was a new soldier.

5   THE INSPECTOR:   But S006 was a machine gun man?

6   A.   Did you say he was, sir?   Yes.

7   THE INSPECTOR:   Well, at the moment, if you're deploying six  
8           men in two vehicles, and you've got two drivers, you're  
9           deploying four men in two vehicles, how do you remember,  
10          putting aside individuals for the moment, you deciding  
11          who went in which vehicle?   And what did it result in?  
12          Three in each?

13  A.   Yes, sir, split the section down the middle.

14  THE INSPECTOR:   So broadly speaking, it's going to be S001,  
15          you, the driver, if the Wimmick S002, with one other,  
16          possibly a machine gunner, and then that leaves the  
17          other three for the other vehicle?

18  A.   (Nods) Yes, sir.

19  THE INSPECTOR:   Now, we'll go back to the load which the  
20          Wimmick had.   The Wimmick was potentially, obviously,  
21          very powerful, because it could go, as we've heard from  
22          the driver, at probably 90 miles an hour if it had to,  
23          without a load and in good terrain?

24  A.   (Nods).

25  THE INSPECTOR:   And it was noticeably faster than the

1 Pinz-gauer. Agreed?

2 A. Yes, sir.

3 THE INSPECTOR: Now, what I am just trying to trigger your  
4 recollection about is whether you've ever been in the  
5 Wimmick at a speed in excess of 25 miles an hour?

6 A. Probably, sir, yes.

7 THE INSPECTOR: Have you been in a Wimmick at a speed in  
8 excess of 50 miles an hour?

9 A. It ... maybe, sir, it's difficult to say with no  
10 noticeable things on the horizon, on the land, what  
11 you're passing, because it's a barren, featureless  
12 desert to compare to.

13 THE INSPECTOR: But it wasn't so slow, was it, that it  
14 couldn't chase a Nissan, open backed truck, if you  
15 wanted it to, was it?

16 A. It was a fast vehicle, sir, but, as I said, it was very  
17 dangerous.

18 THE INSPECTOR: But what we're trying to find out from you,  
19 as you know, is whether, when you were out on patrol in  
20 the Wimmick and the Pinz-gauer, there were occasions  
21 when you needed to at least attempt to give chase to  
22 open backed, white trucks driven by Arabs. Is that  
23 right? That's what we're trying to do.

24 A. Yes, sir.

25 THE INSPECTOR: Now, are you saying that you have never been

1 in either the Pinz-gauer or the Wimmick, when you have  
2 given chase to a vehicle driven by Arabs?

3 A. Yes, sir.

4 THE INSPECTOR: Yes.

5 MR POOLE: Could I ask you to have a look at page 170,  
6 please.

7 There's an entry at the bottom of that page, four  
8 from the bottom, timed at 17.51. This is a call that  
9 you made to the camp, informing the camp that a vehicle  
10 has avoided a VCP. Do you recall making that radio  
11 communication?

12 A. No, sir.

13 Q. Because I can tell you this is the first entry for you  
14 in this radio log that refers to a VCP or any activity  
15 involving vehicles or passengers. Does that surprise  
16 you?

17 A. I don't understand the question, sir.

18 Q. This is 11 May. This radio log starts on 30 April. So  
19 11 days have passed and this is the first entry that  
20 records you communicating with the base, anything in  
21 respect of a VCP or a vehicle. Presumably, in that  
22 11 day period, you and your section would have been out  
23 on a number of patrols. And yet this is the first radio  
24 communication that is logged, detailing something that  
25 happened on that patrol. Does that surprise you?

1 A. No, sir.

2 THE INSPECTOR: Why doesn't it surprise you?

3 A. Because prior to this first communication, we could have  
4 been doing guards and duties.

5 THE INSPECTOR: And not out on patrol?

6 A. Yes, sir.

7 THE INSPECTOR: Not out on patrol at all for ten days? Is  
8 that possible?

9 A. Yes, sir.

10 MR POOLE: So could this have been the first time you were  
11 involved in a VCP when based at Al Uzayr?

12 A. Yes, sir.

13 Q. If you look at the last entry on this page, 18.10, it's  
14 another communication from you to the camp that says:  
15 "Checked two passengers. Nothing found. Let go."  
16 Now, it appears from reading that, and reading it  
17 together with the entry of 17.51, that the vehicle that  
18 avoided the VCP was then checked, two passengers were in  
19 it, nothing was found and they were let go. And that  
20 that took place some time between 17.51 and 18.10. That  
21 is a fair reading of the information there, isn't it?

22 A. No, sir. I don't look at that information like you do,  
23 sir.

24 Q. You tell me how you read that information.

25 A. I read 17.51, "The vehicle avoided VCP". I read "For

1 information only", 17.56, "Douglas on duty --"

2 Q. Just pausing there, that relates to a soldier coming on  
3 duty at the camp, doesn't it?

4 A. Yes, sir.

5 Q. Continue.

6 A. If 17.51 was an incident ongoing, a new operator  
7 wouldn't take over during that time. At 18.05, that is  
8 a radio check, "Okay".

9 At 18.10:

10 "Checked 2 x pax, nothing found, let go."

11 I read that as a totally different event.

12 MR POOLE: If we just pause there, we've lost the connection  
13 to Iraq.

14 (Break in the video link)

15 THE INSPECTOR: Okay?

16 MS AL QURNAWI: Yes, okay now.

17 MR POOLE: Now, am I right that you have no independent  
18 recollection of these events that we're looking at in  
19 this log?

20 A. Yes, sir.

21 Q. And am I right that the reason you, on reading this  
22 information, do not connect the incident at 17.51 with  
23 the incident at 18.10, is because a new soldier comes on  
24 duty and takes over the radio at the camp? And you do  
25 not believe that someone would take over the radio log



1 if this was an ongoing incident? Is that the only  
2 reason that you don't connect 17.51 with 18.10?

3 A. Yes, sir.

4 Q. Would you agree that if the only information  
5 communicated at 17.51 was that a vehicle avoided a VCP,  
6 and nothing was said about giving chase, or anything to  
7 indicate this was an ongoing incident, then it would be  
8 normal for the radio soldier to change?

9 A. Yes, sir.

10 THE INSPECTOR: Could you go to page 114 in your bundle  
11 there. That's at divider 20. This is a statement from  
12 S010, dated 10 November 2014, namely a week or so ago.  
13 Paragraph 17, he's referring to this entry in the log  
14 that we're looking at, in which he says, and I read:

15 "I can remember receiving a radio message from S001  
16 section, stating that a vehicle had avoided a VCP.  
17 I told them to catch the vehicle and search it, as it  
18 sounded suspicious, based on my previous experience.  
19 I had been conducting VCPs for about three weeks before  
20 this and the same had happened. When we caught the  
21 vehicle, it was found to contain large amounts of  
22 weaponry. I told them to deal with the situation and if  
23 they had no weapons or cause for concern, then send the  
24 civilians on their way. I did not speak to them again  
25 on the radio."

1           Well if that's right, the two entries we see on  
2           page 170 make sense, don't they? One, you report  
3           a vehicle has avoided the VCP. You're told to deal with  
4           the situation. While you're dealing with the situation,  
5           duty changes back at the base. In the meantime, you, or  
6           somebody -- you, according to the -- check at 18.05, the  
7           communications. They're okay. And within the next five  
8           minutes, you finish, or your men finish, doing what you  
9           have been instructed by S010 to do, namely to check the  
10          passengers and the vehicle and if nothing found, sending  
11          the civilians on their way.

12          Now, those two entries make sense, if you take  
13          account of S010's statement to me, don't they?

14   A. Yes, sir. But if he says this to me on the net, it  
15          should be accountable in the logbook.

16   THE INSPECTOR: If he says -- what, his instruction to you?

17   A. Yes, sir. All radio traffic has to be wrote down, as is  
18          shown.

19   THE INSPECTOR: So if he said what he says he said in  
20          paragraph 18, page 115 at the top of the page, you say  
21          it should be in the log?

22   A. Yes, sir, that's standard procedure for radio traffic.

23   THE INSPECTOR: Right, I can see the force of that. But if  
24          it doesn't get into the log, bearing in mind the short  
25          passage of time we're talking about, namely 20 minutes,

1 doesn't it seem to make sense to read that log entry as  
2 relating to the same event?

3 A. Yes, sir. But a logbook doesn't read like a book.

4 THE INSPECTOR: No, I'm filling it in a bit! But in the  
5 end, one has to just use one's best one can, that makes  
6 more sense. You agree with me on that, it makes more  
7 sense to read the two entries together?

8 A. Yes, sir, I do.

9 THE INSPECTOR: Because if I don't read those two entries  
10 together, it seems to me we have this odd situation,  
11 namely, at 17.51, you have reported in that a vehicle  
12 has avoided a VCP, nobody's told you one thing about  
13 it -- you've really got the report coming in with no  
14 instruction to you as to what to do -- and then, within  
15 the space of minutes, somehow or other, another vehicle  
16 with two people in it, presumably, you would say, being  
17 stopped at the VCP; correct?

18 A. Sir, that doesn't say VCP, it just says "Checked two  
19 pax, nothing found, let go."

20 THE INSPECTOR: How can you check two people and passengers  
21 and then search a vehicle, unless it's at the VCP?

22 A. This could be just two civilians walking past, close to  
23 our VCP. We've felt threatened, due to the situation we  
24 was in, so we checked them and then sent them on their  
25 way.

1 THE INSPECTOR: Does not "pax" refer to passengers?  
2 Normally it does.  
3 A. No, "Two x pax", is two times people, it doesn't mean  
4 anything.  
5 THE INSPECTOR: Do you remember searching people walking up  
6 the street?  
7 A. I don't remember this particular event, no, sir, but the  
8 way I understand the logbook to be is I don't -- like  
9 I've just said, sir, I don't think that is anything to  
10 do with the 17.51.  
11 THE INSPECTOR: Let's continue with your possible  
12 explanation. Are you saying that there were occasions  
13 when you searched pedestrians in the street?  
14 A. Yes, sir.  
15 THE INSPECTOR: Yes?  
16 A. (Nods).  
17 THE INSPECTOR: When out on patrol?  
18 A. Yes, sir.  
19 THE INSPECTOR: What would cause you to stop pedestrians  
20 walking in the street and to search them?  
21 A. Suspicious behaviour.  
22 THE INSPECTOR: Such as?  
23 A. Taking a particular interest in a patrol.  
24 THE INSPECTOR: Mm-hmm? What, taking photographs or  
25 something?

1 A. No, maybe not in 2003, sir, no, but ...

2 THE INSPECTOR: What? We've got two pedestrians and you say  
3 that if they were taking a particular interest in the  
4 patrol, you might stop and search them. What are you  
5 talking about when you say "particular interest"?

6 A. If all around a patrol is quiet and two people on their  
7 own, are taking particular interest in what you're  
8 doing, it would raise concerns.

9 THE INSPECTOR: What would they have to do in order to be  
10 seen by you to be taking a particular interest in what  
11 you were doing?

12 A. Sir, it was Iraq. We didn't know who the enemy was.  
13 And everyone would have been treated as such.

14 THE INSPECTOR: You mean everybody --

15 A. In that situation, where they're paying particular  
16 attention to the patrol, sir, yes.

17 THE INSPECTOR: So you would be searching every pedestrian  
18 at that rate?

19 A. No, sir.

20 THE INSPECTOR: Well, it's your words and I've got to follow  
21 through. You said to me that if they were taking  
22 particular interest in the patrol, that would be  
23 regarded as suspicious and you would search them.  
24 Correct?

25 A. Yes, sir.

1 THE INSPECTOR: That's what you said.

2 A. Yes.

3 THE INSPECTOR: When I ask you what is it they would have to  
4 do to make them be paying particular interest in the  
5 patrol, you appear to me to be saying, "Well nothing,  
6 just being there was enough", because you didn't know  
7 who the enemy were. That's what you appear to be saying  
8 to me. You may be right, I don't know, but I just don't  
9 want to misunderstand you. Is that what you're saying?

10 A. Yes, sir, it's -- it was quite difficult to portray the  
11 feelings of how everyone felt back in 2003, on the  
12 ground at the time.

13 THE INSPECTOR: Doesn't that mean that you must have been  
14 searching quite a number of people who were walking by  
15 the patrol?

16 A. Yes, sir. But a search isn't always physical. It can  
17 be a cursory glance, just to dismiss them and then move  
18 on to the next person.

19 THE INSPECTOR: Well what does "Checked 2 x [people],  
20 nothing found", indicate?

21 A. That, sir, is, from my reading: checked two people,  
22 nothing found, let go.

23 THE INSPECTOR: What does that indicate?

24 A. Two people have been searched, either -- and nothing  
25 found and then released.

1 THE INSPECTOR: Thank you. So this is not an occasion of  
2 a cursory glance --

3 A. (Nods).

4 THE INSPECTOR: Correct?

5 A. Sir.

6 THE INSPECTOR: This is a search occasion. So you're saying  
7 this could well indicate two people walking near the  
8 patrol on the road, who, because they were there, were  
9 stopped and searched?

10 A. Yes, sir.

11 THE INSPECTOR: Correct? Now, if that's what you were  
12 doing, as a matter of course, it seems to me that you  
13 must have been searching people in the vicinity of the  
14 patrol on quite a number of occasions?

15 A. It was a busy tour, sir, yes.

16 THE INSPECTOR: Is the answer to my question yes?

17 A. Yes, sir, yes.

18 THE INSPECTOR: It sounds to me, from your evidence, but I'm  
19 maybe getting it all skew-wiff -- whatever skew-wiff is  
20 in Arabic --

21 THE INTERPRETER: Misunderstood.

22 THE INSPECTOR: -- that you were probably searching more  
23 pedestrians, than you were vehicles. Now is that right?

24 A. Possibly, sir, yes. I know that my time in Iraq was  
25 fairly uneventful, apart from why I'm sat here today.

1 I know other sections and platoons had a more exciting  
2 time, but apart from this particular incident, it was  
3 Groundhog Day, sir.

4 THE INSPECTOR: Well you see, that excites my curiosity as  
5 to why it is that the most exciting part of your  
6 deployment in Iraq at this time, about which you were  
7 asked, some time afterwards but -- months, I agree --  
8 but why your memory of this event, groundbreaking as it  
9 was, in your experience, is not something that you  
10 remember? Or remembered then? I don't understand.  
11 Help me.

12 A. As I said, sir, Iraq was pretty non-eventful, apart from  
13 the reasons why I'm here today.

14 THE INSPECTOR: But S001, it's only because we've got into  
15 this log entry, or log entries, that we've alighted on  
16 to anything that you've been able to speak about, so far  
17 as the reason you're here today. That is right, isn't  
18 it? Because to date, you've always said you didn't  
19 remember anything happening on this date that we're here  
20 today to deal with. Right?

21 A. I'm just reading the logbook, sir, trying to help you  
22 understand the logbook.

23 THE INSPECTOR: I know how difficult it is but it looks as  
24 though something did happen on 11 May, doesn't it?

25 A. Sir, if you read the logbook like a book, it means a lot



1 of things.

2 THE INSPECTOR: Well, I think we've accepted it certainly  
3 means that a vehicle avoided a VCP which you were in  
4 charge of. And from what you've been telling me, that  
5 was a pretty headline event. Now, is that how I should  
6 regard the entry "Vehicle avoided VCP", as a real  
7 headline event for you?

8 A. Is that a question, sir?

9 THE INSPECTOR: That's a question. Should I regard it as  
10 a headline event or are you going to tell me, "No, sir,  
11 don't treat it as a headline event, that would be  
12 misunderstanding me." What should I do with this piece  
13 of your evidence?

14 A. Sir, I think you are misunderstanding what I'm trying to  
15 help the court with.

16 THE INSPECTOR: Then you have as much time and as much  
17 opportunity and you've got an open and willing recipient  
18 here, to listen. You just tell me what I'm meant to  
19 understand.

20 A. I believe, reading these entries, there are four  
21 different things going on.

22 THE INSPECTOR: I just want you to concentrate on one of  
23 them. "Vehicle avoided VCP". That's all I want you to  
24 concentrate on. According to you, that certainly never  
25 happened before, on any VCP you were in charge of.

1 Correct?

2 A. Yes, sir.

3 THE INSPECTOR: And as I understand it from your evidence,  
4 it never happened after this occasion. Correct?

5 A. I think so, sir, yes.

6 THE INSPECTOR: So we're looking at an event, on 11 May,  
7 which represents the only occasion in the weeks that you  
8 were on patrol in this area of Iraq, when a vehicle  
9 avoided a VCP. What I'm asking you is why on earth, if  
10 it's the only event that occurred of this sort, in all  
11 the weeks that you were there, it doesn't stand out in  
12 your memory?

13 A. Sir, one day, as I explained, was like the next. That  
14 particular "Vehicle avoided VCP", wouldn't put any red  
15 flags in my mind to remember.

16 I was questioned at length about this and even  
17 closer to the time, I had no recollection of this.  
18 I still have no recollection of any of these log entries  
19 and even though it says, "Vehicle avoided VCP", by  
20 myself, it's still not something that I recall.

21 MR POOLE: The impression one gets from your evidence is  
22 that it was fairly commonplace to search pedestrians.  
23 Is that fair?

24 A. Yes, sir, yes.

25 Q. And I assume then, once you have searched a pedestrian

1 and nothing is found, then that is a non-event, isn't  
2 it?

3 A. Yes, sir.

4 Q. So help me then, why that is specifically recorded as  
5 happening at 18.10 on 11 May?

6 A. Sir, it's just radio traffic.

7 Q. But this is something that you say happens as  
8 commonplace and the fact that nothing was found makes it  
9 a non-event. Am I not right to be confused, why it is  
10 worthy of reporting back to camp?

11 A. "Check 2 pax, nothing found, let go", could also be  
12 a radio check, making sure that I still have  
13 communications, even though I've done it five minutes  
14 before. It doesn't necessarily mean that I still have  
15 communications with base.

16 Q. But when there are radio checks -- sorry, just pause  
17 there, we've lost connection.

18 (Break in the video link)

19 MR POOLE: If you're merely checking radio communication  
20 with the camp, that's recorded as "RCK", which stands  
21 for radio check, isn't it?

22 A. Yes, sir. But logstats are also referred to as radio  
23 checks as well. The logbook is a funny --

24 MR POOLE: Sorry, just wait there.

25 (Break in the video link)

1 MR POOLE: Sorry, you were just saying about the logbook?

2 A. Sir, yes, the logbook, in reference to radio checks, any  
3 information sent across the net is relaying information,  
4 but also proving that comms are still working. If  
5 no one acknowledges from the other side, comms are down.

6 Q. Your evidence earlier was that radio operators were not  
7 signal trained. That is right, isn't it?

8 A. Yes, sir.

9 Q. Am I right in assuming the reason you gave that evidence  
10 was to explain potential omissions from the radio log?

11 A. Yes, sir.

12 Q. So that could explain why S010's instructions to you are  
13 not recorded in the radio log, could it not?

14 A. Yes, sir.

15 Q. Now, you've told the RMP when they interviewed you, that  
16 you don't recall an incident on 11 May. I think we  
17 understand that to be your evidence today. Is that  
18 right?

19 A. Yes, sir.

20 MR POOLE: Just pause there.

21 (Break in the video link)

22 MR POOLE: Was your section ever involved in a stop and  
23 search, when occupants of a vehicle refused to get out?

24 A. No, sir.

25 Q. Was your section ever involved in an incident where

1 occupants of a vehicle had to be restrained?

2 A. No, sir.

3 Q. Was there any physical contact ever made between someone  
4 on your section and a civilian, during a stop and  
5 search?

6 A. No, sir.

7 Q. We've heard evidence from S002 that, following the chase  
8 I referred you to earlier, he recalls having to assist  
9 you in restraining a man that had come out of a white  
10 pick-up truck. And that the reason you needed  
11 assistance was to put that man on the ground. Have you  
12 ever been involved in an incident that matches that  
13 description?

14 A. No.

15 THE INSPECTOR: Do you think you might have been and just  
16 forgotten?

17 A. Sir, this -- this, in 2003 and 2005, has been really  
18 hard to cope with. In 2014, I'm still coping with it  
19 now. If I would have remembered in 2003, anything  
20 pertaining to this or my men on the ground under my  
21 command, I would have said something. Yet all these  
22 years later, I'm still dealing with a military career  
23 what was cut short because I believed that the family  
24 I had adopted had let me down.

25 Therefore, in 2005, I resigned. Believing that

1 I would do my full term in the British Army. But  
2 realising without the support of the people I loved,  
3 I couldn't see no future for myself within that  
4 establishment.

5 THE INSPECTOR: I understand.

6 MR POOLE: There is nothing necessarily wrong, is there,  
7 with putting someone on the ground in order to effect  
8 a search?

9 A. No, sir.

10 Q. Have you experience of that whilst in Iraq?

11 A. No, sir.

12 Q. S002 has given evidence that during the incident I've  
13 just described, he remembers you hitting a man with your  
14 helmet. What comment do you make about that?

15 A. Sir, it would be highly unprofessional of me to remove  
16 my helmet during a, potentially, highly volatile  
17 situation. To then beat somebody with it is entirely  
18 out of my character.

19 Q. If your helmet had come off during an incident and you  
20 happened to have it in your hand, is it possible that  
21 you could have struck someone with it?

22 A. No, sir.

23 Q. S003, describing the same incident, says that he had to  
24 restrain one of the men from the white pick-up truck.  
25 Are you aware of that?

1 A. No, sir.

2 Q. He specifically recalls a large black dog arriving and  
3 being shot. Now, that is something that would stick in  
4 your mind, isn't it?

5 A. Yes, sir.

6 Q. Do you remember an incident involving a dog being shot?

7 A. No, sir.

8 Q. If such an incident had occurred, would I expect to see  
9 a record of it?

10 A. Yes, sir.

11 Q. Who would make that record?

12 A. I would brief it up the chain to the platoon commander,  
13 who would then, in turn, brief it higher.

14 Q. Did you ever have occasion to brief the platoon  
15 commander when you returned from a patrol?

16 A. No, sir.

17 Q. You've seen S010's evidence, that on return from the  
18 patrol on 11 May, the men on your section looked  
19 excited, as though something had happened. You're aware  
20 of that evidence?

21 A. What page is it, sir?

22 Q. S010's statement starts at page 112.

23 THE INSPECTOR: 115, paragraph 19/20, or thereabouts.

24 MR POOLE: S010 there says he spoke to "them", so your  
25 section, collectively. Do you recall that?

1 A. No, sir.

2 Q. On 24 May, you were cautioned by the RMP and you  
3 consented to a search, when various items were removed  
4 from you.

5 Prior to that, were you aware of allegations of an  
6 incident involving your section --

7 A. No, sir.

8 Q. -- and the death of a civilian?

9 A. No, sir.

10 Q. When, therefore, you were cautioned on 24 May, can you  
11 remember your reaction?

12 A. Sir, yes, because it's eventful.

13 Q. Describe how you felt.

14 A. Shocked, trying to think what it was we had done, but  
15 also, as a soldier, doing as we was ordered to do, by  
16 helping with the investigation, which is what I've been  
17 doing since then, 11 years ago.

18 Q. When you were thinking about what it might be that your  
19 section had done, could you think of anything that might  
20 link your section to the death of this civilian?

21 A. No, sir.

22 Q. Have you seen statements prepared by the Iraqi witnesses  
23 in this investigation?

24 A. I've seen some, sir, but not read them thoroughly.

25 Q. Of the ones you've seen, are there any comments you wish



1 to make?

2 A. Sir, I believe no comment for all of them.

3 MR POOLE: I am grateful. I have no further questions.

4 THE INSPECTOR: Right. Well, thank you. I don't  
5 underestimate what this has meant for you over the years  
6 and you have given your cooperation by coming, but you  
7 realise that I have to make findings as to what actually  
8 happened?

9 A. (Nods).

10 THE INSPECTOR: And as the man in charge that day, if you  
11 feel, having discussed this with your solicitor, that  
12 there's anything that you can illuminate or enlighten me  
13 with, then you can always inform me. You understand  
14 that?

15 A. Yes, sir.

16 THE INSPECTOR: I know that, obviously, you wish, as anybody  
17 would, to put this whole matter into the past. When  
18 I have considered the evidence I've received, I will  
19 make a report, which will record my findings.

20 Then I have every reason to believe it will be very  
21 clearly to the past, although I can't say that it isn't,  
22 for one reason or another, going to be looked at again  
23 by somebody for some reason.

24 So I merely give you the opportunity of reflecting  
25 with your solicitor and going through what you have told

1 me and what you've seen today and your experience today,  
2 and if there's any way in which you can help me, let me  
3 know.

4 A. Yes, sir.

5 THE INSPECTOR: All right. Thank you. Thank you.

6 Ms Al Qurnawi, let's talk to you for a moment.

7 Ms Al Qurnawi, I can't sit tomorrow morning here, until  
8 10.30, which is an hour later than usual. All right?

9 MS AL QURNAWI: Okay.

10 THE INSPECTOR: Have you come to any decision yet, about  
11 your witnesses and how you would like me to deal with  
12 your witnesses?

13 MS AL QURNAWI: Not yet. But reaching the decision shortly.

14 Just a quick question: is this just relating to the  
15 Abdullah case or also the same applies to the Said case?

16 THE INSPECTOR: I merely mean the Abdullah case at the  
17 moment.

18 MS AL QURNAWI: Okay. We should be able to let you have our  
19 decision within the next couple of days at the latest.

20 THE INSPECTOR: Thank you. All right, well 10.30 tomorrow,  
21 English time.

22 MS AL QURNAWI: Yes, see you tomorrow at 10.30.

23 THE INSPECTOR: Thank you everybody. For those who are  
24 here, the solicitors who have represented the  
25 soldiers -- there are three of you here, aren't there?

1 Thank you very much for all the help you've given.

2 (2.06 pm)

3 (The hearing adjourned until 10.30 am on Wednesday,

4 19 November 2014)

5

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S005 (called) .....1

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Questions from MR POOLE .....1

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S001 (called) .....33

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Questions from MR POOLE .....33

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