

Witness Name: Ahmad Taha Musa Matairi
Statement No.: 1
Exhibits: 2
Dated: 5 June 2009

THE BAHA MOUSA PUBLIC INQUIRY

**WITNESS STATEMENT OF
AHMAD TAHA MUSA MATAIRI**

I, Ahmad Taha Musa Matairi, will say as follows: -

1. I am making this statement for the purposes of the Inquiry into the death of Baha Mousa and the ill-treatment of myself and nine others (including Baha Mousa) while in the custody of the British Army. I make it in the knowledge that there is a current process by which documents and witness statements relevant to the events under consideration are being made available to my lawyers. This process is not complete, nor have my lawyers and I yet had the opportunity to digest all the material disclosed to date. I would therefore like to make it plain that I am not going to comment in this statement on any of the disclosure except my own previous statements. I will, of course, make a further statement in the future if either my lawyers or the Inquiry indicate to me that it is necessary.
2. I was born [REDACTED] and I have lived here all of my life. I am married with three children. My late brother, Kifah was born in 1958 and also lived in Basra until his tragic death in February 2006, leaving a widow and 6 children. I am a Shia Muslim and had been against Saddam Hussein. He had ordered the death of one of my brothers who had been in the navy during the Iran-Iraq war. I had welcomed the British forces into Iraq and had even given my children flowers to give to the soldiers when they had arrived.

3. At the time of my arrest, I owned the Ibn Al-Haitham Hotel ("the Hotel"), Basra, in partnership with C001 and [REDACTED]. I bought an interest in the Hotel at the end of 2001 when it consisted of only pillars. We commissioned building works to be undertaken and they were completed by about May 2002. I entered into a partnership agreement with C001 and [REDACTED] on 25 May 2002 and we entered into a contract with the freeholder of the property on 1 June 2002.
4. Following the fall of Saddam Hussein's regime, business at the Hotel consistently improved and by August/September 2003 we had about 95% occupancy. Our clients at the Hotel were mainly from Iraq, although they would also come from Kuwait, the UAE and Iran. They would generally be business people, for instance, in the car trade. The Hotel was of a high quality, I would describe it as the equivalent of a 3 star - or "Category 2" - hotel. It was fully carpeted, with air conditioning and televisions in all rooms. There were 21 rooms in total and at the time of my arrest and detention we would charge on average 35,000 Iraqi dinar per room (for a double room).
5. I was the only person who had a key to the Hotel safe, which was situated in the management office. My partners and I had agreed that only one person should be accountable for the safe, and we agreed that this should be me. We thought that it would not be workable if the three of us had access to the safe. I would check the safe on a daily basis. Our guests would pay by cash and we would likewise pay our bills by cash, so there was always a lot of money in the safe.
6. I had employed my brother Kifah to work at the Hotel as an electrician and he began working there in about December 2002. He had graduated from an institute as an electrician and prior to working for me he had worked as an electrician on ships since he loved to travel. At the Hotel, Kifah's hours were generally 8am to 2pm, although he

would often be at work outside these hours if there was a problem, for instance, with the air-conditioning or the generator, as was often the case in those days following the invasion.

7. At the time of my arrest and detention I also owned a ceramics business comprising a shop/showroom and a warehouse. I had commenced the business in 1990 as a sole trader, selling ceramic building materials wholesale in Iraq. Initially I sold a range of building materials, but in 1996 I began selling only ceramic tiles.
8. After the Hotel opened in 2002, I would spend the day working at the ceramics business, then come to the Hotel to do my work there in the evening and eventually go home to sleep at night. The show room was just opposite the Hotel, only 20-30 metres away, so I could keep a close eye on it even when I was over at the Hotel.
9. With the fall of Saddam Hussein's regime, my ceramics business flourished. I displayed specialist ceramics, such as bathroom and kitchen tiles, at the shop/showroom, some of which would be imported from Kuwait and Syria. During the post-war reconstruction phase in Iraq these were very popular and business was good. I would sell to retailers and other merchants in Baghdad as well as merchants and wholesalers in other cities. I had no need to travel since I would conduct business via the telephone. I would take orders in the show room and the products would then be transported from the warehouse. At the time of my arrest, I was making a profit of about US\$12,000 per month from this business and was doing very well.
10. Prior to my arrest and detention, my health was very good. I had suffered from kidney stones immediately after my wedding in 1993, but apart from that I had few medical problems. I may have had a slight hernia developing at the time of my arrest, but it did not cause me any trouble and I did not seek any medical advice. My job was not physical,

but office-based, and did not put any strain on my body. Kifah, likewise was very healthy prior to his arrest.

ARREST AT THE HOTEL

11. At approximately 6am on 14 September 2003, I received a telephone call at home from Kifah who had slept at the Hotel the night before (as was common in those days, when we were having lots of problems with the air conditioning system and generator). Kifah told me that British soldiers were searching the Hotel and had requested the key to the Hotel safe. I told him that I would be there in 10 minutes. I thought this was strange because there had been no problems in relation to the running of the Hotel previously; I did not understand why the Hotel was being searched.
12. After Kifah's call, I hurried to the Hotel by taxi and arrived there within about 10 minutes. When I arrived I found tanks and military vehicles surrounding the Hotel. The Hotel had a glass front and even before I climbed the steps to the Hotel I could see the British forces inside and my employees lying on the floor. I could have run away at that point if I wanted to but as I was confident that we did not have any security problems I decided to go in.
13. I tried to enter the building but was told to "get out" by a British soldier standing at the door. He was well built, not much taller than me and had a shaved head. He was wearing a brownish uniform and was tattooed in greenish brown on either one or both of his arms. I describe him in detail below. After explaining to him in English that I was the owner of the Hotel and that I had the key to the safe, he allowed me to enter.
14. The safe key was immediately taken from me and I was ordered to lie down on the floor alongside the rest of my workers, in the lobby area of the Hotel. As far as I recall it was the soldier with the tattoo who told

me to lie down. I asked him why, but he just shouted and told me to get down on the floor. I lay face down on the floor with my forehead resting on my hands. I asked Kifah in a whisper why this was happening and he said it was because C001 had run away. Although I was lying face down I could still see what was happening by raising my eyes. I thought that the soldier who had dealt with me up to this point was not an officer but merely a soldier, from the type of uniform that he was wearing. Only one of the soldiers had a stick and he was giving the other ones orders. I gathered that he was an officer and as far as I recall he had a star on his lapel. None of the other soldiers had stars on their uniform. The officer was about 170cm in height, and aged between 25-32 years. He had white coloured skin with a red tan. He wore a beret which might have been red in colour, and his sleeves were rolled up. In Iraq when you wear clothes like this it means you are Special Forces. He had a rounded face, green eyes, no facial hair and was clean shaven. I will refer to this soldier as 'Officer A'. I did not see him again after I left the hotel.

15. I recall that the following employees were on the floor along with me:
 Kifah, D003 (he was not strictly an employee of the Hotel business but of the restaurant which was run separately to the Hotel)),
 D002 (a security guard), D004
 (who worked on the generators) and
 D001 (a cleaner).
16. I recall that the equivalent of approximately US\$3,100 (or around 4,350,000 dinar) was in the Hotel safe that morning. The Hotel safe was based in the management office. Baha Mousa's father, Lt Colonel Daoud Mousa ("Colonel Mousa"), who was a police colonel, had come to the Hotel to collect his son. I recall he suddenly shouted out to the officer in charge that the soldiers were stealing the money from the safe and putting it into their pockets.

17. When I heard him say this I raised my head and saw through the glass wall to the management office that the soldiers had opened the safe and were putting wads of money into a large bag. The money was in Iraqi dinars. Because of inflation, the notes are worth a lot less and this meant that although there were hundreds of notes in the safe they were only actually worth about US\$3,100. However, I think that the soldiers must have seen the money and thought that it was a small fortune.
18. Daoud Mousa was standing and he told Officer A that the soldiers were putting money into their pockets. The officer then shouted at the soldiers and appeared to order them to take the money out of their pockets and put it into some nylon bags. I saw the soldiers take the money out of their pockets. This was the last I saw of the money; I was not provided with a receipt for what was taken, nor was I given it back on my eventual release, although I did explain that money had been taken to the Royal Military Police when I was interviewed. The officer asked Colonel Mousa why he was there and Colonel Mousa explained that he had come to collect his son, Baha Mousa, who worked at the Hotel.
19. While I was lying on the floor, every now and then I felt the soldier who told me to "get out" kick me softly on the head and look down at me. I felt that he was doing this to humiliate me, as he was not kicking me hard enough to hurt me. He was the same soldier who had shouted at me on my arrival. This soldier was about 180cm in height, aged between 35-38 years and was of strong muscular build. He was bald in the middle of his head and had light brown hair which was shaved. He had white skin with some red, his eyes were green, he was clean shaven and he had no facial hair. He had a long nose and was wearing a brown t-shirt and military desert trousers. He had a long tattoo on his right or left forearm which was green and brown in the shape of a snake or a scorpion with stars inside that design. I will refer to him as

'Soldier B'. I drew a picture of his tattoo for the Military Police in February 2006.

20. We had 4 or 5 Kalashnikov guns at the Hotel, although at the time of the raid one of these was broken. We were entitled to own these weapons because the Government had publically announced that citizens could own guns to protect ourselves about 4 to 5 months after Saddam's regime collapsed. At that time there was no police force, no rule of law and we had to protect ourselves. In particular, we needed the guns for protection against a local tribe called "Al Garamsha". This tribe was notorious for committing crimes in the area and most hotels kept guns for protection. The tribe would come and steal your car or would kidnap your children and you would not be able to do anything about it. I remember that once, after one of their members was killed, the gang came to a well-known area of Basra and shut the place down for 3 days. They were regularly shooting and even the British forces could not control them. I knew of one hotel in the region, the Dar Es Salaam Hotel, which had been taken by the gang and the owner of another hotel in Basra was killed by gang members. There had been announcements publicised on television authorising all households to keep two guns for protection. We were allowed several guns, as we were a large hotel.
21. We kept the guns in the lobby/reception area of the Hotel so that they could be seen from outside and hopefully deter any criminals from robbing or harming us. I explained all of this to one of the soldiers who had asked me about the weapons, via the interpreter who was present with them (I later recognised this interpreter as the one in the video showing Corporal Payne shouting at us which was shown at the Court Martial in the UK).
22. The soldiers then pointed to the mobile telecommunications shop ("the shop") and asked what it was. The shop was rented by C001 as his own private business and it was separate from the rest of the Hotel. It

had a sign on the front which said something like "Worldwide Communications". People would pay to use his phones to make calls since few people could afford to have mobile phones at the time. In fact, during Saddam Hussein's reign we were not allowed to have any contact with the outside world. He paid us approximately 150,000 dinars per month in rent for the premises, which is approximately \$100 and he alone took the profits from this business. Although there was an internal door between the shop and the Hotel, we had boarded up this door and placed a calendar over it to reduce movement between the shop and the Hotel. People could only enter the shop from the external door on to the street, which we thought was better for safety. Only C001 and his father D006 were allowed into the office in the shop. There was a safe in the office, again to which only C001 and maybe his father had access. I did not know what he kept in his office or his safe. I knew that he had satellite communications equipment for making international calls since at that time it was not possible to call internationally without that equipment. But that equipment was never used for my own business.

23. The external door to the shop was covered by a metal shutter as it was early in the morning. The soldiers discovered the internal door that had been boarded up and broke this down. They went into the shop and broke into the safe. They found some weapons in there, I think that they found 2 hand grenades, 2 pistols and some identity cards belonging to C001 (which we later found out were false). I was told that these items had been found during my first interrogation and I had no knowledge of them before that. I had no idea that C001 kept any weapons in his safe. I had never seen anyone carrying weapons in or out of that room. One of the soldiers asked me how come I did not know what was in that safe. I explained that it was C001's safe and that I had no interest in it or access to it.
24. During my interrogation at Camp Bucca, I was shown the photographs of some of my employees posing with guns. I had not seen these

photos before, and it was clear that they were just having some fun. The Hotel also had a notebook which contained the telephone numbers of the switchboards for the Iraqi Intelligence Service. At the time of Saddam's regime, each Hotel was required to give information about each guest. That was the policy, and after the collapse of the regime we continued following the same procedures and pass on guest forms to the Intelligence Service.

25. The defence served in the civil proceedings by the Ministry of Defence, accepts that the shop was attached to the Hotel and that the soldiers were told that it was a separate concern belonging to C001. The Defence document goes on as follows:

"...at the hotel the soldiers found weapons and similar articles which were consistent with insurgent activity; namely rifles, AK47s, a large quantity of ammunition, grenades, bayonets, a sniper scope, timers reasonably believed at the time to be indicative of bomb-making activity, forged identity documents and a large quantity of Iraqi dinars"

My position on this is that the rifles in the front of the Hotel were for security; there was money in the safe that was taken and has never been returned; and I have never otherwise been formally notified as to why it is being retained. All of the other items listed are unknown to me. If they were found in C001's shop, that part of the property was separated off and not under my control.

26. C001 was single and generally slept at the Hotel on the sofa in the management office. However, I noticed that he was not with the rest of the staff by the time I arrived, so I think that he must have escaped by then, possibly via a door at the rear of the Hotel. The soldiers began searching for C001, they appeared intent on finding him and became very angry when they realised that he was not there. We were still lying on the floor at this point and the same soldier whom I had met on my arrival at the hotel continued to kick me in the head. There were approximately 10 to 15 soldiers in the Hotel at this time.

27. The soldiers asked me and the other employees to tell them where C001 was. We told the soldiers that we did not know where he was but we offered to take them to his house. The soldiers ignored what we were saying and insisted that we tell them where C001 was hiding. When we could not answer, this appeared to anger them further.
28. I recall that guests of the Hotel were coming downstairs around that time. I could hear their steps and, if I looked up, I could see them. The guests sat on the sofas with their bags. The soldiers then searched their hand luggage. I do not know what happened to them after that because I was taken to the toilets with my employees and, by the time I came out, I was terrified and not able to focus on what was happening to them.
29. When the soldiers realised that we could not tell them C001's whereabouts, they took me, Kifah and all my other employees to one of the Hotel toilets where we were humiliated. I think there were three soldiers in the toilet area with us. I am told that my RMP statement says that there was only one soldier who took us into the toilets but that is a mistake. Three soldiers took us to the toilets then eventually two left and one soldier remained guarding us. They took D002 (the security guard) and forced him to sit in the pit of the latrine then continually flushed the chain. Iraqi toilets are at ground level with grooved ridges on other side of the toilet to place ones feet. When a toilet is flushed the waste swirls around on the surface of the toilet, so D002's clothes became totally soiled with the toilet waste. The soldiers kept laughing at this. I don't know why they picked on D002, perhaps it was because he was a big, tall man, maybe they wanted to make him feel small. The rest of us were ordered to squat on the floor. I was kicked once by a soldier on one of my lower legs and I think Kifah was also kicked by the same soldier who was randomly kicking out. I am told that my RMP statement states that we were all made to sit on the toilet in turn but that is not correct.

30. After approximately 20 minutes in the toilet we were taken to the reception area and our hands were cuffed with a rope. I could not believe what was happening to us. I always thought that British people were civilised and I was shocked at how the soldiers were acting.
31. The other Hotel workers and I were then forced into a military vehicle. I think it was about 8.00 am because I had arrived at 6.15 am and we had been there about two hours. I was not hooded at this point, but I think that I was blindfolded with a fabric blindfold which had not been properly put in place so I could still see past the blindfold. The vehicle was covered on top and on the sides so, in any event, I could not see where we were going. The journey took approximately 10 minutes. We sat in the back of the lorry throughout the journey, the soldiers with us. I was not assaulted during that journey.

TEMPORARY DETENTION FACILITY

32. I recall that on arrival at the detention facility, a lot of soldiers were shouting at us to climb down from the back of the truck. Because the blindfold was not properly fitted I could see roughly where we were and I recognised the building to be the old Ba'ath Party Intelligence Headquarters, which was a very tall recognisable building. I do not recall seeing any other Iraqi detainees apart from my colleagues at this location on our arrival.
33. The soldiers then took us inside the building while shouting "no talking, no talking". Once inside my blindfold was removed and was replaced with a hood. I could see through the hood and we were in a small room (approximately 3 metres by 4 metres) which was dirty and had no furniture in it. There was a window which was one metre high and about 60 cm wide. I recall that about 8 to 10 soldiers were present in the room at this time, one of whom was the same soldier who had assaulted me at the Hotel. When we entered the room we were

separated into 2 groups and each group was made to stand at opposite ends of the room. A soldier then confiscated my personal belongings, which included US\$180, about 26,000 Iraqi dinar and my mobile telephone. The soldiers did not ask us what our names were and I cannot recall being photographed. I also cannot recall receiving a medical examination at this stage.

34. The hood was made of cord-like material, which was rough in texture. As stated, I could see some shadows and outlines through the small holes in the hood, although this got more difficult as time went by and sweat from my face dripped in to my eyes. I am unable to recall the description of the person who hooded me. After 2 to 3 hours they noticed that I could see a little through the holes in the sack and so they put another one on. I felt suffocated with two hoods and said out loud to the other detainees that we were going to die but, somehow, I found the strength from God to carry on. My hands were also cuffed in front of my body and remained like that for 3 days.
35. After being hooded, the beatings began. The soldiers would decide what position we had to get into, they would then order us to sit and we would sit, or to stand and we would stand. They would also order us to stretch our arms out and we would. They would shout at us in English and an interpreter would translate. I recall that the first position we were told to get into was to stretch our arms out in front of us, bend our legs and lean against a wall. I could generally hold the positions for a while and I sensed that I was better at this than the other detainees. I felt that I was stronger mentally and tried to encourage them, saying that we were innocent and had to be strong, that we had high morals. I also told them in English "When the British arrived in Basra, I took my children into the streets with flowers to welcome them". I was told, "No talking" and the beatings continued. As time went on I became tired, but if we could not hold the position then the soldiers would shout and beat us until we did. At other times, the soldiers would all of a sudden order us to get into a different position.

36. I was beaten all over. I recall being hit with a fist on my back and being kicked all over my body. Sometimes a soldier would kick me from behind in the back of my knees, I think to make me bend my legs. They also kept shouting at us "no talking, no talking" even when we were not. I could hear them making fun of us and laughing. I would estimate that there were at least 7 or 8 soldiers in the room during the first day since I could hear that we were all being continuously beaten, and think that there must have been at least one soldier for each of us.
37. As time went on I grew tired and desperate, it seemed that even if I did what the soldiers asked of me I would still be beaten. As I understand a little bit of English I could tell that the soldiers were taking bets as to who could make me fall down. After hearing this, a soldier punched my back around my kidney with such great force that it caused me to fall to the floor in pain. When I fell down the soldiers started to laugh and shout as if they had achieved what they wanted. They would beat me while I was on the floor as well. They kept beating me on my lower back, especially on the right side around my kidneys – I think they could tell that this was very painful for me. A soldier then propped me up so that they could beat me and make me fall down again. After a while I started throwing myself on the floor before they had a chance to make me fall over, just so that they would beat me less.
38. That first day I was beaten continuously and repeatedly until I was taken for questioning. Throughout the day I could hear noises from the other detainees who were in the room and at times it felt as if the soldiers were hitting us in turn, they really seemed to enjoy it. I told my colleagues to do exactly what they were asked to do otherwise we would be killed. I could hear them being beaten and I remember one of them shouting, "Why are we hit, why are we beaten?" I heard their cries of pain continuously throughout the first day. Kifah and I would call out to each other and I heard his cries of pain.

39. On the first day Baha Mousa was kept in the same room as us. We were all beaten equally harshly on that day.

TACTICAL QUESTIONING

40. On the evening of the first day, when the sun was setting, two or three soldiers grabbed me on either side of my body and walked me outside to another room. I was still hooded at this stage but I could tell that we went outside because I could feel the fresh air. I could see the outline of an empty swimming pool as I was taken to another room and heard the soldiers ask each other as we went past, "Shall we throw him in?"
41. When we arrived in this other room my hood was lifted up and placed on the top of my head, but I remained hand-cuffed. The room was luxurious, so I could tell that it was used by someone important, a high level person. I recall seeing a television, computer, a table with about 5 telephones and sofas. I noticed that the lights were on in the room and thought that it must have been dark outside by then.
42. I saw a tall man with blue/green eyes. His nose was thin and long and his hair was combed back. He was tall, thin and he was white skinned. His hair was white and receding in front. He was middle aged, not young and was wearing a uniform. He appeared to be the leader of the soldiers. He asked me what my name was and whether I was a member of the Ba'ath Party. I told him my name and replied that I was not a member of the Party, that in fact I was a Shia who had been wronged by Saddam Hussein. Saddam killed my brother, I hated him. He then asked me about Osama Bin Laden and I said that I was Shia and that I hate Osama Bin Laden and do not believe in what he says.
43. The man was standing about one and a half feet away from me. He did not hit me but he was very severe in his way of talking to me. He asked me about the arms and identity cards which had been found in C001's safe. I told him that they had nothing to do with me, that I

had no identity cards for my workers. I said that the arms found in C001's safe had nothing to do with me or the Hotel and that I had nothing to do with the personal matters of C001.

44. There was an interpreter in the room but the man questioning me said that he would speak with me directly as he could tell that I understood some English. He commented that he had nothing against me or my fellow workers, that he knew we were not Ba'athists and were not security risks ourselves. He said that if I brought him C001 he would release all of us within 15 minutes. I told him that I did not know where C001 was but offered to take him to his house. He said that they had already been to his house but had not found him.
45. Again he asked me where C001 was. I recall him saying, "*Look me in the eyes, do not tell me that you do not know C001*." He then said that I had one minute to remember and that, if I didn't remember, I would be taken to Camp Bucca. I said immediately again that I did not know where C001 was, but he told me to wait for the minute. When time was up he said "*Your minute is finished, where is C001?*" He said "If you tell me where C001 is, I will release you and your staff in five minutes. I don't want you, I just want C001". I told him that I did not know.
46. I did not complain to my interrogator about my ill treatment since he was severe in his manner and I was only in there for about 4 or 5 minutes. Besides, it was clear from my appearance that I had been ill treated since my clothes had been torn, I was barefoot and I looked exhausted. I told him that there was no difference between them and Saddam Hussein, in that when Saddam Hussein wanted someone he would have the whole family arrested. However, he just pulled the sack over my face with force, told me to shut my mouth, pushed me and instructed the soldiers to take me back.

47. Although my hood had been lifted, I did not see the faces of the soldiers who had taken me to the interrogation room, as they were standing to my side. They took me back to the room I had been in previously. When I arrived I saw in outline a large number of soldiers and heard my workers crying out loudly in pain. It seemed like the soldiers were changing shifts (there were about 2-3 shifts per day) but that both shifts stayed there together for around 15 minutes. The soldiers were shouting and my workers were crying.
48. Within the first minute of my return I was hit by the soldiers' hands many times. I cried out in a loud voice and shouted out in English "What had happened"; the soldiers just laughed. Although I was hooded, I sensed from their footsteps and voices that there were about 20 soldiers in the room. The abuse intensified and I felt that I was treated even more harshly after returning from seeing the interrogating officer. I think by that time there must have been at least twice the number of soldiers as detainees to enable them to continuously beat us as they did. I could hear the soldiers laughing as they beat us. It was as if they were celebrating beating us, like it was Christmas. Because there were so many soldiers they could repeatedly hit us, taking turns.
49. I was beaten continuously that night; mostly they hit me using their hands although I think that they also used a wooden stick. I recall being kicked in the knees with their heavy boots. During different shifts the soldiers would also play karate - they would shout "karate" and kick us high on our bodies.
50. It was very hot in Basra and the hoods made me sweat which dripped into my eyes, stinging them. I also found it difficult to breathe whilst wearing 2 hoods so I would ask to drink water, just for the hoods to be lifted. Occasionally this request was granted and, when it was, my hood would be lifted up and I could breathe more easily. The hoods would be lifted above my eyes, but I was too exhausted and dazed to

concentrate on the features of the soldiers in the room. In a statement I made to the RMP on 24 September 2003 I was able to describe one of the soldiers. I described him as about 5'10" to 6' in height, 35-40 years, with a long thin face, greenish coloured eyes, white skin with some tanning and a long thin nose with no facial hair. He was dressed in a white t-shirt and military trousers. He would always shout and was there in the building throughout the time I was there. He would place his face right next to mine and shout at me in English, "No talking, hands up". I will refer to this man as Soldier C. I thought I might be able to recognise this man again but when the RMP showed me video footage of men in uniform in January 2004 I was unable to recognise him in the footage. Now with the passage of time I am unable to recall what this individual looked like.

51. Sometimes when I asked for water a soldier lifted up my hood and poured hot water into my mouth. When I told him that it was hot water and that I could not possibly drink it, he laughed and said "no problem" and then he returned with cold water and ice which he poured over my head and back.
52. On the first day and night I was not given anything to eat. I do not think that I was taken to the toilet that first day but I think after midnight I was taken to the toilet, however, at all times I was hooded. We were not allowed to sleep at all during the first night, we were continuously beaten and shouted at. The soldiers would shout very loudly, it would pierce your ears. I was given nothing to eat on the first day or night in custody.

DAY 2 - 15.09.03

53. The same abusive treatment continued on the second day. We were continually held in stress positions and beaten; there was no break at any point. I could tell that it was morning because I could hear the birds singing. The soldiers would change shifts and so the numbers of

soldiers involved varied. I was completely exhausted and still in a state of shock as to why I was in this situation in the first place. Again, I was kicked and punched all day. I think that it may have been on the second day that I was kicked hard in the groin when I was standing. I had a very slight hernia prior to my arrest and detention, but it did not cause me any trouble. However, during the course of my beatings over the two days, it developed into a huge swelling and was extremely painful, making it even more difficult for me to maintain the postures we were required to hold. When I asked for drinking water, they would either throw cold water over my head while the hood was still on, or give me hot water to drink directly. I was not given any food on the second day.

54. I was taken to the toilet outside the room two or three times throughout my time at the detention centre, but the soldiers never denied my request to be taken. However, because we were hardly drinking or eating I managed to maintain control and did not soil myself. On one occasion when I was taken to the toilet my hood was lifted, I was able to see some of the surrounding buildings, but was too exhausted to take much in.
55. On the first day, the seven of us who had been arrested at the Hotel were all in the same room. Kifah and I would call out to each other during the day, to try to give each other support. Sometime during the second day, however, I heard someone being grabbed and dragged into another room. I later realised that this was Baha Mousa. Towards the end of that day my beating stopped and it felt as if the soldiers were concentrating their beatings on Baha Mousa. In my opinion he was targeted by the soldiers through an act of revenge because his father informed the officer in charge of the raid that the British soldiers were stealing money from the Hotel safe. Baha had not been able to stand and I recall hearing him say to the soldiers that death was better than torture. I could hear his cries and screams from outside our room. He was screaming in Arabic "*Blood, blood, I am going to die*" and "*My*

children would become orphans, my wife recently died." He also said, "Why do you do this? I do not support Saddam" and "I am not a Ba'athist". I have known Baha for ten years and I can clearly recognise his voice. It seemed that Baha's pleas were not being translated to the soldiers. As far as I recall, the soldiers just said to Baha "no talking". I could hear someone repeatedly being picked up and thrown on the ground and presumed that this was Baha. Less than 30 minutes after he was taken to another room, Baha's crying stopped. Baha was not returned to the room and we were all petrified.

56. After all of this, we were all treated very differently. About 15 minutes after Baha Mousa stopped crying out a doctor came into our room. I had told the guards that I was sick as my groin was inflamed. This had happened when I was kicked earlier in the day. He examined me and told the soldiers that I should not be beaten any more. I realised that it was late at night by then because it was very dark. I think it was after midnight. I was extremely tired and so I cannot recall what he looked like. The doctor told a soldier to take me to the medical centre on a stretcher.
57. I was taken to the medical centre where the doctor looked at my hernia and touched it with his fingertips, putting pressure on it. He seemed surprised and asked me, through an interpreter, what had caused this and whether I had had it before. I told him that it was caused by the beatings. I also told him that I had kidney stones. The doctor did not say anything to me after I told him that I had been beaten but I remember him telling the two guards who carried me there, in English, "Don't hit him anymore, he might die." I cannot recall being given any medication there. Although my hood was removed in the medical centre I did not see much as I was lying on my back while being examined. In total I was in the medical centre for 7-10 minutes. To my knowledge, Kifah was not taken to the medical centre that evening. I was taken back to the same room at the detention facility on a stretcher. I was not beaten but the soldiers continued to beat the other

Iraqis. I was re-hooded and remained cuffed. Eventually, after 36 hours, we were allowed to sleep on the hard floor of the detention centre.

DAY 3 - 16.09.03

58. On the third day we were given a breakfast of eggs, tomatoes and beans. As I recall this was the first and the last meal I was given after my arrest. We were not given any bread or tea, just hot water. We had to eat our breakfast with our hands cuffed but my hood was lifted to expose my face. I recall seeing all the other victims around me who all looked exhausted and dishevelled. In my view we all seemed close to death, and if we had been beaten for a further hour I fear more of us would have died. I also recall seeing about 20 soldiers who were standing around us. We were in the room we had been held in from the start which I have described as paragraph 33. About 15 minutes after breakfast the other victims were rehooded but I was not. I could see the soldiers starting to beat the other detainees for about 2 to 3 minutes, although they did not beat me. I could not stand by that point due to my hernia. I could hear Kifah's voice among those crying out. I felt that I was the only one who was not shouting. The beatings did not seem as severe as they had been previously.
59. The soldiers then ordered us into military vehicles to be transported to Umm Qasr (Camp Bucca). I had to be carried to the military vehicle on a stretcher because I could not walk. Kifah looked almost finished and he was in a terrible way physically and psychologically, he looked very tired and walked with a stoop to the vehicle, complaining of bad back pain.
60. As we each got into the vehicle our hoods were removed but our hands remained tied. It was at this point that I realised that C001's brother, D005, and his father, D006 had also been detained. We all saw that Baha Mousa

was not there and thought that something was wrong. The vehicle was covered on top, but not on the sides and I recall seeing a crowd of about 20 soldiers standing around as we left the detention centre. I cannot now recall recognising any of the soldiers in the group. If I see their faces perhaps I could remember but at this point I cannot recall who I saw.

61. Some soldiers got into the back with us. One even offered me a Pepsi to drink but I didn't take it. I didn't even know if he was being serious. We were initially taken to another of Saddam's palaces, which we understood to be a "resting place" for British soldiers, where we remained in the vehicle for about 10 minutes before being taken on to Camp Bucca, flanked by a tank on either side.
62. Throughout my detention, I did not resist the British Army and I cooperated fully with all of their demands. It was a terrifying experience.

CAMP BUCCA

63. On arrival at Camp Bucca I was taken to the Al-Samita (silent) camp. This was a camp where new-comers were taken – if anyone spoke at the camp they were placed in solitary confinement. I was not taken on a stretcher and kept falling down when trying to walk. I felt most pain in my lower back, around my kidneys; my groin and left leg were also very sore, my back was bowing and I could barely walk. Then two soldiers carried me, I am sure in order to make me walk faster rather than for any humanitarian reasons. I recall that by that time it was sunset. As we arrived they did not appear sympathetic to our bad physical condition, we were so tired but they insisted on taking our finger-prints and blood tests.
64. The doctor at the Camp was very bad. We were examined as soon as we arrived at the Camp. I told him that my kidneys hurt and could not

stand but he still kept trying to make me stand. The examination did not last for more than two minutes and I was not given any medication. He told me that I had nothing wrong with me. After some minutes they said "whoever is ill should see the doctor". Kifah said that he wanted to, but I told him not to bother since this doctor was bad. I told him just to sit down, as they had no mercy. He replied that he was in so much pain he would die if he did not get help, he could not resist the pain any longer.

65. Both Kifah and D003 were then taken to hospital. Indeed, Kifah stayed in hospital for about 2 months due to problems with his kidneys. I think D003 was admitted for about 2 weeks.
66. After Kifah and D003 left for the hospital at Al Shu'aiba, my pains grew worse and I wanted to see the doctor again. My left leg was severely hurting all over from the groin all down my leg – I had bruising and ruptured blood vessels all the way down from my knee to my foot. My back was also hurting around my kidneys, my ribs felt sore and fractured and there was blood in my urine. I was later told by a doctor at the Camp that my ribs were broken.
67. After a few days at the camp the soldiers asked prisoners with strong physiques to carry me to some British military policemen who wanted to talk to me. It was then that the investigation started. Before asking me any questions the investigator told me that he apologised for the injuries caused to me. He asked me if I knew anything about Baha Mousa. I replied that I didn't know where Baha was. The investigator then asked me if I knew where he lived and I drew a map of his house in Sadr Square. He then told me that Baha was dead. As I had been Baha's manager, he asked if I would sign the death certificate to confirm that he was dead, so that it could be handed to his family.
68. On hearing that Baha was dead I started crying. I couldn't control myself, saying that his children had become orphans as his wife had

died just 6 months before and his children were so young. The investigator appeared affected by my reaction, I could tell from his expression. He again apologised for the ill treatment we had received.

69. I was shocked and exhausted the first time that I was questioned by the military police. After the first interview I started remembering more about what had happened while we were in detention. I explained this at the Court Martial. The British police force treated us well. In total I was interviewed about 5 times by them while at Camp Bucca.
70. Around the same time that I was questioned by the military police, I was also examined by a military doctor. The military doctor recommended that I be transferred immediately to the British hospital in Al Shua'iba, but again the soldiers refused. I still could not turn from side to side and recall the doctor telling me that my broken ribs would get better with time. He told me that I was suffering from deep vein thrombosis ("DVT") in my left leg, my calf was painful and tender which made it difficult for me to walk. I had suffered from this condition mildly in the past, but was not suffering from it at the time of my arrest. The doctor also confirmed my hernia. He referred me for testing for the DVT at Al Shu'aiba but this was not done. That I was not taken for testing did not surprise me. I did not like the doctor at the camp and I don't think that he liked me. I thought that he wouldn't listen to the specialist and transfer me and I was right. I was not given any medical reports or records by the doctors while I was at Bucca.
71. Other detainees advised that ice be put around my left leg to reduce the swelling in the veins. My leg was covered in ice for 15 days and I would try to walk slowly for about 15 minutes each day. The severe pains lasted for a further 3 weeks, but the ice did reduce the swollen veins. I was also given pills called "Profen" which reduced the swelling.
72. I stayed in the Al-Samita camp for around 20 days before being transferred back to the main camp at Bucca for 3 months. This camp

was less strict than Al-Samita and the detainees were allowed to talk to each other. D002, D001 and D007 (who had also been detained at the British Temporary Detention Facility in Basra at the same time as us) were in the same camp as me. We discussed what had happened to us and all described the same experiences of torture – we were all surprised that we were still alive.

73. While I was at Camp Bucca, I recall being told by a doctor that my ribs would heal and that there was no medication for broken ribs. I was only given painkillers.
74. While I was at Camp Bucca, my brothers brought documents which showed that I had no political affiliations with the Ba'ath Party or any other political parties. They also brought a document of good behaviour from Basra City Council. However, this did not seem to make any difference to my captors. At Camp Bucca I was asked about C001 only once. I was not beaten.
75. When the military police interviewed me there I told them that I had given my children flowers to give to the British soldiers, that I used to think that British people were civilised with a good history and culture, unlike the Americans who were a new civilisation with a bad reputation in Iraq.
76. I honestly believe that we were detained at Camp Bucca to prevent us from speaking out about Baha Mousa's death. I think that it would have also suggested that the British Army had killed an innocent man if we were released straight away.
77. I did not have any contact with Kifah after he was taken to hospital at Al Shu'aiba and did not see him until my eventual release. I understand that Kifah was released the day after he returned to Camp Bucca from Al Shu'aiba hospital. I recall that one day at Camp Bucca I heard his name among those announced as people who were to be released.

78. Camp Bucca was run by both the British and US forces. There seemed to be some disagreement between them and in about January 2004, approximately 5,000 detainees from the Camp were transferred to Al Shu'aiba. At Al Shu'aiba there were 6 halls of detainees captured by the British forces, each holding about 30 people. The rest of the 5,000 prisoners had been captured by the US forces. D003 and I were sent to one camp at Al Shu'aiba and my other colleagues were sent elsewhere. Each of us had a detention number.
79. I can tell the difference between a British and American accent. Americans tend to speak faster and cut off the end of their words. At Camp Bucca I was attended to by US soldiers, even the doctor was American. At Al Shu'aiba I was attended by British soldiers. Again, I was only questioned about C001 once while I was there. I was never told why I was still being detained. In total I spent 3 months at each camp.
80. At Al Shu'aiba, on one occasion when I was visited by the military police they were accompanied a woman. I think that it was on this occasion that the soldiers showed me a DVD of a man shouting at us while we were detained in Basra and also pictures of soldiers to see if I could identify anyone. Unfortunately because a long time had already passed and because I had been hooded for the majority of my detention, I could not identify any of the soldiers.
81. My family first visited me 21 days after my detention at Camp Bucca. Thereafter, they visited me twice a week during my detention. My children and my brothers visited me. I told my wife not to come. Seeing my children was indescribable, they could not believe what had happened to me and on seeing me they started to cry.
82. I was eventually released from detention in March 2004, over 6 months after my arrest. I was not given any explanation for my prolonged

detention or the reason for my release. I now believe that innocent people can be put in prison. I never believed this before.

83. Approximately 20 days after I had been released, we held a tribal meeting. For me it was most important that the tribal meeting exonerated me of any wrongdoing, since many people had been asking me and my family why we had been arrested. Each affected Hotel partner and worker brought their own representatives from their tribes. Everyone spoke and said what had happened to him during their detention. At this meeting C001 was blamed for all that happened, including Baha Mousa's death and he was indicted by the tribal representatives. C001's father, D006

swore on a Qu'ran that he did not know about the weapons or identity cards in C001's safe and that he did not know of C001's whereabouts. It was acknowledged that the Hotel employees had been severely injured and the Hotel business had also suffered as a result of what happened. The initial finding of the elders was that D006 would pay the workers for their lost wages and also compensate the other partners for the damage to the Hotel. However, after he swore on the Qu'ran that he did not know anything, it was agreed that he would not pay any compensation to the other Hotel partners and that the Hotel partnership as a whole would pay 300,000 dinar each to the injured workers. (This did not include D003 who was not an employee of the Hotel).

PREVIOUS STATEMENTS

84. Following the Court Martial, civil proceedings were brought in mine and Kifah's names, seeking compensation for the injuries and losses we suffered as a result of the actions of the British Army. I made statements for the purposes of these proceedings on 6 June 2007 and 31 May 2008. In its Defence in the civil proceedings, the Government accepted that we were placed in stress positions and beaten by soldiers, but it is suggested that we have exaggerated the ill-treatment.

I totally deny this. How can I be exaggerating this when there is video footage and a man died?

85. Ultimately, the civil proceedings were settled following a mediation in London which I attended and the British Government paid compensation to me and to Kifah's family. We were pleased to receive compensation but, as I tried to impress upon the Judge at the Court Martial, it was Baha Mousa's death and the loss of our reputation that we were most concerned about getting justice for, it was not about being compensated for our financial losses and injuries, although these were very significant. I told the Court that those representing the soldiers were paid money to turn wrong into right and right into wrong, just like Saddam Hussein's lawyers, and that is exactly how I felt.
86. I also recall being interviewed by Mazin Younis and giving a statements to the Royal Military Police ("RMP") on 24 September 2003, 26 January 2004, 14 and 15 February 2006. I am aware that there are some mistakes in the RMP statements and that some sections were mistranslated.

IMPACT OF DETENTION

Physical Health

87. By the time I was released from detention, my physical injuries had more or less healed. However, it took me a further two months to start to get over the psychological trauma of my ordeal. During these two months I stayed at home, I did not go to the Hotel to work nor did I re-open my ceramics showroom. Friends and relatives would come to visit me during this time.
88. I still occasionally suffer from the effects of my hernia and intermittently feel pain in my abdomen. In order to prevent this, I try not to do anything strenuous and, luckily, as the manager of the shop I have staff who can do the strenuous tasks for me. My doctor has advised

me to have an operation to remove my hernia, however many of the best doctors in Iraq have left and I do not trust those left to carry out the operation.

89. By contrast, Kifah never recovered from his ordeal. His kidneys had been severely damaged, but he could not afford any follow up medical treatment on his release. For the first two months following his release he was too ill to work and just stayed at home. He had been told to drink 6-10 litres of water a day and that that would be his only cure so he did not seek any medical attention, which he could not have afforded in any event. He had also been told by the doctor at Al Shu'aiba not to move a lot as that would put his health at risk. During these 2 months I understand that his wife cared for him at home. I am not sure exactly what she did for him as we did not discuss that, but he was very poorly so I imagine that he required help with most things. Kifah was medically assessed by consultant nephrologist, Dr M A Mansell in June 2004. Dr Mansell concluded that I was suffering from a "severe acute renal failure of life-threatening proportions...". I exhibit a copy of Dr Mansell's report dated 17 June 2004 as Doc 1:
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Psychological Health

90. Kifah's mental health was also very bad following his release. He used to say that the Hotel had ended his life. Prior to his arrest, I would describe Kifah's character as educated and quiet with no aggression. He loved to travel and especially loved the sea. I felt that I had forced him into working at the Hotel. I remember telling him that as he was educated and an experienced electrician he should work with me, and as my brother he would get a good salary.
91. During our detention we had no chance to talk, but after his release he always looked sad, saying that he was the cause of my detention as he was the one who called me to come to the Hotel. I think we both felt guilty for what had happened to each other in some way. He used to

recall to me what happened to him in detention and how he thought that he was going to die. He was afraid of what would happen to both our families if we both died, and feared that they would be out on the streets. He hoped that at least I would stay alive.

92. Kifah said that after his release from detention he started feeling a bit better, but that he always feared death, saying that his kidneys had been 100% damaged. He always asked me to take care of his children if he died and asked me to play the role of a father to them.
93. I was also terrified throughout my detention. I would think about my children and the distinct possibility that they would lose their father. The elder of my children was in his second year of school, the second one was about 3 years old and the last one was less than a year old. I was worried for their futures. The psychiatric scars from my detention remain. My ceramics shop is situated just opposite the Hotel and, as well as reminding me of the terrible ordeal we all went through, it also reminds me of what I have lost.
94. Since the incident I have found that I suffer from nightmares. I cannot explain what the nightmares are like apart from to say that they are very scary, there is just no other interpretation. I also often find myself thinking about the incident during the day and, when this happens, I recall the ordeal that I went through in great detail.
95. My social life and reputation have suffered as a result of my detention. I know that there are rumours about me and that some people think that I am a terrorist and this is why I was arrested. As a result of this I feel as though I have lost my ambition in life. I used to be a happy, confident and ambitious man but all that has gone now and I am just left with the incident permanently imprinted on my brain.
96. As part of the civil proceedings, I was medically assessed by a psychiatric expert, Dr M A Essali in June 2007. Dr Essali concluded that I was

suffering from a Severe Depressive Episode. I exhibit a copy of Dr Essali's report dated 7 October 2007 as Doc 2: _____.

Financial Losses

97. The Hotel was kept running despite my detention and C001's disappearance. [REDACTED] our third partner, was running the Hotel during this period. Up until that point he had been a silent partner, he had only had one month's previous experience of running a hotel and was actually a marine officer.
98. The Hotel's reputation severely suffered as a result of what had happened. When my family finally found out where I was being held, and were able to visit me, they told me straight away that the business was badly damaged by the bad reputation associated with our arrest and detention and the death of Baha Mousa. They said that people thought that we were Ba'athists and didn't want to stay at the Hotel. The arrest had been made very public in the media, the Hotel was named, even our friends and family commented on seeing this.
99. Following my release, we tried to re-build the Hotel's reputation. For instance, we tried to change the name so that people would not associate it with notoriety, but the stigma stuck. Whereas prior to our arrests the Hotel's occupancy had been about 95%, following the arrests it dropped immediately to only about 5-10%, only one or two rooms would be used and the situation didn't improve once we were released, despite our efforts. Eventually, we accepted that we just could not earn enough money to pay all the bills and we sold the leasehold to the Hotel on 13 July 2005, as well as all the furniture and property in the Hotel.
100. As I said above, for the first 2 months following my release I just stayed at home doing nothing. I needed to recover psychologically. I then started going to the Hotel to work and also started [REDACTED]

[REDACTED] It was

another 4 months before [REDACTED]
[REDACTED]

101. It is hard to express the impact the detention has had on my reputation. In my community people think that because I was detained by British and American forces I must have supported Saddam Hussein and the Ba'ath Party.

Kifah's death

102. Kifah tragically died when the roof of some temporary accommodation he was living in (while having a new house built for his family) collapsed on him. On 5 February 2006 a piece of an iron beam fell on his neck killing him instantly. He left a pregnant wife and five children. I have been supporting his family financially since his tragic end.
103. I think it is important to emphasise how Kifah's death is related to what happened to us. Due to ill-health and the closing of the Hotel, he was out of a job and unable to find other work. Ordinarily he would either have worked for me at the Hotel, or been able to find work, as he is a skilled electrician who always worked before. Being without work, and unable to rely on me, he had to move to cheaper temporary housing that could not be properly maintained. It was in those circumstances he was the victim of another tragedy.

CONCLUSION

104. The incident changed our lives forever and we have yet to see justice done. The Court Martial was very disappointing and we felt let down. We did not see justice in that Court, the proof of the crime exists but in


the end only one soldier was successfully prosecuted. I do not understand why this happened.

105. First, I want to hear the evidence at the Inquiry. I want to know why the British Army did this to us, what was the reason we were abused as we were. I want to see for myself how the Inquiry progresses and how they deal with the evidence. I want to see how the Inquiry treats the suspects and to see British justice at work. The compensation on its own has not given us justice. We want to understand why innocent people were tortured and abused by a civilised nation and who was responsible. Until this happens I will never get back my dignity.

106. We are innocent people who were unimaginably oppressed. We had expected the British Army to liberate us, but those who came to rescue us treated us so badly and made us lose all the happiness we would otherwise have felt. Despite my ordeal, I am still full of hope that we may get justice and answers as to why this happened to us.

Statement of Truth

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

Signed 

Ahmad Taha Musa Matairi

Dated 10 June 2009

This statement was read to and approved by Ahmad Taha Musa Matairi on 5 June 2009.