

Witness Name: Scott James Hughes

Statement No: 1

Exhibits: [MOD 000068 to MOD 000079]

Dated:

THE BAHA MOUSA INQUIRY

Witness Statement of **SCOTT JAMES HUGHES**

I, **Scott James Hughes** will say as follows:-

1. I make this statement in response to the Inquiry's Rule 9 Request dated 3 March 2009. I have read this Request, and I seek here to cover everything that it raises to the best of my ability and recollection. I have also been shown and read copies of my previous statements and court martial evidence:
 - a. Statement dated 19.09.03 (ref MOD000068)
 - b. Statement dated 21.09.03 (ref MOD006174)
 - c. Statement dated 08.10.03 (ref MOD000721)
 - d. Statement dated 08.10.03 (ref MOD000723)
 - e. Statement dated 16.10.03 (ref MOD000081)
 - f. Statement dated 17.06.04 (ref MOD000082)
 - g. Oral evidence at court martial proceedings, day 28, 26.10.06.

2. I am currently a supplier in the RAF holding the rank of Senior Aircraftsman. I joined the RAF on 7 November 2001 as a driver. My first posting was to Leconfield, where I spent six months training for, and obtaining, my driving licences. I was then posted to Coningsby. Drivers spend four months out of area each year and in August 2003 I was deployed to Basra. I returned from Basra in September 2003 for reasons explained below.
3. In May 2004 I was convicted of drink driving and therefore retrained as a supplier. I was posted to Halton for my supplier basic training. I was later posted to Lossiemouth, from where I was detached to the Falklands. I was then posted to Akrotiri, in Cyprus. After that, I was posted to Kinloss, where I am now based.

Role in September 2003

4. I was deployed to Basra in August 2003. I had two roles there: one was as the driver for the OC MND South East; the other was as a Media Ops Driver, which involved driving around the media and any celebrities. Media Ops were based at Basra airport.
5. As a Media Ops Driver in Basra I was responsible for transporting the press as securely as possible. I had knowledge of the area and knew which were the safest routes to use. As a driver I would also go to the Watchkeeper in the Ops room at Basra airport every day. He knew where there had been attacks and would tell us whether certain routes were in or out of bounds. Sometimes I would act as top cover, keeping watch out of the top of the vehicle. In this role you had to monitor the area. The driver is more concerned about going forward; the top cover has to observe the ground and all round the vehicle. If you see anything suspicious, you bang on the roof and the driver stops. The work was tiring but not hard.

Training

6. I was given training before I was sent to Iraq. I did Individual Deployment Training ("IDT"), which was meant to prepare you for the worst. This included Nuclear, Biological and Chemical ("NBC"), weapons drills and survival skills. I was not given any training on the detention of prisoners of war. As I am in the RAF, I think my training may have been different from the Army – I am not sure what training the Army receive.
7. I had had training in the Rules of Engagement and been issued with Card Alpha – a white card you carried with you. This was covered in yearly training as well as pre-deployment briefings. Dealing with Prisoners of War was not covered. I would not have expected to have been trained in dealing with prisoners given my role as a driver. The message I recall from this training was that at all times the rule was that minimum force should be used.

Events 14-16 September 2003

8. I can remember certain things I witnessed on 15 September 2003 very clearly. I can visualise snapshots of the events that were significant to me. There are some things I witnessed that day that I will always remember. However, although certain incidents stuck in my mind, my recollection of the details now is not so clear, for example, the precise sequence of events, what people were wearing or exactly what they said. I gave a statement to the RMP on 19 September 2003, which I have read again and which I confirm contains an accurate summary of the events I witnessed. Where my recollection now differs from the detail contained in my original statement to the RMP, I would prefer to rely on my original statement as the events were fresh in my mind.

9. On Monday 15 September 2003, my boss, Lieutenant Commander Richard Walters, told me that we would be taking a GMTV crew to the QLR headquarters near to Basra Palace. I recall this was around 8am in the morning. GMTV were going to interview Iraqis about their feelings about the local area and how it had improved. The GMTV crew were waiting for us at Basra airport. I did not know they were coming until I was told that day. There was a female reporter from GMTV (Cordelia Kretzschmar), a cameraman and soundmen. They were accompanied by myself, the Lieutenant Commander, Major Mayo, Lance Bombardier Richard Betteridge, Lance Corporal Riley and another one or two I cannot recall. Major Mayo was OC Media Ops and although I had seen Betteridge and Riley around, I had not previously been out with them. We transported the GMTV crew in two vehicles. I was acting as top cover in my vehicle which was carrying the female reporter from GMTV and one of the men from GMTV. Lance Bombardier Richard Betteridge was driving and the Lieutenant Commander was also in there.
10. From the airport we drove straight down over the highway bridge, and through the town. There was an old building which had once been blown up. This was where QLR were stationed. I had been in that part of Basra before, but I do not think I had ever been to the QLR compound before that day.
11. We arrived at the QLR compound around lunchtime. We drove through the compound to the headquarters and parked the vehicles outside. When we arrived it was pretty quiet. There were no more than a handful of soldiers milling around and they were all Sergeants, or higher rank. I knew this because I could see they were wearing rank signs on their trousers, and some of them wore an armband on their wrist, which Warrant Officers wear.
12. The Lieutenant Commander and Major Mayo went into the headquarters with the GMTV crew. I was told to stay by the vehicle with Lance Bombardier

Betteridge and Lance Corporal Riley. I think this was for safety reasons, so we could get out of there quickly if we needed to.

13. The atmosphere on Camp seemed pretty normal. Everyone was on edge, as usual, but it was relatively relaxed. We did not need to keep our helmets on, for example. I put my weapon in the boot of the vehicle and took off my body armour and helmet. I recall I then went to go and find some cold water. Although we had plenty of water on the vehicle this would have warmed up during the drive. I recall I walked towards the HQ building and was then directed to the cookhouse where cold water was available.
14. When I returned to the vehicle I recall drinking the water with Lance Bombardier Betteridge and Lance Corporal Riley, both of whom had stayed with the vehicle. I remember it was a very hot day. I was sweating without having to do anything.
15. Once I had finished drinking the water, I went to unload my weapon as you cannot take a weapon anywhere loaded. I could clearly see the unloading bay from the vehicle. On my way to the unloading bay I walked past a small building. I am not very good with measurements but the building was within a matter of metres, rather than hundreds of metres, from the unloading bay. The doors had been taken off their hinges which I thought was strange and it made me think that the building was unused. There were also two Portaloos outside which I thought was particularly strange considering the building appeared to be unused.
16. As I walked past the first doorway, I could see two men in the room, detainees, facing the doorway sat cross-legged. I could see their faces. One of them was really old, with a beard and he had his hands tied. There was also a young boy, [REDACTED] He also had his hands tied. They were sat

very close together, closer than normal. The impression I got was that the boy was looking to the older man to protect him.

17. I continued walking past the building and as I passed the second doorway, I could see a soldier, whom I now know to be Donald Payne, in the room. I could also see three detainees facing the wall. They were wearing hoods and their arms were cuffed. I had never seen any detainees in Iraq before that day, but my first impression was these men had done something wrong, perhaps tried to steal something.
18. There were lots of moans coming from the building. I also remember the smell, it was awful. They may as well have had the Portaloos inside.
19. At one point, I think it was after I had passed the second doorway but before I reached the unloading bay, one of the detainees was pushed out of the building towards the toilet by a soldier. I think it was Payne. He was saying "if you want to go, go", "here's your chance," that sort of thing. The soldier then pushed the detainee into the cubicle. He didn't even close the door. The soldier continued shouting at the detainee, saying the same thing as before. He then pulled the detainee out of the toilet and pushed him back in the building. The detainee had tatty clothes, but I could not say now which of the detainees it was.
20. After I had finished unloading my weapon which does not take long, only about 1 minute, I turned round and walked back towards the building. I noticed a Private lying on the ground outside the building, with his head against the wall. He had his desert hat over his head. He was wearing a purple T-shirt and desert trousers. He was quite young, but there was nothing distinctive about his appearance. I spoke to him but I cannot remember now exactly what was said or if he had an accent.

21. When I looked back into the room nearest to the unloading bay, this time I could see four people. All of them were hooded and had their hands tied with ties. I could see one of them was really slouched. Payne was in the room and was shouting at them all to get their hands out. The slouched man stood out the most. The rest were trying to do what they were told, but this one could not do it. It was then that I first saw Payne kick one of the detainees. He kicked the slouched guy in the coccyx area. The man sat up straight with a groan. The other detainees in the room were looking around as if they were trying to work out what was going on, but obviously could not because they were hooded. I would not have said the kick was particularly forceful, it was more of a warning kick. However, it was enough to make the guy groan. I concluded it must have been an old man as a kick of that force would not have hurt me.
22. I then went back over and put my weapon in the vehicle. Lance Bombardier Betteridge and Lance Corporal Riley were still by the vehicle. I had not met them before that day, but they seemed OK. When I was back at the vehicle, I could tell that things had got more heated in the building because I could hear painful groans and Payne shouting and swearing. It was just general shouting, shouting orders, over and over, and so I stopped paying attention to what was being said after a while. The shouting was not particularly aggressive, more startling. Payne had a piercing voice. I would definitely be able to recognise his voice again.
23. However, because I could hear the shouting and groans from the vehicle, I remember being concerned that GMTV would get wind of what was going on in the building. In Media Ops, we were always told we were not allowed to speak to the media, so I think we were more aware than other soldiers of saying something stupid or the media picking up on things. I know I said to someone that I was concerned that GMTV would hear, but I cannot recall to whom. If you hear groans and shouting, you know something is going on. I

thought it should not have been happening. You do not expect to hear groans and shouting in a military compound in that situation. The noise therefore made me more inquisitive.

24. As I recall events now, I told Betteridge and Riley to go and have a look at what was going on in the building and they then went to unload their weapons and also to have a look. However, in my statement of 19 September 2003 ('my original statement') (MOD 000068 to MOD 000079) I state that I went back over to the building with Betteridge and Riley. I cannot recall the precise sequence of events now. I would prefer to rely on my original statement as a more accurate description of what happened and when.
25. I recall going back over to the building at some point as I wanted to know what was going on and why. When I saw Payne kick one of the detainees, I instinctively thought it was wrong, but I wanted to know whether there was some explanation that made what he was doing right. I walked back over towards the building and had a discussion with a Private who was outside the building. I am not sure whether this is the same Private I refer to in paragraph 18 above. I knew he was a Private as he had no signs of rank and he called me "Sir" which means he must have been new and not known about rank.
26. I note that at page 4 of my original statement (MOD 000071) I refer to speaking to two males outside the building, who I refer to as males 2 and 3. Now I can only remember speaking to one of them, the one with the baby face. Nor can I remember male 4, with the defined cheekbones. There may well have been other people present but the only people I remember now are Payne and the baby-faced Private.
27. I said to the Private something along the lines of "He's a nasty one in there" referring to Payne. The Private said that the men were detainees and had been arrested on suspicion of killing Royal Military Police Officers. He said

they had been found in a hotel with AK 47's. The Private said that they were awaiting interrogation. He said that the detainees had not slept for at least 36 hours.

28. The Private then went back inside the building. I assumed his break must have been over. I remained outside but saw the Private join in with Payne, telling the detainees to get their heads and arms up.
29. When Payne left the room, I entered the building, as I had not finished my conversation with the Private. I went in when Payne was not there because he was intimidating. I did later speak to Payne and he clarified he was a Corporal but other than that I cannot remember our conversation.
30. It was no hotter inside the building but the smell was unbearable at first, and made me gag. When I walked into the room, I could see that there was a corridor running from one end of the building to the other and that there was a third room in the middle, in addition to the two I had already seen from outside. Whilst I was in the room with the Private, Payne was in the room at the other end and I could hear him telling the detainees to keep their heads and arms up. The Private was also shouting at the detainees. Later I did see the Private hit or slap one of the detainees, but not a lot, maybe only once. I think it was to the detainee I referred to when I first gave my statement as Granddad. I referred to him as Granddad in my statement as at one stage I saw him ask for water and a soldier pulled his hood up to his eyes and I saw he had a white beard. I never heard anybody call him Granddad. The soldier then squeezed the water so hard that it came out quicker than the guy could swallow.
31. At some stage I walked through the building and saw the middle room. I presume the middle room had once been a toilet. I saw a hole where the toilet should have been but there wasn't a toilet. It smelt even more in that room.

There was only one detainee in the middle room and I can remember he was wearing ripped blue jogging bottoms, but I cannot remember his top. He had his hands cuffed and was wearing a hood. As I walked through the building the older detainee without the hood – the one who was with the boy, not the same one I referred to as Granddad - said to me “please, please”, as if he needed help.

32. I recall Payne and the Private were teaching the detainee in the middle room to say words in English. When he said a word they would laugh, but I cannot remember the words they were teaching him. At one point, Payne took a sharp step forward and appeared to stand on the private parts of the detainee who was sitting down in the middle room. From where I was standing, I did not actually see Payne stamp on his private parts, but I saw Payne make a stamping action in that region, and put that together with the groan that the detainee made to reach my conclusion. I do not actually know whether Payne made a connection with the detainee's private parts. I think the reason Payne did this was because the detainee had got his thumb cuffs loose, freeing his hands.
33. At some point I saw Payne lift the hood from the detainee in the middle room and squeeze a load of water over his face and mouth. I recall the detainee in the middle room looking completely exhausted, and that his eyes were irritated as if dust had got into them, or he had had an itch and had been trying to scratch his eyes through the sandbag. I also recall you could still see his skin under his beard, which I thought was unusual, and his [REDACTED] was very hairy at the ends. He was on the floor struggling to sit up and was slouched over with one leg out straight in front of him. At one point Payne tried to pull him up from his slouching position but the detainee fell back down and his head hit the floor. It was a tiled floor and I heard his head make a slap sound against the floor. I think the man was too tired to stay sitting up, and I think he was still in agony from being stood on.

34. Aside from what I saw in the middle room, most of what I witnessed happened in the room that "Granddad" was in. The other room, where the two detainees without hoods were, was largely left alone.
35. One event I particularly remember happened to Granddad. I recall he had his head bowed. Payne went over to him and slapped him to get his head up, but his head fell straight back down. Payne then punched Granddad, and again his head fell straight back down. Payne then put his fingers into Granddad's hood, where I would imagine the eye sockets to be located and pulled his head up with the one hand.
36. Payne would randomly walk around hitting and kicking the detainees. However, Granddad appeared to be singled out by Payne. I remember Granddad the most as he seemed to be on the receiving end of the most frequent and most forceful blows. Even if he did not do anything he would still get it. I felt sorry for him. I recall Payne kicking him hard around the back/kidney area. Granddad was in complete agony, he did not stop groaning.
37. Another event I remember is Payne laughing and joking and asking if I wanted to see the "choir". I did not know what he was on about. Payne then went and kicked each of the detainees in Granddad's room in the back. The noises that they made did sound like a choir. These weren't soft kicks, they were proper kicks. They were harder, more violent, than the first kick I saw Payne inflict. I could tell they were different from the first kick as each kick made a thumping sound, I could hear the impact of his boot on the detainee's backs. The Private was there whilst Payne was demonstrating the "choir". He was laughing and it looked like he was enjoying it.
38. Although I cannot remember exactly when in the sequence of events, I also remember the following:

- a. I recall seeing an Officer in the building. He was definitely an Officer, a Major I think. He had pips or maybe a crown on his rank slide. The ranks are different in the Army from the RAF but I knew he was definitely a higher rank. His rank slide was worn on his chest. I would not be able to describe him other than to say that he was about my height (185cm), with dark slightly thinning hair and full combats, i.e. a jacket as well as T shirt and desert boots. The Major walked around, smiled and walked out. It was as if he was checking everything was OK. I do not think there was any violent activity when the Major was in the building. The soldiers were shouting at the detainees and pulling their heads up and getting them to put their arms up but not in a violent way. The Major did not seem fazed by any of it, I remember him smiling. Payne went outside and spoke to the Major when he left, and Payne then came back in.

- b. Having seen my original witness statement again, I also now recall being told on that day that one of the detainees had had a heart attack, although I had previously forgotten about this. I cannot remember precisely who told me this, although I think it may have been one of the Privates, or which one of the detainees they were talking about. I just remembered them saying that one of the detainees had had a mild heart attack. I asked where he was now and was surprised to hear that he was back in the building. I remember thinking that the treatment that he was getting would not have done him any good at all.

- c. Having seen page 11 of my original statement, I also now remember seeing a person I thought was a doctor. However, I would not have remembered this incident without the benefit of seeing my previous witness statement. Looking back now, I do not

even know why I thought he was a Dutch or Danish doctor. I do not know how I reached that conclusion, perhaps it was his accent. We would have said hello – that is the type of person I am - although I cannot remember if we spoke further.

- d. I can now vaguely remember the man I described as male 5 also come in, and his having chatted and laughed with Payne. On his way out I recall him slapping one of the detainees, for fun. I cannot remember him kicking the detainees, but I certainly remember his slap because he had huge hands. I recall he was stocky, as if he did weights, and was wearing a purple top with a badge in the centre of the chest, or maybe to the side of the chest, that said 1 QLR in gold-coloured writing. It was quite a small badge. This man was not in the building for very long when I was there.
- e. Having seen my statement I now also remember the karate chops incident although, as I recall it now, I think it may have happened to the detainee in the middle room.

39. Looking back now it feels like I was in the building for a very long time. To this day, I do not know why I stayed in the building as long as I did. I think I was in shock at what I was seeing. It felt like I was there a very long time, however, my original statement says I was there for 1 to 1 ½ hours and I think this would have been based on the times when my vehicle was signed in and out of the QLR compound.

40. I left the building when Betteridge shouted me to say that GMTV were coming back and I went back to the vehicle. When the GMTV team came back to the vehicle the building went quiet again. I assumed somebody must have told them that the GMTV crew were coming back as it seemed a bit suspicious that it all went quiet. I was again top cover on the journey back to Basra

airport from the compound. I was subsequently told by others that I was subdued that evening. I did not say anything until the following day.

41. I didn't say anything immediately because I didn't know whether the treatment I had witnessed was normal. I had never received any training on the handling or interrogation of detainees and so I did not know what the correct procedures were. Looking back, I think that at the time I was shocked by what I had seen and deep down I probably knew it was wrong. However I was not certain and I did not want to say anything in case it turned out that this was normal and I would then look stupid. I liked the job I was doing out there and I did not want to risk being moved to another post by saying something out of turn.
42. The next day, Major Mayo came in and said that we had to go to 1 QLR Main as a detainee had died in the hands of the Army. I felt really bad. I said to my boss, Lt. Commander Richard Walters, that I did not want to go back down to 1 QLR Main and asked to do another job instead. Lt. Commander Walters asked what was up and I told him that I had seen the detainees being beaten.
43. Walters did not send me on another job but let me stay at the airport and went to tell Major Mayo what I had told him. This is the normal chain of command. Richard Walters then said I needed to go and speak with Major Mayo. I spoke to Major Mayo in Basra airport, but I cannot remember exactly what I said to him. I think it was Major Mayo who had called in the RMP. I can remember speaking to RMP Spence, and there was also a female present who took down my statement. RMP Spence said that I would have to go home to England for my own safety. I had never said I wanted to go home early, although I confess I was not unhappy to be sent back home. I had been enjoying my job in Iraq. I was meeting and driving around people I was used to seeing on the television.

44. I was also shown a video of the dead detainee shortly after the event. I originally identified the dead man in the video as Granddad but was later asked to look again and recognised the dead man as the detainee from the middle room.
45. Sometime later I was flown back to Iraq by the RMP to identify people. I was taken to the QLR compound in the back of a Land Rover. I identified three people, Corporal Payne and two Lance Corporals. I later attended another identification parade in York, where I again identified Payne.
46. I have recently re-read my statement dated 19 September 2003, that I gave shortly after witnessing the events of 15 September 2003. As I have said, some of my recollection now is slightly different now to how it was over 5 years ago when the events were fresh in my mind. For example, my recollection now of where the detainees were situated in the TDF is also different from the plan I originally drew up. Where there are differences between what I said at the time and my present recollection, I would prefer to rely on the description given in my original statement.

Media interest

47. Around the time of the Court Martial proceedings I was approached by both GMTV and Panorama who wanted me to give interviews about my recollection of events and view on what had happened. I said that I would need to check with my chain of command and I spoke to my boss at the time, Flt Lt Nick Cresswell, who told me that I was not allowed to say anything. I also remember that the Judge Advocate at the Court Martial had instructed me not to discuss my evidence. I therefore told GMTV and Panorama that I could not give either of them an interview.

48. I was also approached by the Sun newspaper who offered me money for an interview. I declined to give an interview to the Sun.

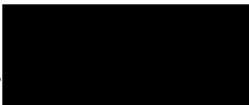
Generally

49. I have been asked about sandbags. They were sandy in colour and would be filled either with rocks or sand. You didn't carry them around with you routinely; they were issued for a purpose.

50. Prior to the events discussed in this statement, I had never previously seen detainees hooded with sandbags. I had no knowledge of the "shock of capture", "conditioning" or "tactical questioning". I had previously come across the phrase "stress positions", although I did not know exactly what they were and my knowledge probably came from reading Andy McNab books or something like that.

Statement of Truth

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

Signed ... 

Scott James Hughes

Dated: 24 4/09