

399

STAFF - INVESTIGATION
OFFICER ONLY

Case Ref No: 64695/03

MOD Form 266A/B
(Introduced 12/03)SERVICE POLICE
WITNESS STATEMENT

(CJ Act 1967, S.9; MC Act 1980, SS.5A (3a) and 5B; MC Rules 1981, r70)

Statement of:	William Hewitt MOORE	
Rank/Status:	Brig	
Age if under 18: (if over 18 insert "over 18")	Over 18	Occupation: HM Forces (Army)
This statement (consisting of 2 pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.		
Signature:	WH MOORE	Dated the 29 th day of June 2005.

I was in command of 19 Mechanized Brigade from December 2001 until December 2003. This included the entire period in which the Brigade was deployed in South East Iraq (June to November 2003).

At the time of Baha Musa's death, the brigade had had a very busy tour, with the disturbances in Basrah in August 2003 being particularly challenging. In the latter part of the month, for example, 6 soldiers had been killed on operations including Captain Dai Jones from the Queen's Lancashire Regiment (1 QLR). He had been murdered in a bomb attack on 14th August 2003 whilst taking injured colleagues to hospital in an ambulance. Many more had been injured. I described the security situation and conditions more fully in a statement signed on 30th June 2004 in the case of Al Skeini and Others versus the Secretary of State for Defence.

At the time of the case in question there was very little reliable intelligence in Iraq. Apart from what we received from strategic sources, the information gleaned was either from rumour or an informant; in most other theatres around the world it would have been dismissed as being unreliable; most of it was certainly uncorroborated. However, in the absence of a proper intelligence structure, and against a background of soldiers being killed and of increasing attacks on the civilian population, we could not afford to ignore such reports. It had become a matter of force protection. Occasionally such information brought about substantial success; at other times it produced nothing.

Signature: WH MOORE

-1

OFFICER ONLY
STAFF - INVESTIGATION

LL

MOD000599

600

STAFF - INVESTIGATION
OFFICER ONLY

(Continuation Sheet)

Sheet No	2	Case No:	64695/03
Continuation of statement of:		William Hewitt MOORE	

For some time before the operation in which Baha Musa was arrested, we heard from several sources that the Former Regime Loyalists (FRL) had been operating from hotels, particularly within the Basrah area. That is why 1 QLR had planned operation SALERNO. The operation started at 0600 hrs on Sunday 14th September 2003. My patrol group joined the Battalion for the operation and were deployed on the roof of the hotel when the suspected terrorists were arrested. My patrol left the operation at 0800 hrs after the suspects had been detained. By that time it was believed that the Battalion had indeed found a terrorist cell; I had been told by a soldier that documents, weapons, radios and some DVDs/CDs from Saddam's day had been discovered in the suspects' rooms. We therefore viewed the detainees as terrorists.

The next information that I received was late on 15th September 2003; one of the suspects (who I now know to be Baha Musa) had died in custody. I had received no reports in the interim. I did not find it unusual that I had not heard anything during this time as I had presumed that the prisoners had been transferred to the Theatre Internment Facility (TIF). Moreover, during the 14th and 15th of September I was dealing with some other important issues; an Iraqi had been shot dead by my soldiers; I had met with [REDACTED], one of the two leading clerics in Basrah to explain what we were doing about the security situation, and had a further meeting with the Maliki tribe about potential terrorist activity in Al Qurnah. I had also gathered all the Regimental Sergeant Majors together to discuss the state of the Brigade. In addition, I was dealing with the widening rift between Shias and Sunnis in Az Zubayr which was being fuelled by the FRL and had led to tit for tat killings. It was a particularly busy and tense time. As I remember, at the time I was told of Baha Musa's death, the Commanding Officer had already asked the Special Investigations Branch (SIB) to investigate the case. I straightaway informed Divisional Headquarters, both emailing and then speaking with Major General Lamb. During the subsequent period I can recall having many conversations about the case with Lieutenant Colonel Mendonca, but cannot recollect any details about the information extracted from the detainees. Most of our discussions were about dealing with the aftermath of the incident; in particular the meetings with Baha Musa's family; some documents related to this are attached to my statement of 30th June 2004. However, I can specifically remember him telling me that he had checked on the state of the prisoners prior to Baha Musa's death, and had not seen anything untoward.

Signed: WH MOORE
Brigadier

-2

OFFICER ONLY
STAFF - INVESTIGATION

LL

MOD000600