

IN THE HIGH COURT OF JUSTICE
ADMINISTRATIVE COURT

BETWEEN

THE QUEEN (on the application of
MAZIN JUMAA GATTEH AL-SKEINI and others)

Claimants

and

SECRETARY OF STATE FOR DEFENCE

Defendant

WITNESS STATEMENT OF
MAJOR CHRISTOPHER MICHAEL SUSS-FRANCKSEN

I, Major Christopher Michael Suss Francksen, of 1st Battalion, The Queen's Lancashire Regiment, Alexander Barracks, British Forces Post Office 58 SAY
AS FOLLOWS:

1. I am a Major in the Queens Lancashire Regiment ("QLR" or "the Battalion"). I make this statement on the basis of my own knowledge, information provided to me by others, and with reference to documents copies of which I exhibit to this statement paginated and marked "CMSF1".
2. I attended Sandhurst in 1987 and was commissioned into the QLR in April 1988 I served two years in Germany, two years in Northern Ireland, two years in Berlin and a year in army garrison at Tidworth, all with the QLR. I then spent two years as a staff officer in Headquarters Northern Ireland, and two years as a Company Commander with 1st Battalion The Prince of Wales's Own Regiment of Yorkshire in Chester, including a tour of Northern Ireland. I was then posted to Joint Headquarters Centre in Heidelberg (a NATO post), which included a 6 month tour in Kosovo (1999 – 2000). In 2001 I was posted to Permanent Joint Headquarters in Northwood as Military Assistant to

forces. However, on two occasions my Commanding Officer was absent from theatre – once to attend a funeral in the last week of August 2003, and once on leave, I believe in September. During these times I had temporary responsibility for investigation. My understanding was that an investigation needed to be carried out to determine if the Rules of Engagement had been complied with. If they had not, then a Royal Military Police investigation would be requested.

Claim 5: Raid Hadi Sabir Al Musawi

14. On 26 August 2003 at around midnight a patrol from Burma Company shot and killed a man we later identified as Raed Hady Sabeer. I was not on patrol at the time and was not involved in the incident. I cannot recall now if I first heard about the incident as it was reported through to Battalion HQ over the radio, or if I did not hear about it until the following morning at the regular morning brief.
15. I do recall that on the morning of 27 August 2003 I told Burma company (who were stationed in the same camp as my HQ) to send the commander of the patrol concerned, 2nd Lieutenant Peel, to see me. He came across with Lance Corporal Dooley and Corporal Smith who had formed the patrol. I interviewed each of them separately. In addition to giving me his own account, 2nd Lieutenant Peel also passed on what he had been told by Iraqi police, who had attended the incident at the time and spoken to the other two men involved in the incident. I took notes when I interviewed each of the three soldiers as an aide memoire for myself, in order to assist me prepare a report of the incident to be sent to the Brigade commander. These notes (which I have not kept) were my personal notes and did not form part of the Battalion's records. After interviewing each of the soldiers, I produced a report (CMSF1 p. 27). I was satisfied from the accounts of the soldiers I interviewed that the shooting was within the Rules of Engagement. If I had not been satisfied then I would have referred the case to the RMP.

Case 13: Baha Mousa

16. I had no involvement in this case at all. So far as I am aware, the matter was dealt with by the RMP straight away.

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

Signed:



Dated: 18th June 2004