

Witness Name: Aaron Paul Anthony Cooper

Statement No: 1

Exhibits:

Dated:

## THE BAHU MOUSA PUBLIC INQUIRY

---

### Witness Statement of Aaron Paul Anthony Cooper

---

I, Aaron Paul Anthony Cooper will say as follows: -

1. I am no longer serving in the Army. I left the Army in July 2004. I am currently seeking employment. In September 2003, I was a Private Soldier.
2. I make this statement in relation to the Public Inquiry into the death of Baha Mousa (the "Inquiry") and more particularly into the Inquiry's rule 9 request of 1 April 2009. I have read this request and I seek to cover everything that it raises to the best of my ability and recollection. I have also read copies of the following: witness statement dated 10 October 2003 (MOD000099), witness statement dated 11 November 2003 (MOD000108) (together, the "SIB Statement"), recorded interview dated 19 September 2003 (MOD001256) and a transcript of the oral evidence given by me at the Court Martial proceedings on 19 December 2006. I understand my relevance to the Inquiry.
3. I make this statement in the knowledge that there is a current process by which documents are being disclosed to my lawyers. I understand that this process is not complete. In addition, neither my lawyers or I have had the opportunity to consider all of the material disclosed to

date due to the volume and the timing of the instruction of my lawyers. It may be therefore that my lawyers, the Inquiry or I consider it necessary at a later stage to make a supplemental witness statement in the future.

4. This incident happened such a long time ago that my memory has faded somewhat but this account is my best recollection now.
5. As I stated during my Court Martial cross-examination, I admit that I lied in the SIB Statements. I also lied whilst giving evidence at the Court Martial in 2006. There are, however, parts of the SIB Statements and my evidence which are factually correct. I will seek to rely on these in this witness statement.
6. I accept that I originally lied about how Baha Mousa came to bang his head on the wall. I implied that it was accidental only. I did not mention that Corporal Payne banged his head deliberately and kicked him to the body and head several times. I do, and did at the time, think that it was deliberate.
7. Both in the SIB statements and Court Martial evidence there was further information I could have given which I did not. I have tried to give that extra information in this witness statement.
8. There are several reasons that accumulated to compel me to avoid telling the truth on previous occasions. First, Corporal Payne had made it very clear to me that he expected me to lie for him. He had a reputation as a bully and I did not want to be on the wrong side of him. Second, a short time after the death of Baha Mousa, my Multiple Commander, Lieutenant Rodgers had said to my multiple as a whole (though some individuals may have been absent on camp guard duty) that we must stick together and not tell the full truth about everybody's involvement. This way, Corporal Payne would receive the full blame. At the Court Martial, I denied this conversation took place but the truth

is it did. Third, I wanted to protect my multiple. We were a strong team and I felt a responsibility to avoid getting them into trouble. Finally, I admit that I was scared for myself. As I mention below, I admit that I was involved in the mistreatment of the detainees. I was scared that I would face repercussions from this.

9. I am ashamed of myself. I am not proud about what I have done. I just want the truth to come out.

### **Background**

10. I served in the British Army as a Private within the 1<sup>st</sup> Battalion Duke of Lancaster Regiment (1QLR) from January 2002 until July 2004. I was deployed to Iraq in June 2003 on Operation Telic 2.
11. I am no longer a member of the armed forces. I am currently unemployed. I have carried out various jobs since leaving the army, including working in construction and driving.
12. Before I joined the Army I spent a year in college in order to take 5 GCSEs. I did not pass any GCSEs as I left and took up employment in factories and shops but I wanted to do something with my life. I therefore joined the Army in 2002 when I was nearly 21.
13. Joining the Army, at the time, was one of the best things I ever did because it gave me confidence, a stable career and opportunities I never would have had otherwise. I felt like my life was going somewhere when I joined the Army. My family was very proud of me. I am from a council estate in Accrington. There are not many opportunities for young men of my age to get along in life and move out of the area. For these reasons, I was fully committed to the Army and wanted to make a real go of it. When I joined, I thought that I would be in the Army for life.

14. When I joined, I thought that it would teach me so many things and that I would get to see so many places. I was very excited about these opportunities.

### Training

15. In June 2002, I started my basic training at Alma Barracks, Catterick lasting 12 weeks. During basic training, we were taught how to use and maintain weapons and vehicles. We undertook field skills, orienteering and fitness training. In addition, we were taught how to look after ourselves. This was hugely important to us as the majority of my classmates were under the age of 21. Most, including myself, had been living with their parents before joining the Army. The Army, therefore, gave us a real sense of independence.
16. We undertook a lot of physical training. I enjoyed this aspect of the training much more than being in a classroom. At the time, I was keen to take everything in as I wanted to give myself the best opportunity to 'pass out'. However, with hindsight, the lessons could have been improved if we were given more case studies to work through ourselves. This would make the lessons feel more practical and relevant.
17. Classroom training consisted of lessons in a theatre with all of the platoons together; there were around 50 men in total. A lot of the men, however, dropped out of the Army during basic training. This was because it was physically very hard for men of a young age to deal with. They obviously didn't feel ready to deal with it. As a result, there were only around 30 men left during the last couple of weeks. I recall that we were required to register for each lesson so there must be a record of my training in existence.
18. I recall that during lessons the treatment of prisoners of war was covered as a topic. I cannot recall any part of the lessons covering the

issue of how to detain a civilian. As far as I can remember there was just one standard individual lesson about prisoners of war. These individual sessions typically lasted about half a day. I do not remember whether I was given any sort of training material. If I was, this was not something that we were encouraged to refer to every day. Indeed, I do not think that I necessarily kept it. Most of my belongings were not returned to me from the Army when I left in 2004.

19. I recall that we were encouraged to fill in a 'best book' which was a record of the training we had been given. I do not now know where this book is.
20. I remember that when we had this particular lesson on prisoners of war we were taught about the Geneva Convention. The tutor explained that since the Geneva Convention had come into force prisoners had to be treated differently. We were told that prisoners had to be fed, watered, given medical treatment if appropriate and their welfare had to be monitored whilst they were detained. I do not remember who gave the lesson, but it will have been an NCO from 1QLR. During the lesson, there was no distinction drawn between prisoners of war and other kinds of detainees such as criminals.
21. I can remember that there was training on the law of armed conflict. This covered rules of engagement i.e. when you could fire and when you couldn't fire. I do not remember seeing any video on the law of armed conflict. As far as I can recall, this did not cover prisoner or detainee handling.
22. I cannot recall ever receiving any training from the Intelligence Corps, any branch of the Military Intelligence, any Regimental Military Police or staff from the military corrective training centre.

23. I never received any training on tactical questioning or interrogation. However, I recall that we were given a presentation by an [REDACTED] officer. I cannot remember the content of this presentation.
24. I do not remember ever receiving any training or instructions on the practice or prohibition of using blindfolds or blacked out goggles on prisoners or detainees. It is possible that I did, but I simply cannot remember.
25. I do not recall attending any classes which specifically dealt with stress positions. I think, however, that a lesson must have touched on this subject. It may have been during the lesson on prisoners of war but I cannot be sure. My memory has faded in respect of the details of stress positions but I do recall that we were told that a stress position was a position in which a person felt uncomfortable. The aim of this would be to make a person more susceptible to questioning. It was used to get information out of prisoners or detainees. I also remember being told in a lesson that stress positions could be used but they should only be used in certain environments such as during war. I think we were told that there were limits on the length of time you could make a person maintain a stress position. I cannot remember how long this was. Indeed, I have myself been subject to stress positions. This would have been when I was "beasted" i.e. when I was being punished for doing something wrong. It was common for Privates to be "beasted" in this way. We would be required to undertake strenuous physical exercise.
26. I can remember from training that we were only to use minimal force on prisoners or detainees i.e. that level of force which was necessary. This was also common sense.
27. I am not familiar with the terms "shock of capture" or "conditioning".

28. I started the second part of my training in September 2002 which was intense infantry soldier training. It lasted a further 12 weeks. As far as I recall, the training did not include any lectures or classes about the treatment of prisoners. We concentrated on how to use weapons including GPMGs and LSWs, SUSATs, orienteering and field skills. We were given intense physical training often doing 'tabs' where we were required to run and then walk with weights. I do not recall there being many classroom sessions during this training. The focus was on making sure that we were in excellent condition to go to war.
29. I also did a Pioneer Corps training course in February 2003. This involved looking for bombs in buildings or bridges and also the building of bridges and tying knots. In addition, I did a signal cadre when I came back from Iraq which meant that I moved platoons.
30. During my basic and infantry training, I felt that I could have done much better even though I recognised that the training was hard work and a lot of men simply gave up. There was one occasion when I fired a shot when I shouldn't have i.e. a negligent discharge. I was given a negligent discharge order, which meant I was taken off the range for that day. I was very disappointed in myself. I do not think that this was put on my record. Other than this, I did not receive any disciplinary action in the Army.
31. I was over the moon when I 'passed out'. It was the proudest day of my life. My whole family came to see me. I felt that I had really achieved something. I was told that I could join 1QLR. This battalion had a fantastic reputation. I felt very privileged. I really felt that I had a chance to give it everything and to make something of myself.

### **January to June 2003**

32. In January 2003, I was introduced to 1QLR and put into 'A' Company. This was then split into two platoons. I spent a lot of time getting to

know the guys within my company during exercises and training. I felt, and still do, that I got on with them all really well as the majority of us were from similar backgrounds and the same area of the country. I was based at Catterick in North Yorkshire.

33. For our deployment to Iraq, the platoon was split into multiples. There were 19 people in my multiple, including 16 infantry soldiers, two drivers and one officer. The multiple was split into sections of four. Lieutenant Rodgers was the Multiple Commander. I would receive most of my orders from him. Private Aspinall was in charge of my section. I was 2I/C of my section; this involved being the leader's right hand man. I would be required to take charge if he was unavailable and tasks would be delegated to me. I was very pleased to be appointed as a 2I/C as I felt that it was recognition for my hard work and dedication.
34. In March 2003, I passed my driving test. All of the lessons and the test were paid for by the Army. I had not had the opportunity to do this at home. It was another perk of being in the Army. It was at this time that I found out 1QLR was being deployed to Iraq on Operation Telic 2.
35. I know that some people might find it strange but I was really looking forward to going to Iraq, I really enjoyed my training and the deployment to Iraq was what I had been trained to do. It was an opportunity to put our training into practice. It had always been in the back of my mind that we would be going to war. In the end, the war was over when we arrived but the country was still very volatile.
36. Between March and June 2003 we were focused on getting ready to go to Iraq. We spent this time preparing our equipment, getting our weapons and vehicles ready, cleaning everything and also training so we were prepared for the conditions. We were taught about riot and crowd control. I remember during one training session we were petrol bombed so we could learn about how to cope and defuse the situation

by putting out the fire without getting injured. It felt at the time that the army was very efficient at preparing us for Iraq. I certainly felt ready to do my duty.

37. On a typical day during March to June 2003, we would go on parade at 8am. This is effectively a roll call where our personal presentation and kit would be checked by a senior officer. We would be told what we were going to do that day. Next, we would do physical training to prepare us for the conditions we would face in Iraq. I recall that on one day a week we would attend classes about how to handle ourselves in a war environment. Case studies about incidents in Northern Ireland and Bosnia would be presented to us. We would go through the incidents so that we learnt how the Army would want us to handle similar incidents in the future.
38. The classroom sessions during March to June 2003 were very similar to those in basic training. I recall there being another one half day of prisoner handling class which was very similar to the prisoner handling session we had in our basic training. I think that our classroom sessions only lasted one week. The rest of the time we were getting our kit and equipment ready for deployment.
39. The above classroom sessions were all well and good but I do not remember putting anything that we were taught in the classrooms into practice when I got to Iraq. We just followed the instructions of our superiors. This is the way the Army works. As a Private, I was not entitled to answer back or question my superiors. If a Private ever did answer back, he would be required to parade at 6pm and 10pm that evening. In addition, he would be given tedious jobs to do. When I was told to do something, I did not question it; I just did it. I trusted that what I was being told by my superiors was right and the way things should be done.

40. During March to June 2003, the effect of the Army's training was to make us think and believe that we were superior. We were taught to be aggressive and assertive. Further, we were trained to think that we were invincible and untouchable. I understand the Army had to train us like this as we were to face real dangers of death and/or serious injury in Iraq. The Army cannot afford to have scared or nervous soldiers in its ranks as this would cause only further danger.

### Deployment to Iraq

41. I would describe my appearance between June and September 2003 as follows:

6 foot 1;  
brown eyes;  
13 ½ stone;  
average build; and  
shaved head.

42. At the time, I had two tattoos on the top of both arms. I have a tribal tattoo on my left arm and a shamrock on my right. When I was wearing my Army uniform, it was not possible to see these tattoos.
43. As regards the other members of my multiple, as far as I can recall, I would describe them as set out below. I have not, however, seen any of them since January 2004 when I decided to leave the Army so my memory of them is faded.

Lieutenant Rodgers; similar height to me, light-ish hair, 14 stone, biggish build;

Corporal Redfearn; 5ft 9 tall, light coloured hair, freckly, average build, 11 stone, no tattoos as far as I can remember;

Private Reader; 5ft 9, average build, short hair, 11 stone, no tattoos;

Private Appleby; skinny, short hair, no tattoos, blue eyes, 6 foot;

Private Fearon; darkish hair, 5 ft 10, quite a big build, 13 stone;  
Private Aspinall; 5ft 11, biggish build, 13-14 stone, dark brown hair;  
Private Mackenzie; 5ft 10, short brown hair, average build, 11 stone;  
Private Hunt; 5ft 9, average build, short hair shaved head, 12-13 stone;  
Private Bentham; quite tall, 6ft 2 or more, average build, short brownish hair, 13-14 stone;  
Fusilier Richards; Welsh, 5ft 10, darkish hair, average build, 12-13 stone;  
Private Allibone; 5ft 10, average build, darkish hair, 12 stone;  
Private Douglas; 5ft 10, shaved head, Scottish, 14-15 stone;

44. In June 2003, we spent our first two weeks in Camp Eagle in Kuwait in order to acclimatise. We were straight into a routine of training to get ready to move to Basra, Iraq. The conditions were nothing like I had experienced before. I recall that, in sunlight, it was about 60°C without any humidity in the air. We had ready access to water but it was not always cold. On our arrival in Kuwait there was no cold water available so myself and other members of my multiple bought freezers to cool the water for ourselves.
45. There wasn't any time for classroom lessons in Kuwait or Iraq as we had a job to do; there was always something going on. While we were in Iraq, however, we were issued with a printed card on the rules of engagement which we had to carry with us at all times. From recollection, there was no mention of prisoner handling on such cards.
46. I do remember that one of the SNCOs from Anzio Coy ('A' Company) showed us how to use plasticuffs whilst we were in Kuwait. The lesson was only for a few minutes. We were to use the plasticuffs when arresting people. We used long pieces of white 'electrical ties' to restrain a detainee's hands. The plasticuffs had buckles at the end of them which linked together. They were secure enough so that the detainees should not get out of them. We used knives or scissors to remove plasticuffs.

47. When we were deployed to Iraq after acclimatisation, our main purpose was to police the city of Basra, to bring some normality to its citizens and to build a police force to do that job once we had left. All this was in the hope that Iraq could stand on its own two feet without assistance from us. We were there to stabilise the country. At the time, I felt, and we were told, the citizens of Basra wanted us there because we were trying to bring some normality back to their country.
48. My Company, 'A' Company, was based at Camp Stephen. I understand that it was a summer house which had belonged to someone called 'Chemical Ali'. 'A' Company was made up of three multiples which together consisted of around 60 to 70 people. I slept in a single room with my multiple, save for Lieutenant Rodgers. As the heat could become unbearable, some of us would sleep outside at night as there was a breeze very early in the morning. We would get about 5 hours sleep per night on a good day. Food was always available and it was surprisingly good. We kept our freezers that we had bought in Kuwait so we always had cold water to hand.
49. Camp Stephen was not the main Army camp in Basra. The main camp was about a ten minute drive from Camp Stephen and was called BG Main. It was a much bigger camp and housed between 100 and 150 soldiers. The site was huge and comprised of numerous buildings. It was ring fenced by large sand banks to the whole perimeter and guarded at all times.
50. On arrival in Basra, my day to day role as a Private involved patrolling areas in the locality and guarding the camp. I was also in the Quick Reaction Force ("QRF"). As part of QRF, we were required to respond to any dangerous or suspicious situations that were reported. We would do house raids and vehicle inspections. The number of hours we worked each day would vary. There was never a real routine for us

to get used to. It was extremely tiring, especially as the heat made it difficult to have uninterrupted sleep.

51. My multiple also did a lot of house raids for differing reasons. One example was when an Iraqi man arrived at Camp Stephen complaining that three Iraqi men had taken control of his house and that they had weapons on them. He had come to the camp for help. I, along with my multiple, went to the house and carried out a raid. We found three or four men asleep on the roof surrounded by weapons. We arrested these men and returned the house to its rightful owner. He was extremely thankful to us. I took real pride in this as I saw that we really were making a difference.
52. Prior to the events I describe below in September 2003, whenever we arrested someone we would usually take them back with us to Camp Stephen. There were many different reasons for arresting people. The most common reason, however, normally related to petrol which was in scarce supply. Iraqis would often try to obtain more petrol than their quota allowed. We were tasked with preventing this. Sometimes we would take them to BG Main. The destination for the arrestee would be decided by the Sergeant Major over the radio. On arrival at camp, we would always hand the arrestees over to a warrant officer who took them away. It was my understanding that the warrant officer would decide what to do with the arrestees e.g. release them or transfer them to BG Main or Umm Qasr.
53. During the vehicle checkpoints, we would pull vehicles aside in a designated area and search for weapons and bomb making equipment. I recall that, in Iraq, the citizens are allowed to possess a certain number of weapons at home. They are not allowed, however, to be in possession of weapons on their person outside of the home or in their car. We were tasked with checking for this. I was also asked on one occasion to do vehicle checkpoints from a helicopter. This gave an element of surprise. This was exhilarating. I could never have

imagined that I would be doing something like this. Opportunities like this made me want to do everything I could to make my life in the Army a success.

54. During the day, we could occasionally have a couple of hours to talk amongst ourselves. I would write letters to my family or watch television. I tried to keep up with what was going on at home. Everyone tried to put the fact that they were missing home to the back of their mind.
55. Prior to the events I describe below, I never saw any member of the Army beating an Iraqi or anything irregular of the sort.
56. From June to the events I describe below in September 2003, I really felt I was doing good things with my multiple. I felt we and, as a result, I had achieved a lot. My multiple was renowned as being one of the best. We were normally called out first as part of the QRF as we were trusted to get a job done quickly and properly. I felt I had a purpose at this time.
57. For the majority of the time I was in Iraq, I felt I/we were doing some real good there. It appeared to me that most Iraqis were glad to have us there. We used to talk to the residents through our translators and the majority made it clear that they were happy we were there. There were, of course, small groups of Iraqis that were of a different mindset and they made life more difficult for us. There would be large riots which we had to contain and then disperse. On certain occasions, we would be faced with road blocks made from burning cars and tyres.

#### **Death of Captain Jones**

58. I heard about the death of Captain Jones on the day of his death (in August 2003). Lieutenant Rodgers, my Multiple Commander, took us aside and told us that Captain Jones had been killed by a roadside

bomb (an IED). This was a real 'stand-out' event for everyone. As far as I am aware, Captain Jones was the only soldier to die from our battalion during that tour of Iraq. I thought about Captain Jones' death. Indeed, it brought home to me how dangerous the situation was. I remember missing my family a lot and wanting to get home. However, at the same time, I was experiencing some incredible things. I tried to keep hold of this to keep me going.

59. I had met Captain Jones on a couple of occasions but I did not know him personally. From the impression I had of him, he seemed a nice bloke; a family man. It was obvious he was well liked throughout 1QLR.
60. Captain Jones' death affected everyone. It was a very sensitive situation between the lads. Although casualties were a possibility, I didn't expect us to suffer any serious casualties. I remember feeling that we had been betrayed because we were there trying to help; we were not the enemy. What made it worse was that he had been in a marked ambulance. He was not attacking or interfering with anyone at the time. His killing was certainly contrary to the Geneva Convention.
61. We all knew that it was a minority group that had killed Captain Jones. We knew that the majority of the citizens of Basra were glad that we were there.
62. After Captain Jones' death, I felt an atmosphere of anxiety and anger within our multiple. It felt like the multiple, including myself, was generally more aggressive. This aggressiveness wasn't physical but there was more shouting by all when we were carrying out raids and doing vehicle checks. Before Captain Jones' death, we would have been more willing to give leeway. After his death, there was a zero tolerance attitude. The multiple expected the Iraqis to obey orders.

63. In addition, after Captain Jones' death, our briefings with Lieutenant Rodgers were much more serious and 'down to business'. We left the briefings feeling much more pumped up. Lieutenant Rodgers actively encouraged a zero tolerance and more firm attitude. During briefings, he used words to get our adrenaline going. He had a way of talking to us that 'got us going'. He wanted the job done properly. Indeed, at this time, I thought that he was a good leader. Our multiple was renowned as the best multiple; we all wanted to keep it that way. As a multiple, we got along very well. They were a good group of men.
64. After Captain Jones' death, our patrols were taken more seriously. We had to react to everything and take more precautions when we were on patrol or carrying out raids. We were on tenterhooks; we even had to react when there was a coke can sitting at the side of the road in case it contained a bomb.

#### **Operation Salerno**

65. On the evening of Saturday 13 September 2003, Lieutenant Rodgers brought my multiple together in our room to brief us all on a new task in hand. I have taken this timing from other statements which I think are correct. Lieutenant Rodgers told us that we would be doing a hotel raid. There were to be various concurrent raids throughout Basra. I cannot recall the name of the hotel. I was not shown a copy of the Order. Such briefings were a usual occurrence. Indeed, I went to bed that night as normal; it did not prey on my mind.
66. When we had briefings, I just took everything said by Lieutenant Rodgers as an order. It was not my role as a Private to question his authority. I knew that Lieutenant Rodgers' orders came from his superiors. I was never given a copy of an order to consider myself. Everything was done verbally. In the event that Lieutenant Rodgers was not available, orders would come from the Corporals.

67. I recall that it was clear that this was different to all previous raids as he told us that it may be in connection with the people who had killed Captain Jones. This served to give everyone the incentive to do a good job on this particular raid. I cannot recall whether this was a formal or informal part of the briefing. I do remember, however, that we were to be looking specifically for weapons and bomb making equipment. I remember some of the lads were saying they hoped the raid did have something to do with Captain Jones' death so that the perpetrators could be brought to justice.
68. Lieutenant Rodgers briefed us on the timings, what we would be doing and who would be doing what. Other multiples were to provide cover and block roads etc.
69. I do not recall being told anything in the briefing about detaining people. Indeed, when it came to the actual raid, I was not involved with the detainees. I was tasked with searching and guarding the hotel. Initially, I was ordered to search the rooms and their occupants. As the operation went on longer than anticipated, the multiple sections were rotated so I was then ordered to guard the doors to the hotel and the vehicles outside. The only instructions I received in relation to the handling of detainees were those I was specifically given when we were to take over guard duty that evening. Should it be necessary, Lieutenant Rodgers, as our superior, decided who would be detained. I do not recall any instructions in this regard, but we were always in radio contact with Lieutenant Rodgers.
70. As mentioned above, the multiple was split into sections. I think that the name of my team was Golf II Alpha. My section consisted of Private Aspinall, Private Appleby, me and, I think, Private Kenny. Our role was to enter the hotel and carry out the search. Another team was to guard the hotel from potential threats.

71. I recall that we got to the hotel in a Saxon very early in the morning. I now find it difficult to describe the hotel as it was such a long time ago. However, I recall that there was a reception desk to the back of the lobby with a toilet and office leading off to the right and left respectively. I think that the stairs to the guest rooms were also to the rear of the lobby. I cannot recall seeing a telecommunications shop.
72. On arrival at the hotel, there were not many people around due to the time. I was straight away tasked with searching the guest rooms. I recall that there were three or four floors of rooms. As we arrived at a new guest room, we would knock on the door and inform the guest who we were. The guest was given a little time to gather themselves together, particularly in the case of women, and then to leave the room. We would then search the room thoroughly. I did not arrest anyone myself. Indeed, I do not remember any instructions in this regard.
73. I recall that there were about six or seven detainees arrested during this raid by members of my multiple. I understood that they were workers from the hotel. I find it difficult to describe them following the passage of time. However, they all seemed to be Iraqi men between the ages of approximately 25 and 50. I recall that they were made to lie down on the lobby floor which was tiled. I was not concerned with the detention of these civilians as I was tasked with searching the rooms and manning the hotel doors and vehicles.
74. Usually when detainees were arrested they would be escorted out of the building straight away and taken to a camp to be detained. I remember on this occasion that we were hanging around at the hotel for what felt like hours for our next instruction. If it had been possible, I feel it would have been better to take the detainees to camp straight away.
75. I recall that the detainees were asked if they had any bomb making equipment or weapons and also if they had any connection with the

death of Captain Jones. I did not personally ask these questions. I cannot remember who did ask these questions. I cannot recall but I think there must have been an interpreter to hand if questions were being asked of detainees. As soldiers, we were not able, in general, to speak fluent Arabic. We had been taught the real basics e.g. 'hello', 'goodbye' and 'stop'.

76. The detainees were plasti-cuffed. I cannot remember whether this was to their front or back. Although the detainees were plasti-cuffed, I do not think that they were hooded at this time. I do not recall the detainees being non-compliant. Indeed, I do not remember much struggling from any of the detainees. They would have probably been scared if they did not understand what was going on and also annoyed at being held on the floor for a prolonged period of time.
77. I recall that during Operation Salerno, a member of my multiple, Private Fearon, was found to have taken some money we had found. I think this was a very small amount. Obviously, as this was reprehensible, Private Fearon was disciplined and sent back to Camp Stephen. He did not take any further part in the operation. I did not see or have anything to do with anyone breaking into a safe.
78. During my time in Iraq, I never took money from Iraqis. Some of us had obtained objects as memorabilia such as military items which had been confiscated from Iraqis. For example, I had come into possession of an Iraqi issue bayonet. Some soldiers also took souvenir photographs of situations which arose. After the death of Baha Mousa, Lieutenant Rodgers told us to hand back any items and prohibited us from taking pictures. I therefore immediately gave up the bayonet.
79. During Operation Salerno, weapons, materials for making bombs and a large sum of money were found. I remember that the multiple found pistols and AK47s. The difficulty was that materials for making bombs

could be anything including normal household goods like soap. I think that we found chemicals in bottles without labels, wiring, tubing and other potential bomb making materials. I do not remember whether I specifically found any of them but I could possibly have done. I do not recall whether any photos or identifications were found at the hotel.

80. I understand that there are some allegations that the detainees were mistreated whilst waiting at the hotel. If this happened, I did not see it or hear about it. Whilst at the hotel the detainees were just lying on the floor. As far as I could tell, they appeared to be in good condition when they left the hotel. I suspect they were fed up about having been kept on the lobby floor, which was tiled, for a significant period of time but they were otherwise unharmed.
81. Once the hotel had been properly searched and the crowds outside had dispersed, some of the multiple took the detainees to BG Main. Once the detainees were safely on their way to BG Main, the rest of the multiple including myself went back to Camp Stephen. I think that we spent the rest of the day at Camp resting and watching DVDs. I cannot recall which of members of my multiple were with me but Private Mackenzie must have been there as I was on stag duty with him later that day.

#### **Orders given**

82. Lieutenant Rodgers had travelled with the detainees to BG Main with some of my multiple. They then came back to Camp Stephen in the afternoon of 14 September 2003.
83. Lieutenant Rodgers then told us what we would be doing. He said that the multiple would split into two groups. We were ordered to guard the detainees from that evening until the following morning. I cannot recall the exact times. I think we were taking over guard duty from some

members of another multiple. I cannot be sure about this, but I think that Privates Fallon and Crowcroft had been on guard that day.

84. This was the first set of detainees my multiple as a group had been ordered to guard. I was told that my role was to guard the prisoners in stags with the other members of my multiple. On each stag, two of us would be guarding the detainees.
85. The multiple then travelled with Lieutenant Rodgers in Saxons to BG Main. I cannot remember what time we arrived.

### **First visit to TDF**

86. On arrival at BG Main, we went straight to an outbuilding set away from the main camp. I now know this to be called the Temporary Detention Facility ("TDF"). I had never been to the TDF before and did not know what it was used for until then.
87. As my memory has faded, I seek to rely on the description of the TDF detailed in my witness statement dated 10 October 2003. There is no reason for me to believe that it is inaccurate save that I do not remember there being three portaloos. I set this out below:

*"The detention centre is a one storey brick building about 15 metres by 8 metres. It contains 2 rooms divided by a small room in between which contains an Iraqi toilet. This small room is about 2 – 3 metres wide by 6 metres long. The rooms on either side are about 6 metres wide by about 8 metres long. The main rooms are entered via doorways which have no doors. If you face the building these doorways are to the left and right separated by three portaloos. The portaloos are on a step and under an overhang of the building. If you enter the first room via the doorway to the left and turn right there is a walkway leading past the toilet on the left into the other room. Each of the larger rooms had windows opposite the doors which were boarded*

*up making it dark inside as there was also no lighting. The room on the right also has a window to the left of the floor but I cannot recall if this was boarded up or not."*

88. I remember that the TDF was particularly dark and smelly. It did not appear to have been used for a long time. I have to say that Iraq had a bad smell generally as there were open sewers but this was worse. There was an overwhelming smell of excrement.
89. I recall that we had to use cylumes (emergency lighting tubes) and our own torches whilst in the TDF at night. At that time of year, the sun would go down at around 6pm. It was generally difficult to see what was going on.
90. On arrival at BG Main on that first evening, there was a large crowd of men discussing the detainees. I remember that we were told what had been going on with the detainees by those currently on stag duty. Lieutenant Rodgers was there. Whoever had been on guard was telling us that they had been 'roughing up' the detainees. Nobody seemed to have a problem with this behaviour.
91. After this discussion, I entered the building. When I entered, the detainees were all in the right hand room. I cannot recall who entered the room with me but I do remember that Lieutenant Rodgers was in there. The detainees were stood lined up at the walls but not against the walls. They all had their arms stretched out in front of them. They were hooded and cuffed to the front. There were six or seven detainees in the room and about seven soldiers. Save for Rodgers, I cannot recall exactly who was in the room with me but it was other members of my multiple. There were also several soldiers outside. This would have included the remainder of my multiple, Corporal Payne and Privates Crowcroft and Fallon.

92. I have been told that two other detainees, a father and a son, were held in the left hand room. I did not have anything to do with these detainees, and do not remember them being there when I arrived.
93. The first thing I noticed was that the soldiers in the room were laying into the detainees. I cannot remember who was in there but they were members of my multiple who had entered the TDF before me. They were throwing punches and mimicking, bullying and shouting at the detainees. I cannot recall what was being said. However, the detainees had all been given nicknames by the previous guards. I can remember "pissypants", "granddad" and "fat bastard". I later learnt that the detainee being called fat bastard was Baha Mousa. I am aware it is alleged I gave him this nickname. I deny this. The detainee being called pissypants had visibly wet himself. He did not seem able to control his bladder.
94. I saw some detainees getting punched to the head, ribs and stomach. I cannot recall anybody kicking the detainees or hitting them with any instruments. I believed this was happening because the detainees were suspected of being involved in Captain Jones' death.
95. The detainees had hoods on. When I say hoods, I mean that the detainees had a sandbag over their heads. As I recall, just one sandbag was used.
96. I can confirm that I never put a hood on a detainee. The hoods were already on the detainees on my arrival. I do not think that I was ever instructed not to hood detainees save for the incident I describe below with Sergeant Smith. I only adjusted the hoods when I was giving water to the detainees. On these instances, I would lift the hoods to above the nose so that the detainee could take in the water. I would then replace the sandbag. I should add that on some of these occasions I noticed some bruising on some of the detainees' faces but I cannot remember which individuals.

97. I had never put a hood on a detainee before in previous arrests. I, however, did have limited experience of arrests, perhaps five to ten people. We were told to keep sandbags on our webbing i.e. our backpacks. During Operation Telic 2, we always carried drinks, magazines and a sandbag. The sandbag was brown, made of hessian and about 2ft by 1ft in size. Sandbags were used in a variety of other ways including carrying ammunition and rubbish.
98. I did think that it was weird that the detainees were hooded because I had not seen it being done before. I did not voice this concern as it was not my place. I did not, however, think that it was cruel at the time.
99. I speculated in my head that they may have had hoods on because the Army did not want them to see our faces. I still thought that the detainees must have something to do with the death of Captain Jones and that they were a threat. As the detainees all knew each other anyway, I did not think the hoods were used to stop them recognising each other. I do not recall asking anyone why the hoods were on the detainees. Again, as a Private, this was not my role.
100. I do not remember hooding being mentioned at any time during my training. Common sense would obviously mean that a detainee should not be hooded if it would impair their breathing.
101. With hindsight, I do not think that the hoods were necessary. However, the plasticuffs were necessary in case any of the detainees decided to lash out or try to escape. Indeed, I was told on arrival for my guard duty on 14 September 2003 that one of the detainees had tried to escape. I was told by Private Crowcroft that the detainee had tried to rugby tackle a guard to the floor.
102. The body language of the detainees showed that they were physically unsteady. They were tired but I think that they had been fed. I could

not see any injuries to them at this stage as their heads were covered so you could not see their faces. They also had clothes on, albeit the clothes were all sweaty.

103. When the detainees were being punched it would have caused them pain as the punching was full on. The soldiers were not holding back. They were all 'squaddies' and were well built men.
104. Apart from Corporal Douglas (our driver), I think that the majority of my multiple threw at the very least one punch including Lieutenant Rodgers and Corporal Redfearn. I was not in the TDF at all times so I cannot account for everybody. The whole of my multiple, including Lieutenant Rodgers, remained in or near to the TDF for at least 30 minutes at the start of that evening. However, the detainees were not continuously assaulted for all of this time.
105. There were of course others who were involved. There were many visitors to the TDF on that first night. The visitors were all sorts of soldiers, officers, NCOs and Privates. There were even some soldiers from other regiments. There did not seem to be any control over these visitors. Nobody was keeping a check on it. I recall that they were coming in because there were rumours circulating at BG Main that we had arrested the people in connection with the murder of Captain Jones. I've been asked whether this had anything to do with the death of certain RMPs. I am aware that six RMPs were killed when they were cornered in an Iraqi police station. However, there was no indication to me that these detainees or their treatment had anything to do with this.
106. When we arrived at the TDF Corporal Payne was in charge. As RMP and Provost Staff and, working closely with Colonel Mendonca, he was a figure of authority. In practice, I did not think that Lieutenant Rodgers was likely to override Corporal Payne's orders.

107. I admit that I also punched the detainees on my arrival at the TDF on the evening of 14 September 2009. I regret this. I threw a number of punches during this one incident. I did not kick any of the detainees. Neither did I interfere with them in any other way. My punches were hard but were not to the same detainee each time. I thought the detainees had been involved in the death of Captain Jones and that they were, therefore, getting their just deserts.
108. I also remember that one of my multiple pretended to pour petrol on one of the detainees and set him alight. I do not remember who this was or where he learnt it from. Basically, petrol was drifted beneath a detainee's nose so he clearly smelt it. Water was then quickly poured over the detainee's head so that he thought that it was petrol. A cigarette lighter was then lit by the detainee so that he thought he would be set alight.
109. Apart from the punching incident described above, I did not see punching and kicking continuing during the detention.
110. With hindsight, I know that I did the wrong thing; I was an idiot. I just did at that time what I wanted to do and what the majority of my multiple were also doing. I remember feeling angry and frustrated at the situation and I was missing my family. I did not feel that the treatment of the detainees was right. I was not in a position to order anyone else to stop but I could have protested. I bitterly regret not doing so. None of the superiors were telling us to stop.

**Stags on first night (Sunday 14/Monday 15 September 2003)**

111. About 30 minutes after we arrived, Lieutenant Rodgers took us outside the TDF to organise the stags. I was put into a group with Mackenzie and others. From looking at my previous witness statements, I see that I was on guard duty with Mackenzie, Reader, Kenny, Appleby and Allibone. Whilst we were not on stag, we were expected to sleep on

camp beds that were situated directly outside the building where the detainees were held.

112. We knew that we should provide water to the detainees during the night. I remember going to get food and water for the detainees on the mornings of 15 and 16 September 2003. The food was obtained from the 'scoff house' which was where we all ate. This makes me think that I must have been given some orders in this respect.
113. We were also told to take the detainees to the toilet if they needed to go. I am not sure whether this came from Lieutenant Rodgers or Corporal Payne but it would have been one of them.
114. I specifically remember being ordered not to let the detainees sleep by both Lieutenant Rodgers and Corporal Payne. We were given a metal bar to bang on the floor to keep the detainees awake. I cannot remember who provided the metal bar.
115. We were also ordered that we should keep the hoods and plasticuffs on the detainees. Again, these orders would have come from either Lieutenant Rodgers or Corporal Payne.
116. At one point we were given conflicting orders in respect of the treatment of the detainees. I cannot recall whether this happened during one of my stags or not. I remember that Sergeant Smith came into the TDF and told whoever was on guard to allow the detainees to rest by taking their hoods and plasticuffs off and letting them sit down. Not 20 minutes later, a Colour Sergeant whose name I cannot remember entered the TDF and told us to recuff and hood the detainees and to put them in standing stress positions.
117. Until after the death of Baha Mousa, I cannot recall any of the detainees getting medical attention.

118. I cannot recall whether there was an interpreter available to us during our guard duty. There were some English words that the detainees understood e.g. water. In addition, I knew some very basic Arabic words.
119. I cannot recall the exact times that I was on stag duty. However, I think that I did undertake two stags of two hours each on that first night. I understand that it is thought that I was on stag duty with Private Mackenzie between 10pm and 12am and 4am and 6am. I have no reason to think that this is incorrect.
120. During my stags on this first night, I remember that in accordance with the orders described above, Mackenzie and I used the metal bar to bang on the concrete floor; it made an ear piercing noise. I think that Mackenzie and I used the bar during our first stag on 14 September 2003. I never used this bar to hit any of the detainees. When I saw that a detainee was falling asleep, i.e. when their head started to loll, I would lightly tap their chin to bring the head upright or shook them. I did not use excessive force.
121. I think that I only took one detainee to the toilet once during my stags. I remember that we asked them if they needed to use the toilet every 20-30 minutes. They appeared to understand the word 'toilet'. I remember leading the detainee to a portaloos nearby. I think that I removed his hood so that he could see what he was doing. I do not think that I removed his handcuffs as he was able to use his hands to the front of his body
122. From my training for the Army I can remember being shown various stress positions. I cannot remember but I think we were told only to use them in certain cases. I was shown how to keep the detainee standing away from the wall, with their arms out in front of them. I recall being shown a further stress position where the detainees had to crouch down with their arms out straight, again without a wall to lean on. I

cannot think of any other stress positions I was shown. I remember seeing detainees in these stress positions in the TDF. This must have been during this first night of my guard duty.

123. If a detainee fell out of a stress position, I would lift him back into the position. I would do this forcefully but I did not hit, punch or kick the detainees as punishment. I admit that I did tap the detainees, with moderate force, to the back of the neck should they continue to drop out of the position.
124. During that first night, I recall that the higher ranking officers, being Sergeant Smith and a Warrant Officer, were taking prisoners out one at a time (I assumed for tactical questioning). I think that during my first stag that evening, an additional detainee arrived. I cannot recall why he had been arrested. He was placed in the left hand room with the father and son.
125. At some time during this first night, one of the lads said to me and other members of my multiple "Have you heard about the choir?" I had no idea what he was talking about. I confirmed that I hadn't. Corporal Payne said he would show me what the choir was.
126. In right hand room of the TDF, Corporal Payne lined all of the detainees up in a circle. He then proceeded to poke the detainees with his finger and/or rifle in the stomach area. This caused the detainees to moan or cry out. I did not see Corporal Payne punch the detainees at this time. I think that the detainees made moaning noises of differing pitch more because of the shock or surprise of somebody touching them rather than the force of the poking. They still had their hoods on at this time.
127. Corporal Payne was clearly revelling in this and was mimicking the detainees as he went round the circle, laughing all of the time. I

believe Corporal Payne did this to humiliate the detainees but also to amuse his audience.

128. I admit that I laughed when Corporal Payne showed us the choir. I don't know whether I laughed because it was funny or whether I was just trying to be part of the group. I had mixed emotions about it. I took no part in this. I did have some sympathy for the detainees. However, I did not voice this concern. Corporal Payne was known as being a real bully. I did not particularly want to get on the wrong side of him. I deal with this in more detail below.
129. I recall an incident where a detainee was taken away by a Warrant Officer for tactical questioning. I cannot recall his name. Several minutes later he was brought back by the same man. I noticed that he could not walk properly; he was limping and moaning. The Warrant Officer said the detainee had fallen into an empty swimming pool which was ten feet deep. This was odd as the detainee was still hooded. He would have had to have been guided to and from wherever he was being questioned. I remember distinctly that the officer said it in a smug way that to me suggested he had deliberately pushed or walked the detainee into the swimming pool. I was not instructed to treat this detainee differently even though he had already been questioned.
130. I cannot recall exactly but I imagine that I tried to get some sleep in the gap between my two stags on the first night.
131. I think that during my second stag with Mackenzie, we let the detainees get some rest. We stopped using the bar and let them sit down. They were clearly exhausted by the day's events. Nothing eventful happened during this stag.
132. Following that stag on Monday 15 September 2003, I recall that I went with other members of my multiple to get breakfast for the detainees from the scoff house. I think that it consisted of eggs and beans. I

cannot remember feeding the detainees this breakfast so I think that I must have been relieved by others who were on stag duty. I cannot recall there being any handover, although the next soldiers on stag duty will have been members of my multiple. I cannot recall who this was.

#### **End of stag duty and return to Camp Stephen**

133. I cannot recall when we travelled back to Camp Stephen. I understand that in my witness statement of 10 October 2003, I state that we arrived back at Camp Stephen at approximately 1pm. This does sound correct. I do not know what we did for the morning of Monday 15 September 2003. I think that I must have slept either on the camp beds outside the TDF or in the vehicles.

134. I remember that we had only had about four to five hours of sleep that night and I was exhausted. After we had had some sleep in our room and had the opportunity to reflect, those not on guard duty from my multiple got together during the afternoon. We spoke about guard duty the previous night. It was then that Privates Reader, Mackenzie, Appleby, Allibone, Kenny and myself agreed that we would not assault the detainees again.

135. We found out that afternoon that we were again going to be required for guard duty for the night of 15 September 2003. I expected there to be a similar format with us taking it in turns to be on stag for two hour stints.

#### **Stag on evening of Monday 15 September 2003 and death of Baha**

##### **Mousa**

136. My multiple was supposed to start guard duty during the evening of Monday 15 September 2003. Again, I find it very difficult to be precise with timings but having regard to my previous evidence, I think that we

were supposed to commence guard duty at 9pm. We left Camp Stephen at about 8.45pm. On route from Camp Stephen to BG Main, there was, however, another incident which we had to attend as part of QRF. It was a roadside incident. I think that there had been a car crash. I remember that, initially, I was instructed to drive one of the damaged vehicles to Camp Stephen. However, following an exchange between superiors, somebody from Camp Stephen came to collect the vehicle. We then continued in our journey to BG Main. I estimate that the incident took about 20 to 25 minutes. As a result, we arrived at BG Main at approximately 9.30pm.

137. After the above incident and on our way to BG Main, I recall that I had another discussion with Privates Reader, Appleby, Allibone, Mackenzie and Kenny about how the detainees had been treated the night before. As well as feeling that what had gone on had been inhumane, I was worried that we would get found out and disciplined. This was even though I had only thrown a few punches and this had been in the presence of my superiors, Lieutenant Rodgers and Corporal Payne. I did not think that our behaviour could be condoned by the Army. We agreed that we would not get involved in any mistreatment of the detainees again. Lieutenant Rodgers was not privy to this conversation.
138. As a result of the conversations I had with some of the members of my multiple during the day and on the way to guard duty, there was a difference in our attitude between Sunday and Monday night. On the first night, I admit, regrettably that I joined in with the mistreatment of the detainees to some degree. On the second night, however, I did not punch any of the detainees.
139. As I recall the incident involving Baha Mousa happened immediately on our arrival at BG Main. I heard a shout for assistance coming from the TDF. I was stood directly outside the TDF with Private Reader when I heard this. I think that Corporal Redfearn and Private Douglas

were also there. I was not sure what had happened but I ran to help. I ran into the room with the majority of the detainees on the right hand side of the TDF. I remember noting that there was one less detainee in the room than previously. Two soldiers were in there giving the detainees water. I cannot recall who this was. They were obviously not asking for assistance so I continued to the middle room. Private Reader was with me.

140. Corporal Payne was in the middle room with a detainee. I noticed that the detainee, Baha Mousa, had somehow got his plasticuffs and his hood off. He was stood up facing myself and Private Reader. Corporal Payne was visibly trying to get Baha Mousa to the floor pushing with his knee to the back of Baha Mousa's knee. As he was a big man, Corporal Payne was struggling so Reader and I rushed to assist him. Corporal Payne said that Baha Mousa had already tried to escape that day.
141. Private Reader and I held Baha Mousa whilst he was on the ground to stop him wriggling around so that Corporal Payne could get the plasticuffs back on. I think I was holding his legs but I am not sure. I did not apply any force to Baha Mousa's back. Baha Mousa was stocky and well built, even fat. It took all three of us to restrain him as he was pretty strong. He was struggling violently at this stage.
142. Corporal Payne managed to get the plasticuffs on Baha Mousa's arms behind his back initially but he, once again, managed to break free. I had never seen this happen before. However, Baha Mousa was struggling to get free so much that I think that he just moved his arms apart with such force that they snapped open.
143. The fact that Baha Mousa had managed to get his plasticuffs off again seemed to infuriate Corporal Payne. He had a terrifying look on his face. He stood up so Private Reader and I followed and stepped back. I recall that Baha Mousa was no longer struggling or trying to get up

even though there was no longer anyone restraining him. He was, however, continuing to groan.

144. That was when Corporal Payne started to lay into Baha Mousa. He seemed to completely lose his self control. He took a step back and started to lash out wildly, punching and kicking Baha Mousa's ribs. Corporal Payne also certainly kicked Baha Mousa's head which rebounded off the wall. It was the right side of his head as his body was facing the doorway. He also grabbed Baha Mousa's head and banged it hard against the wall. I do not think that Corporal Payne used anything to hit Baha Mousa with. Baha Mousa was still lying on the floor and was not struggling. I think that he was moaning with every kick and making some attempt to shield himself from the blows.
145. I recall that I could see what was happening as Corporal Redfearn had joined us and was stood at the doorway with a torch. I certainly did not join in with Corporal Payne's kicks and punches. I do not think that Private Reader or Corporal Redfearn did either. I remember that I felt like I wanted Corporal Payne to stop the attack but I completely froze. I wholeheartedly regret this now, though I do not know whether I could have made a difference.
146. Corporal Payne's attack may have lasted for about 30 seconds; suddenly, however, Baha Mousa stopped moaning and moving completely. Corporal Payne also stopped. No further attempts were made to refix the plasticuffs. I think everybody knew that something was seriously wrong.
147. I then checked Baha Mousa's pulse; I couldn't find one. Private Reader did the same and confirmed that he could not find a pulse either. Private Reader then began to give him mouth to mouth resuscitation as I do not think that he was breathing. Corporal Payne was shouting for more light to help us see what was going on. I could tell that Corporal Payne was scared that Baha Mousa had died. I saw

the worry in Corporal Payne's face. He was pleading for Private Reader to bring Baha Mousa back to life.

148. I cannot recall seeing any facial injuries to Baha Mousa. The room would have been too dark to notice this detail.
149. A medic then arrived. I came out of the TDF as there were lots of people around. I recall that soldiers were clamouring to get inside to see what was going on.

#### **Events following Baha Mousa's death**

150. The events immediately following the above incident are a bit of a blur; I was extremely upset. I cannot recall who told me that Baha Mousa had died or exactly when but I do remember that I was distraught about what I had witnessed.
151. After we found out that the medics had failed to revive Baha Mousa, Corporal Payne approached Private Reader and me outside the TDF. I think that we were on our way to the TDF. He asked if we were ok and I think that I asked the same of him. It was at this point that he made it clear that Private Reader and I were to 'toe the line' and say that Baha Mousa had accidentally banged his head. We were to say this was what had happened if anybody asked. I cannot recall my own or Private Reader's reaction but I imagine that we would have nodded in some sort of agreement. My head was spinning; I knew that I would be questioned about the death and did not know what I would say. I did not want myself to be implicated. Neither did I want any of my multiple to get into trouble.
152. Corporal Payne did not expressly threaten me at this point, but he was a bully and he had a reputation within 1QLR. I met Corporal Payne for the first time when I first joined the Army. He tried to push me around because I was new. There was one incident where he put me in a

head lock. His reputation was that he was "the hardest man in the Battalion". The rumour was he used to be a boxer. I think a lot of people were scared of him. I also remember that on the evening of 14 September 2003, Corporal Payne had been throwing his weight around. He grabbed my arms behind my back and then proceeded to try to gouge Private Appleby's eyes. He was generally an unpleasant man.

153. After the death of Baha Mousa, it was made clear to us that we were to treat the remaining detainees very differently. Their hoods and cuffs were removed and they were allowed to lie down and rest. As had been envisaged before the death, everybody undertook guard duty but only for one hour stints alone. We could do the stags alone as the detainees slept throughout the night. I think that my stag during this period was between 6am and 7am as I recall going to get the detainees their breakfast from the scoff house again.
154. On the morning of 16 September 2003, I recall that a medic came to check over the detainees. I distinctly remember him lifting one of the detainee's shirts to reveal a large bruise. He then said something like "*for f\*\*\*'s sake, look at the state of him*". I do not know who this was.
155. I remember that we were instructed on the morning of 16 September 2003 to give the detainees some exercise. We, therefore, walked the detainees to and from the TDF. At this point, I noticed that some of them were finding it very difficult to walk.
156. I remember that some RMPs came to the TDF to see the detainees that morning. In spite of the instructions referred to above, they behaved aggressively but members of my multiple objected saying that a detainee had already died.

157. At some point during the morning of 16 September 2003, my multiple was tasked with taking the detainees to Umm Qasr. I travelled with the detainees on a Bedford truck.

#### Later events

158. I have been asked about a meeting with an adjutant soon after the death of Baha Mousa but I do not remember it. As I stated above, following Baha Mousa's death, my head was spinning.

159. Following the death of Baha Mousa, there appeared to be more involvement from higher ranking officers. By this, I mean that immediately following the death, we were ordered to take better care of the detainees by allowing them to sleep and go to the toilet whenever they pleased.

160. What seemed a few weeks later, Lieutenant Rodgers spoke to all of us in the multiple. He said we should all stick to the same story, or words to this effect. He made it clear that he thought that Corporal Payne should be blamed alone for the death and for the injuries to the detainees. I did not agree with this initially but felt I had no choice as I wanted to protect my multiple and myself. The other members of the multiple agreed to take this stance. Private Douglas was the only member of my multiple to speak out and say that he would not lie; he made it clear that he would only speak the truth if asked by the SIB. I respect him for this and only wish that I had done the same.

161. I remember that when my multiple and I were waiting to be interviewed by the SIB in September or October 2003, we were all discussing the matter to try to get the stories straight. As I state above, Private Douglas would not involve himself in this.

162. Following the death of Baha Mousa, my relationship with Lieutenant Rodgers soured. We had always had a difficult relationship but it got

worse with the tension. I made it clear to him that I did not respect his orders. I recall that following the death of Baha Mousa, it felt like my multiple started to get all of the worst jobs. One night, we were called out of bed to attend an IED after only one hour of sleep. On arrival, it was clear that there was no danger so we were told to remain in position to do vehicle checks for three hours. I felt this was outrageous when we were all so tired and I made my opinion clear to Lieutenant Rodgers.

163. Corporal Payne's reputation did not particularly bother me but I did feel a little intimidated by him. In the period between us returning from Iraq in November 2003 and January 2004, he seemed to be everywhere. There was a period of time when I felt I was being stalked by him. He kept turning up in the same pubs as me. He would just stand and stare at me. The first instance was in Richmond, Yorkshire. Then I saw him again in Catterick and, again, in Burnley. I think that he found out where I would be through mutual friends. I believe Corporal Payne was doing this to intimidate me. I left my home town because Corporal Payne also lives nearby.
164. As a result of the above pressures, I made attempts to protect Corporal Payne, my multiple and myself every time I was asked about the incident. I lied about two things. First, I tried to protect Corporal Payne by saying that Baha Mousa had only accidentally banged his head. Second, I tried to protect my multiple and me by toning down the treatment of the detainees. I did not admit at any stage to the punches I had thrown or to the others' involvement in the mistreatment of the detainees.
165. Despite what Corporal Payne did, which I do not condone, I do not blame him entirely for everything that happened. Many people assaulted the detainees. He was not, and could not have been, responsible for each and every one of the injuries of the detainees.

166. I am not ashamed to say that the events surrounding the death of Baha Mousa broke me. Immediately I knew I wanted to get out of the Army but I didn't know how to. I felt under immense pressure as I found it so difficult to continue lying about the incident.
167. When we returned from Iraq, I nevertheless tried to make a go of it in the Army by moving platoons and taking the signal cadre. However, it was clear to me that I needed desperately to get out of the Army so I told them that I had taken illegal drugs and that I was losing my head. As I expected, I was officially discharged in July 2004. The Army and the incident with Baha Mousa has really had an effect on me. I have thought long and hard about the events in Iraq.
168. I want everyone to tell the truth about the treatment of the detainees and about the number of people who were involved in the treatment of the detainees. Everybody should admit their own involvement. I acknowledge that I carried out acts that I regret and I am prepared to accept the consequences. I feel it is extremely important that the truth comes out.

**Statement of Truth**

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

Signed: 

Mr Aaron Paul Anthony Cooper

Dated: 21/9/09.