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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)

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| Statement of: Noel Spencer PARRY | |
| Rank/Status: WO2 | |
| Age if under 18: Over 18 (if over 18 insert "over 18") | Occupation: HM Forces (Army) |
| This statement (consisting of 13 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: NS PARRY | Dated the 1 st day of February 2006 |

I am [REDACTED] WO2 Spencer Parry, currently serving with my unit, 1 QLR, Belfast Bks, BFPO 36.

In 2003 I was deployed with my unit to Iraq on Op TELIC 2 and my employment throughout that tour was as the CSM, C Coy.

Prior to deployment my unit attended all of the OPTAG training required for the tour and I participated in this training. Due to the time elapsed since I do not recall the dates of when this training took place.

Part of the training included a presentation on the Laws of Armed Conflict in accordance with the usual Infantry Training Directive delivered annually.

In addition to this OPTAG training, a LE Major from the Intelligence Corps gave a presentation to the Warrant Officers and SNCOs of 1 QLR. This took place at the training wing in Alma Bks, Catterick.

This presentation concentrated on the identification of detainees for intelligence gathering and encompassed the safe handling of detainees. My recollection of this presentation was that it raised more questions than provided answers in relation to dealing with detainees once they had been arrested.

I specifically recall the RSM, WO1 Briscoe (now the welfare officer at 1 QLR), asking several questions that the LE Maj was unable to answer. The general impression that I gained from the presentation was that provided our troops remained within the Laws of Armed Conflict, the manner in which we handled detainees would not become an issue.

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The battalion also received a presentation from a member of the Army Legal Services which reinforced the Rules of Engagement, what to expect when involved in different scenarios in Iraq and the legal support that would be available. I recall that it was made clear to us that our role in Iraq would be one of peacekeeping in a lawless society and that any arrested detainees were not actually Prisoners of War.

At some stage prior to deployment the entire unit (to the best of my knowledge), were handed a Law of Armed Conflict (LOAC) aide memoir, which gave some indication of how detainees should be handled. My personal interpretation of how we were to handle detainees, on the basis of the training and information that I received, was humanely but with force when the situation required it to be used. This force does not extend to physical assault of a detainee but relates to the minimum force required to subdue a violent or aggressive detainee at the time of arrest and during the handling process.

I deployed on Op TELIC 2 at the beginning of Jun 03. On arrival I was initially accommodated with my unit at Camp Eagle in Kuwait, where we were given further presentations and training prior to moving into Iraq. I do not recall at any stage of our training, prior to deployment, being instructed or given guidance as to how detainees should be specifically treated during their detention by 1 QLR.

On arrival in Iraq, C Coy was located at a camp known as the Old State Building (OSB). If this camp was referred to by others as Camp Ali Baba, then I was not aware of that and I would not have condoned it being called that by any of my troops. To the best of my knowledge, the Coy Comd, Maj Kenyon, all multiple commanders and team commanders (I can be no more specific as I do not have the ORBAT to refer to), received a handover from 1 Black Watch. I do not know what the handover briefs consisted of as my handover was specifically related to my role as the CSM. My duties consisted of camp security, sentry duties, maintaining the ration roll, watch keeping and providing assistance to Maj Kenyon. I became his right hand man and worked closely with him throughout the tour. In my opinion, he was the consummate professional, a no nonsense man who stuck rigidly by the rules. He was not the most popular of officers because of this but I got on well with him.

My accommodation at OSB was located in a small building leading to the main dining facility. I was in a room on my own at the end of a corridor and my room door was opposite Maj Kenyon's room. A corridor leading to the dining facility separated our rooms.

Along the same corridor were rooms that accommodated the chefs, the G5 (civil affairs), NCOs, (of which there were two, the ops officer and the G5 liaison officer). The G5 liaison officer at the beginning of the tour was Capt Dai Jones, however, he later died following an IED explosion. His replacement in the second third of the tour was Capt Good. The dedicated Ops Officer was Maj Pinchen.

The Coy medical centre adjoined this corridor also. During our first couple of months the security situation progressively increased to the extent where two vehicles would always deploy in support of one another.

My callsign was 33A and Maj Kenyon's was 11A. We travelled in soft skin Land Rovers to conduct training of Iraqi police and my crew consisted of LCpl Adair, Cpl Taube (female), Pte Harris, Cpl S037, LCpl Liggins, and a medic called Henderson. The OC and I would always travel with four

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soldiers in each vehicle, that being the driver and two providing top cover. I cannot recall who crewed the OC's vehicle specifically.

The arrest, detention, handling and processing of Iraqi detainees by members of C Coy was frequent throughout the tour and I ensured that they were processed fairly, efficiently and in a humane manner. I was personally present, as was the OC, on the majority of pre-planned operations where Iraqis were detained by C Coy and then processed in order to be handed over to the Iraqi police or to be interned.

I would also like to point out that every detainee held by C Coy was documented and statements were taken by Cpl Gates, who was our dedicated RMP liaison JNCO. To the best of my recollection, he would also be present on every pre-planned operation where an arrest was likely to take place.

I recall that the first operation we were involved in originated from intelligence that suggested the target, a Mr Husseiney (not sure of spelling) was one of the biggest criminals in Basrah. The impression given to me and my troops was that we might encounter problems with him because of his background. We entered the business premises where he worked fast and hard. What I mean by 'hard' is that we didn't knock on the door and ask if he was there. It was a robust and aggressive entry but did not involve any physical violence on anyone. I may refer to the same meaning of 'hard' throughout this statement. Due to the time elapsed since, I do not recall who the troops were that took part in that arrest, other than Maj Kenyon.

This operation was significant because it set a precedent for future operations. When we entered Mr Husseiney's premises he was absolutely petrified. It was clear that the intelligence we had been given was poor and he was not the person described. Maj Kenyon made a point of saying that 'we must be careful how we proceed in future, clearly the intelligence is a bag of shit' or words to that effect.

Mr Husseiney did not have a sandbag placed over his head and I am not sure whether he was handcuffed with a plastic tie. He was fully compliant and was transported back to OSB without the use of any force.

On arrival at OSB Mr Husseiney was placed in the corridor leading to the dining facility from my accommodation. He was fed and given water before being interned later that day.

At some stage later during the tour I met Mr Husseiney in Basrah and he made a point to me that he thought my men were good men. I am also aware that he purchased a meal for CSgt Zyda of my unit and his multiple as a sign of gratitude for treating him well. Maj Kenyon made a point of being involved in all of the Coy activities and was fully aware, in my opinion, of all operations. He was meticulous with the processing of detainees, constantly badgering me to ensure that the detainees were held in OSB for the minimum amount of time necessary.

I do not know how the use of sandbags to hood detainees was introduced as common practice and although the handcuffing of detainees using plastic ties was commonplace at the time of arrest, I do not know how these came to be issued or introduced. I do not recall receiving any advice, guidance, instructions, orders or otherwise regarding the use of these items. Nevertheless, they were essential

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in some circumstance to restrain violent or aggressive detainees and disorientate them. Maj Kenyon was fully aware of their use by C Coy troops because he was present when detainees were sandbagged and handcuffed in this manner.

During the tour I became aware of feuding amongst certain Iraqi groups and this impacted on our role in Basrah. There were a number of incidents involving C Coy patrols and members of what we believed to be the Garamsche tribesmen. The patrols encountered a few 'contacts' (came under fire) and the Garamsche had forcibly closed down a few businesses in an area of Basrah that was beginning to return to normality after the war. I recall that Maj Kenyon compiled a flyer to reassure local businesses/traders on Al Jazeera Street that they could open their shops and we would protect them from the Garamsche.

We set up two observation posts on Al Jazeera Street to reinforce our commitments to stability in the area. Some time later, Maj Kenyon and I were either conducting training of Iraqi policemen or were deployed on a liaison visit in Basrah, together with members of my crew. I do not recall exactly who was present other than LCpl Adair.

As we left the police station two vehicles passed by containing a number of men who we suspected were members of the Garamsche tribe. I do not recall if they were armed.

The OC and I made a snap decision to give chase and apprehend the men. We had no intelligence to suggest they were going into the town that day and our actions did not form part of a pre-planned operation.

Maj Kenyon and his crew shot off ahead of me in his Land Rover and I eventually caught up with him at a roundabout a short distance away. We disembarked from our vehicles and detained the occupants of one of the vehicles we had followed. There were approximately 5 or 6 men. We did not apply any force on the men other than verbal commands and the show of our rifles and assistance was then summoned from C Coy at OSB to attend and remove the detainees. I am not entirely sure, but I believe the assistance was requested because we needed to remove the vehicle that the Garamasche had been travelling in.

A multiple arrived within a few minutes and a robust aggressive arrest took place. Each of the detainees had a sandbag placed over their head and were handcuffed. I must stress that none of the detainees were physically assaulted but they were handled forcefully and put into the back of the Saxon vehicle that had arrived. I do not recall which multiple attended but this will be recorded in the Ops log.

About 30-40 minutes later we returned to OSB and on arrival I saw the detainees either standing, squatting or sitting (a combination of all three) to the left of the car park close to an ISO container. To the best of my recollection, the sandbags had been removed but the detainees were still handcuffed with plastic ties, with their hands behind their backs. The multiple that had taken them back to OSB were standing around them. At no stage whatsoever did I see any of the detainees adopting stress positions, this being a position in which the detainee would find it physically difficult to maintain, such as holding their arms out to the side for protracted periods.

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Furthermore, I did not witness at any time, any of the detainees being punched, slapped, elbowed, kneed, kicked or being subjected to any other form of physical abuse by members of C Coy. Had I witnessed any such action taking place at any time throughout the entire tour, I would have ensured that disciplinary action was taken against the offender. Abuse of detainees in this fashion was not tolerated by me and I am certain that it was not tolerated by Maj Kenyon either. I noticed that the detainees were standing in the sun and I moved them to a shaded area close by where I gave them water.

I believe the RMP NCO came across at that stage and documented the detainees by attempting to record their details. He also took photographs.

I recall that I spoke to them with the aid of an interpreter for a few minutes and then left to speak to Maj Kenyon.

I believe he was in his office adjacent to the dining facility and he informed me that the CO 1 KINGS would be visiting to speak to the detainees because the Garamasche tribesmen originated from his area of responsibility. It was a few hours later that the CO 1 KINGS arrived and his attendance will be recorded on the Ops log. During this period of time I periodically checked on the detainees to ensure they were all right. On these occasions I did not see them adopting any stress positions or being physically abused.

On arrival of the CO 1 KINGS, the detainees were handed over by Maj Kenyon and the detainees were placed on the back of a Bedford lorry. The lorry then left our location.

Throughout the tour one of our responsibilities was to maintain security at petrol stations as there was a risk of theft and they were decreed to be terrorist targets. I am aware of a couple of incidents at petrol stations where locals fired off a number of rounds and C Coy personnel were required to respond.

I am not aware of any incident involving the arrest of an Iraqi at a petrol station in Basrah, where members of C Coy are alleged to have physically assaulted the man whilst in the back of a Saxon vehicle.

During the second third of our tour I recall an occasion when Maj Kenyon addressed the entire Company whilst on the volleyball court within OSB. He made a point of stating that he would not condone violence or abuse of any detainee by any member of the Company. He stated that he fully appreciated the difficulty of dealing with serious incidents on a daily basis and informed the troops that they were doing a good job. I am not entirely sure, but I believe this briefing was given after and as a result of the death of a detainee by the name of Baha Musa. I do not believe that it was in any way directed at the activities of C Coy personnel.

There were occasions when detainees were being held at OSB and would have been out of sight of both myself and Maj Kenyon. It is a possibility that the troops guarding them could have assaulted them or directed them to adopt stress positions, however, I did not see that occur at any time throughout the tour. The majority of detainees brought to OSB would have spent most of their time in the corridor outside my accommodation. It would not be normal practice for detainees to be hooded

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