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CCRJO No: 64647/03

61 Sect SIB
4th Regt RMP
Op TELIC
BFPO 645

OC 61 Sect SIB RMP

Jul 03

DEATH IN DETENTION
INVESTIGATION SUMMARY

Deceased: Surname: [REDACTED]
Forename: [REDACTED]
Born: 1948 at Basrah, Iraq (exact date not known)

INTRODUCTION

1. Background to Case. Further to this unit's Interim report of even reference dated 11 Jun 03, the details of which remain extant. It will be recalled that on Thu 8 May 03, an Iraqi National, namely [REDACTED] whose details head this report, had died whilst in detention at C Coy, 1 BW, Basra, Iraq, (Grid QU [REDACTED] Map Sheet 2, Series K941, Edition 8-NIMA refers). Enquiries established [REDACTED] was detained during the planned search of a house in Basra at Grid: QU [REDACTED] to apprehend his son a convicted murderer and rapist, who had been illegally released from prison by the Ba'ath Party Regime. Ammunition and weapon ancillaries were discovered on the premises and Mr Nama was detained. It would appear that whilst he was being processed at the C Coy location he suffered a heart attack and died, following which his body was conveyed to the Czech Republic/Iraqi Military Hospital in Basra at Grid: QU [REDACTED]

EVIDENCE

2. Scene. The Enemy Prisoner of War (EPW) holding area used by C Coy, 1 BW is located within the Coy compound, approximately 20 metres to the right of the main entrance. It is a sand covered area about 8 x 8 metres in size, which is shaded by camouflage netting, raised approximately 2 metres above the ground in the centre and pinned to the ground around three sides. Contained within the area at the time of the incident were two stretchers and several water jerry cans. The whole area is cordoned off with mine tape located about 1 metre from the netting.

1

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3. Witnesses. [REDACTED] the eldest daughter of the deceased stated that when the search team entered her home they questioned her father as to the whereabouts of his son, [REDACTED]. Discovering he was not present they searched the house, removing several items, including a computer, photographs and ID cards. Her father was hooded and his hands were then tied behind his back. A soldier pushed him towards the door, when he tripped over the doorstep and fell forwards, though she did not see his fall. From a window she saw two soldiers pick her father up and throw him into the back of the vehicle, where initially he lay face down before being made to sit. She further claimed that the same search team returned the next day and searched the house again this time causing damage to doors and internal furniture. That same day she received notification from British Military Authorities that her father was in hospital. She attended the hospital where she was notified of her father's death. She added that when observing his body he was dirty, his clothes were torn and his face and body were bruised.

4. [REDACTED] the younger daughter corroborated the account given by her sister adding that whilst being questioned inside the house, her father was pushed against a wall by a female soldier. She claimed that three soldiers had picked her father up after his fall and threw him into the back of the vehicle. Neither daughter claimed to witness any further ill treatment of their father, however, [REDACTED] requested compensation for damage caused to their premises.

5. Lt Col ML Riddell-Webster ([REDACTED]), stated that his unit's power to stop, search and detain Iraqi Nationals is detailed in Annex A to 7 Amd Inf Bde Fragmented Order No. 021. This infers that Iraqi civilians may be detained by Coalition Forces if they are deemed to be interfering with the Coalition mission in any way. He further stated that during daily briefings with his Coy Commanders the subject of detention was discussed on several occasions and he felt confident his subordinates were aware of the guidelines set out in the order.

6. Maj SO56 ([REDACTED]), OC, C Coy, 1 BW, confirmed being present at the daily briefings chaired by Lt Col Riddell-Webster and so interpreting the CO's brief. He understood such actions to include possessing firearms and ancillaries and withholding information from Coalition Forces. He opined that his company were acting wholly within the spirit of these orders when they detained [REDACTED].

7. [REDACTED] WO2 Henderson T, CSM, C Coy, 1 BW, detailed the process of receiving detainees into the Coy location. He stated that when a call-sign returned with a detainee, a 'break clean' policy is enforced, whereby the detaining soldier hands over the subject to members of the guard staff for a short period of time to enable him to compose himself and to enable the relevant paperwork to be completed by either WO2 Henderson or a nominated SNCO. The detainee is then handed over to the RMP or released as soon

2

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as possible. With regard to the practice of hooding detainees, WO2 Henderson stated that due to the fact that guidance had not been given by a higher authority, it remained a 'grey area' which was left to the discretion of the commander on the ground. He recalled that on the day in question he approached the EPW holding area to complete the relevant paperwork, to find the deceased lying on the ground in the ¾ prone position, being attended by members of his unit.

8. Capt CP Heron ([REDACTED]), ALS, 7 Amd Bde, confirmed that several briefs were given to Battlegroups in Kuwait prior to their move into Iraq with regard to detention. He confirmed that at no time did the issue of hooding arise and this practice was open to debate.

9. [REDACTED] Sgt Webster RL, RMP, stated that she had collated intelligence that [REDACTED] was believed to be a convicted murderer and rapist, who was released from Prison prior to the outbreak of hostilities and is now the leader of a criminal gang in the Al Hussain area of Basra. This information was passed to 1 BW. On Thu 8 May 03, she received a request to assist C Coy, 1 BW, call-signs locate his home address. She did this, remaining at the house during the call-sign's entry onto the premises where she recall's a middle aged man present who appeared to be unco-operative to questioning. When she left the premises shortly afterwards the male appeared to be in good health.

10. Capt TJ Petransky ([REDACTED]), Ops Officer, C Coy, 1 BW, stated that on receipt of the Intelligence Report from Sgt Webster, he delegated the task of planning the operation to apprehend [REDACTED] to [REDACTED] CSgt Salter TAA, Intelligence Officer, C Coy and it's execution to [REDACTED] CSgt Russell J, C Coy. He approved their plan once it was formulated.

11. CSgt Salter and CSgt Russell state that they colluded to plan the operation which was mounted at 0600 hrs on Thu 8 May 03. The Operation was commanded by CSgt Russell however, CSgt Salter also deployed to give G2 advice where necessary. Call-signs from C Coy, were split into a search/entry team and a satellite security team. The SNCOs confirmed that after initially failing to locate the correct house they returned to camp to seek clarification of the address from Sgt Webster who joined the operation when it resumed to the area. About 0800 hrs that day, the search team entered the house where [REDACTED] was questioned as to his whereabouts of his son. CSgt Salter believed that the information being received from the deceased was false and when weapon parts were discovered, [REDACTED] was detained and transported to C Coy's location. Both CSgt's Salter and Russell, state they arrived at the decision to detain [REDACTED] together and saw nothing to indicate [REDACTED] was in poor health. CSgt Russell stated that Mr [REDACTED] was hooded whilst being escorted from the building to the Warrior vehicle but this was removed prior to them returning to the C Coy location. The SNCO stated that whilst

3

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