

Witness Name: Paul Anthony STIRLAND

Statement No.: 1

Exhibits: 0

Dated: 13 July 2009

THE BAHA MOUSA PUBLIC INQUIRY

Witness Statement of Paul Anthony STIRLAND

I, Paul Anthony STIRLAND, will say as follows: -

1. I am the above named person.
2. I am currently serving with my unit, the 1st Battalion Duke of Lancaster Regiment. My current rank is Corporal.
3. I joined the Army in September 1998 and passed out in 1999/2000 having completed my training at Catterick and Bassingbourn. I joined the Queens Lancashire Regiment in approximately 1999. I am currently a Corporal having been promoted from Private in 2006 to Lance Corporal and then to Corporal.
4. I have undertaken various tours of duty with the army. These include a tour to Northern Ireland shortly after I joined the Regiment in 1999. Thereafter I went back to Northern Ireland for a further six months in 2000/2001. Upon return from this tour I remained at Catterick Barracks, prior to going on Tour to Iraq in May 2003. The tour to Iraq finished in

November 2003 and in early 2004 I was posted to Cyprus for two years. After Cyprus I was posted to Germany until November 2007 when I went on my second Tour of Iraq. We returned from Iraq in June 2008, and I am currently at Catterick Barracks. I will shortly be posted to Canada to carry out further training prior to being posted to Afghanistan in the latter part of the year.

5. This statement refers to my recollection of events surrounding the preparation and training I received prior to and during the tour to Iraq in 2003. It also gives details relating to my involvement regarding Operation Salerno and the subsequent detention of detainees at the Battle Group Main in Basra from 14 September 2003 to the 16 September 2003.
6. A lot of the information given in this statement has been obtained from the witness statements which I gave to the Special Investigations Branch Royal Military Police on 12 October 2003, 11 November 2003 and 28 July 2004. These statements were taken a long time ago, when my recollection of the events was much clearer. As a result a major part of the information provided in this statement has been obtained from these witness statements. I have, on occasion, been able to add a little more detail to my original statements and I have also made clear where my recollection now is different to my original statement.

Posting to Iraq and Members of Multiple:

7. As stated above my Tour of Iraq started in May 2003 and after an initial acclimitisation period in Kuwait we crossed the border to Iraq and set up camp at Camp Stephen, Basra.

8. On tour I was employed as a private rifleman within the multiple callsign 10A. Other than myself, the multiple consisted of Lt Rodgers, Cpl Douglas, LCpl Redfearn, Pte Aspinal, Pte Fearon, Pte Cooper, Pte MacKenzie, Pte Graham, Pte Appleby, Pte Allibone, Pte Hunt and Pte Reader.
9. I, and Cpl Douglas were the drivers for our multiple. I interchanged between patrolling "on the ground" and driving one of the Saxon armoured vehicles. The vehicle can carry about six men and is armed with a machine gun turret. Within our Multiple only myself and Douglas were qualified to drive such a vehicle.
10. In terms of my physical appearance I would describe myself as follows: 6'0" in height, white, muscular/slim build, shaved head, with several tattoos in a tribal pattern. In 2003 I had tattoos on my upper arms and shoulders but now I have tattoos on my forearms as well.
11. It is not an easy task for me to remember what each of the multiple looked like in 2003. The reason for this is that I have not seen some of the multiple since this Tour, and some of them I know well, and for that reason might not have noticed changes in their appearance since this time, for example when they got tattoos or if they have shaved their heads.
12. Below I have listed each of the multiple named above and have attempted to give a description of them from the time as best I can:
 - i) Rodgers – white, 6'0", light brown hair, normal/average build, no tattoos. The last time I saw him was in 2004.
 - ii) Douglas – white, 5'8", brown hair, large build. I am not sure if he had tattoos. He was Scottish but does not have any other distinguishing features that I can recall. I last saw him at the Court Martial in 2005 but not since.

- iii) Redfearn – white, 5'7", average build, I am not sure if he has any tattoos and has no distinguishing features that I can recall. I see him fairly regularly as he is still in the army.
- iv) Aspinall – white, 5'8" blonde/brown hair, I am not sure if he had any tattoos. No distinguishing features to speak of. The last time I saw him was at the Court Martial.
- v) Fearon – white, 5'9", short brown hair, no tattoos, he wore glasses as I recall. Last time saw him month ago, he is still in the army and is in my regiment.
- vi) Cooper – white, 6'0", short hair, he could have had a tattoo on his forearm but I could not be 100% certain. The last time I saw him was shortly after Iraq.
- vii) Mackenzie –white, 5'7", slim, no tattoos and no distinguishing marks that I can recall. The last time I saw him was about three months ago. He is in the TA but lives near me at home.
- viii) Graham – white, 6'0", dark brown hair, no tattoos and no distinguishing features, average build. The last time I saw him was in 2006.
- ix) Appleby – white, 5'9", slim build, short hair, I cannot recall him having any tattoos. The last time I saw him was in 2007.
- x) Hunt – white, 5'7" brown hair, slim build. I believe that he had a scar on his nose at the time. The last time I saw him was in 2006
- xi) Reader, white, 5'7", blond hair, medium build, I do not believe he had any tattoos. The last time I saw him was in 2004.

Training

13. I find it difficult to recall any relevant training that I have had in the army, and I have not seen my training records in order to remind me of the courses that I have carried out.
14. In so far as training regarding the Law of Armed Conflict (LAC) is concerned I believe that we have LAC training every year. To the best of my knowledge we had this training prior to heading to Iraq in 2003. The training takes the form of watching a video and then answering questions on the video at the end. I cannot recall who would have taken these sessions.
15. To the best of my recollection the video takes you through certain scenarios including how to treat prisoners of war. It covers issues such as the fact that we were not allowed to steal personal effects from the prisoners and that you should not fire if the enemy is waving a white flag. It mainly dealt with actual wartime scenarios as opposed to the situations that we dealt with in Iraq, where we were dealing with insurgents.
16. In terms of the treatment of civilians I remember that it said that you had to be aware of them being in the area and that you should not fire at a civilian building at any time. It did not deal with the arrest of civilians or the enemy for that matter.
17. In terms of what I understand by the LAC I would say that these are the rules that we as soldiers had to stick to when fighting the enemy. It is how we should engage with the enemy when we are in combat with them. I learnt this from the video described above. I believe that this training relates to the rules set out in the Geneva Convention.

18. As I recall the video did not deal in-depth with the procedure regarding the detention of the enemy after their capture. It did give us information regarding what to look out for when searching the enemy, for example, searching for weapons, and maps but not to take personal effects. I cannot remember it saying how we should carry out the search.
19. To the best of my knowledge the training did not deal with the detention or treatment of civilians at all, aside from the fact that we were not supposed to rape, pillage or steal from civilians.
20. I believe that I did have some training regarding what I understand to be the "shock of capture" which as I understand it involves the following:
 - i) Depriving enemy combatants of their sight by putting a hood over their heads. The reason for this is to make sure that they are disorientated and to ensure that they cannot see their comrades or any sensitive material.
 - ii) Separation and silence of prisoners. To ensure that they cannot talk to each other once they have been captured.
21. This training often took place during exercises where we were carrying out wartime scenarios. To the best of my memory the hoods that were used in training were sandbags.
22. These exercises took place on Salisbury Plain prior to being deployed to Iraq. I cannot recall any further information regarding this type of training, but we certainly did not guard the detainees after we put hoods over their heads. Once we capture them we send them up the chain of command to the Platoon Sergeant who passes them on to the Company Sergeant Major. We would not usually deal with the detainees again.

23. I cannot recall any specific training directives relating to the shock of capture other than what we carried out during standard exercises. There may have been a video regarding the shock of capture but I simply cannot remember. This training related to the initial capture of an enemy combatant and did not continue to prisoner handling or guarding or how to deal with people after arrest.
24. As far as stress positions are concerned I knew prior to going to Iraq in 2003 that these were not permitted. I cannot remember who told me this but it was widely acknowledged that this was the case. What I mean by this is that I thought it was common knowledge that putting people in stress positions was not allowed, although I can't remember anyone specifically telling me this. I may have been taught that stress positions were prohibited prior to going on Tour to Northern Ireland on the first occasion but again my memory is not clear in this regard.
25. I cannot recall any training regarding the use or prohibition or subjecting of prisoners to high levels of noise or whether to let them sleep or not.
26. We also did not receive any training regarding the prohibition of food and water, but I do think that it is common sense that you have to feed and water prisoners after they have been captured.
27. In terms of the use of force against prisoners I knew that this had to be proportionate. However, I believe that I learnt this when I was on tour in Northern Ireland, in terms of how to treat the people that we arrested. I do not believe that this formed part of the video mentioned above.
28. Prior to going to Iraq we did not have any training on how to place plasticuffs on individuals. However I did learn how to place handcuffs in people in Northern Ireland, but never did so myself.

29. I do not recall any training relating to conditioning of detainees whatsoever. At the time I would not have known what this word actually meant. However, I now understand that conditioning relates to getting people ready to be questioned by tactical questioners and that we are not allowed to do it.
30. I do recall that we were given some training prior to attending Northern Ireland regarding the fact that after arrest detainees should be kept apart so that they do not collaborate with each other, but I do not believe that is really shock of capture training as I now understand it.
31. In addition, I can also say that we were taught to hood people in our training in Northern Ireland after they had been arrested, but only if they were being taken in a vehicle that contained sensitive equipment. I can remember that the ECM (a signal scrambler to combat remote control devices) contained in some of the vehicles that we would drive, was a secret item that was not allowed to be seen. As such we were taught that if we were taken detainees to the police station we should hood them if that piece of equipment was in the vehicle.
32. When carrying out this exercise, as I recall, we were taught using sandbags as hoods. However I never actually carried this out in practice as I never arrested someone when we were using one of those vehicles. I cannot recall who specifically taught me this procedure, or whether other soldiers did this. It is almost 10 years since I first went to Ireland and as a result my memory has faded regarding what I was taught there.
33. What I can say at this stage is that, when I attended Iraq I had never been trained regarding the handling of detainees or the guarding of detainees, and how they should/should not be treated. As far as I recall when we guarded the detainees on 14 – 16 September, this was the first time ever

that we had done this. We were an infantry unit and were trained to fight on the front line, not to guard prisoners.

34. In terms of engagement with the enemy, we were taught that we could only shoot at the enemy if they had fired at us and that if they had surrendered and put their weapons down we were to capture them. Once we had captured the enemy we as infantryman were not involved in their detention in any way. Our job was to capture them and thereafter pass them down the chain of command.
35. An illustration of capturing an enemy combatant would be when one soldier acts as cover (i.e. points the gun at the combatant) whilst the other would approach at right angles and take the combatant to the ground, put handcuffs on him, and then search him for weapons. The combatant would then be taken to the Platoon Sergeant where they would be "bagged and tagged", i.e. a sandbag was placed over their heads and a card was filled out which gave details of their name and time of capture. The Regimental Sergeant Major (RSM) would then come and collect the detainee and take them back to base for questioning. This is the same procedure as I describe above regarding the "shock of capture" and I believe it was standard operating procedure at the time.
36. I do not have any memory of receiving training on moral understanding, but it may be that I have not heard of the term before. I do recall that we received yearly LAC training, and that took the form of watching the video and answering questions as mentioned above. Nowadays LAC training is much more detailed. For example we now have training regarding the culture of the country that we are visiting and how we should address those who we wish to detain or arrest.
37. I am not sure if I have heard of the term "Conduct after Capture" (CAC), or if I have had any CAC training. When asked this question, I initially

thought that this related to how prisoners were to be treated after they were captured and detained, as referenced above regarding LAC training. I now understand 'Conduct After Capture' is training that relates to how we were to conduct ourselves if we were captured. I do not recall having any training of this type prior to going to Iraq in 2003.

Pre-Deployment Training:

38. The pre-deployment training that I recall centred on warfare, i.e. tactical considerations when fighting the enemy in terms of positioning, ambush and attack. I cannot really remember any training relating to the detention of the enemy once we had captured them. I undertook this training on Salisbury Plain.
39. I missed quite a large chunk of the pre-deployment training at Catterick, due to the fact that that I left for Iraq earlier than a lot of the others in my multiple as I was involved in driving one of the Saxons to Iraq. We set off weeks before the others had finished their training. As a result I did not have any specific training from the Operational Training Group prior to leaving or for that matter my Battlegroup.
40. We actually travelled to Kuwait by ship which took seven weeks. Having spent a week in Kuwait acclimatising we drove the vehicles to Camp Stephen where we were based. Within days of arrival we were out doing patrols with the multiple.
41. As a result, I did not receive any training prior to going out on patrols with regard to the detention or handling of detainees. I do not even recall receiving any training regarding how to arrest people or even how to put on handcuffs (other than training I received prior to travelling to Northern Ireland).

42. I cannot recall any training at any point prior to leaving for Iraq from the Intelligence Corps or any branch of military intelligence. Furthermore I have had no training from the Military Corrective Training Centre or the RMP. I did have some training from PT staff but this related to fitness as well as hand to hand combat as opposed to anything to do with the handling of detainees.
43. In terms of any aide memoires that we received whilst in Iraq I do remember receiving a card which gave details of the rules of engagement, for example the fact that if you were fired upon you were allowed to fire back etcetera, but it there was no information regarding the handling of detainees that I can recall.
44. I cannot recall now whether I would have had a Law of Armed Conflict Aide Memoire in my possession during the Tour, but it is not something that springs to mind.
45. My multiple were certainly involved in arresting people during our time in Iraq and this took place on a relatively regular basis. However, I never personally arrested anyone due to the fact that it tended to be the team commander, for example LCpl Redfearn or Lt Rodgers who carried this out. The multiple arrested people for a number of matters including looting and causing riots. No one was ever hooded following arrest by my multiple.
46. As far as I could tell the person who was being arrested was told the reason for their arrest and was then plasticcuffed, usually to the front in case they were to fall over so that they could put their arms up to protect themselves. They were then paced in the Saxon and taken to an Iraqi police station to be detained. If they were arrested with weapons, the weapons would be confiscated and taken back to camp and the detainees

would then be transferred to the police station. To the best of my memory, we as a multiple did not hood people when we arrested them.

47. As mentioned above I do not recall any training regarding the detention of detainees and I also do not recall anyone being disciplined in this regard, from our, or any other multiple.

Training After the Death of Baha Mousa

48. Since we returned from Iraq in November 2003, we have never, as a Unit, used sandbags to deprive people of their sight. Instead we are taught to use blacked out goggles when dealing with detainees. We are only allowed to use these when moving the prisoners around in sensitive areas (for example if they were taken into a building which contained sensitive equipment) or for the shock of capture detailed above, i.e. when you initially capture the enemy in a battle scenario.
49. We are also given substantial training regarding the way that detainees should be treated. During the majority of exercises we do now, there is some kind of prisoner handling involved. We are taught to treat the prisoners how we would wish to be treated ourselves and to make sure that they are properly fed and watered. Stress positions and other conditioning techniques such as sleep deprivation and subjecting prisoners to loud noises are banned.
50. I cannot recall having any prisoner handling training prior to Iraq in 2003 and certainly during the tour we were not trained. September 14 -16 2003 was the first time I had ever been involved in such a situation.

Sandbags

51. As far as the use of sandbags is concerned I can confirm that they were issued as standard whilst we were in Iraq. A sandbag is approximately 3 foot long and 1 foot wide. It is made out of straw like material and has a variety of uses. These include:

- i) Building defences (when filled with sand),
- ii) carrying ammunition,
- iii) passing equipment to each other when in the field.

We would carry sandbags every day as you could attach it to our webbing.

Operation Salerno

52. During operation Salerno I was employed as one of the drivers of the two Saxon vehicles which we used to carry the multiple to and from locations. Corporal Douglas was employed as the other driver for this operation.

53. Although I cannot recall the exact reason for the operation, I did state the following in my statement of 12 October 2003 (URN: MOD000157):

"On Sat 13 Sep 03, my multiple commander, Lt Rodgers, of my unit, briefed the multiple as to what the Op entailed. A number of hotels in Basrah were to be searched for weapons or anything connecting the occupants with possible attacks on Coalition Forces. The brief was given in our accommodation at Camp Stephen and the whole multiple was present."

54. I cannot recall any further details regarding the brief that was given to us, but the above certainly accords with my recollection of events from that

time. I do not believe I would have been informed about this operation prior to this day as it would not be standard procedure that a private would be told about specific operations. We were normally briefed the day or the morning before an operation and would then go off and carry it out.

55. In my statement I also make reference to the fact that I do not recall being briefed regarding the handling of detainees (URN: MOD 000157). This was not surprising as I was to be the driver for the operation and as such I would have nothing to do with the individual detainees. I do not know whether the others were briefed regarding the handling of the detainees.
56. Furthermore I do not recall receiving any brief regarding who was to be arrested and no specific suspects were mentioned to the best of my knowledge.
57. When driving to the hotel I believed that Lt Rodgers was in my vehicle, together with other members of the multiple, I cannot recall which ones. Half of the multiple would have come in my vehicle and half would have travelled in the one driven by Cpl Douglas.
58. I parked up a couple of hundred metres down the road from the hotel and was manning the gun on the top of the Saxon, in case the multiple came under fire when searching the hotel. As a result and as I explain in my statement at (URN: MOD 000157) I remained with the vehicle and did not enter the hotel.
59. Consequently, I did not see how any of the detainees were treated. None of the detainees were put on the Saxon that I was driving. I believe that they were all loaded onto a Bedford vehicle which was driven by someone from a different Multiple. Only members of the Multiple came back on my truck. It was only at this stage that I realised people had been detained.

60. As I explain in my statement (URN: MOD000157), I dropped some of the multiple off at the BG Main. However I cannot recall whether we went back to our base at Camp Stephen first. In any event at some point I dropped the first guard off at BG Main in the afternoon/evening on Sunday 14 September 2003. To the best of my recollection I did not receive an initial briefing at this time and was simply involved in dropping the guards off and then returning to the base. I cannot recall who from our multiple were present at this time but it is likely that Lt Rodgers was there.

Detention at the BG Main

61. In light of the above I did not have any contact with the detainees until I was asked to guard them on Monday 15 September 2003.
62. As my statement explains (URN: MOD000190) I commenced my guard duty with Hunt at 0600 having arrived at the detention facility at 0530.
63. I believe that the description of the facility which I gave in my statement on the 12th October 2003 is accurate, and if I did not have sight of this statement it would be difficult to remember the exact dynamics of the building, and therefore I have quoted direct from my statement (URN: MOD000190):

"The detainees were held in a one-storey brick building, which consists of three rooms, two larger ones divided by a smaller room in the centre. The larger rooms are approximately 4 m x 6 m and the smaller one is approximately 1 m x 2 m. If you stand outside the building facing it, there are 3 portaloos between the doorways to the larger rooms with a table to the left of the portaloos with hand washing material on it. Between the portaloos and the doorways on either side was a small window, which let light into the room. If you enter the room on the left via the doorway on the

left and turn right you can walk through into the other room on the right passing the small room in the centre to your left. Opposite each doorway to the larger rooms was a window which covered most of the wall. The glass in these windows was painted a dark colour so no-one could see into the rooms. There was lights in the rooms but the electric was not reliable and we had to use torches to see when I did a later guard duty during the night of Mon 15 Sep 03. The small room had tiles on the floor which was covered with cardboard and spare sandbags. I cannot recall the covering in the other two rooms but think it was some sort of linoleum."

64. As far as I understood my role, I was supposed to watch the detainees and in line with the instructions given by the previous guards who had handed over to myself and Hunt "give them a slap if they got out of line" (URN: MOD 000158). I cannot recall receiving any additional instructions to this, but it is possible that there may have been. Unfortunately I cannot remember these instructions now.

65. From a common sense point of view I took this to mean that we were to make sure that they did not escape by leaving the building or taking off their plasticuffs and to physically stop and chastise them if they tried to do so. In addition due to the fact that I knew that weapons had been found in the hotel it was important to keep tabs on the detainees as clearly they could have been dangerous.

66. As I explain in my statement I also knew that it was particularly insulting to an Iraqi to be slapped in the head. In my statement I say that I learnt this from a previous briefing, regarding an operation where I was told that this was insulting. I am afraid I cannot recall the context of that briefing and who gave it.

67. To the best of my memory I was on duty from 0600 until 1300 as stated. I have no reason to think that I would not be guarding for this period of time, but during other operations we had been involved in we would often carry out "stags" i.e. alternate between who was on duty, and this was usually two hours on two hours off. The reason why I do not believe that this happened on this occasion was because it was during the day and we were fully rested, and as I explain in my statement of 11 November 2003 (URN: MOD000163), we had eaten our breakfast prior to our shift.
68. In terms of the general conditions within the building I can say that it would have been very hot, but that was the same as all the buildings in Iraq, as hardly any buildings, including our own quarters, had air conditioning. When we arrived even though the windows in the facility were blacked out there was light coming in, so we could see enough to see what was going on, and did not at that stage have to use torches. However, it was relatively dark in the facility.
69. Regarding how the room smelt I do recall that the toilet facilities were directly outside and therefore the smell from this drifted into the room. I did not believe that the detainees had been prevented from going to the toilet. The toilet in the facility itself would not have been used however, as it was all blocked up with debris, such as tiles and plaster.
70. In terms of any briefing that we received prior to starting our guard duties, the only briefing that I now recall is that given by the previous guards who were on duty. I cannot now recall who these guards were, but I imagine there will have been a list somewhere that states when the different members of our multiple and the other multiples were on duty. We must have also at some time been told that we were going to guard these detainees, and I imagine that this instruction came through Lt Rodgers, but I cannot recall when he told us this or whether there was any additional briefing.

71. I may also have received instructions from Cpl Payne who was, as I understood it, in charge of the detention of the prisoners, as the Provost Sergeant. I cannot recall if I was briefed by Cpl Payne before I started my shift, but he certainly gave me some indication as to how to deal with the detainees as detailed below.
72. After we commenced our guarding duties we were given another brief by a man who was carrying out the tactical questioning of the detainees. As I say in my statement (URN: MOD000158) I believe that the man was a Cpl or Colour Sgt and he informed us that we were to keep the detainees awake and that we should bring them over one by one for tactical questioning in a specific order. I now understand that the Tactical Questioner was called Ray Smulski, having identified him by his picture as detailed in my statement of 25 February 2005 (URN: MOD000167).
73. I cannot give the precise time when Smulski came into the detention facility but I believe that it was shortly after we arrived on duty. He only came in for a couple of minutes and explained the above. We did not question what he said as he was a higher rank than us and at the time it did not seem unreasonable to keep the detainees awake as this was all part of tactical questioning procedure. We kept the detainees awake by shaking them on the shoulder.
74. As I explain in my statement (URN: MOD000160) I took four of the detainees one at a time to be questioned by Smulski. After I dropped each detainee off I waited outside the interview room for 5 – 10 minutes for the questioning to finish. I cannot recall exactly when this was during our guard duty. When I attended I did not hear how they were questioned, as I waited outside. I can actually remember thinking that it was potentially dangerous for Smulski to be interviewing the detainees with only an interpreter present and no guard, in case they went for him.

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75. As I explain in my Court Martial (day 33 page 124) I would have taken them over with Pte Hunt as well. We would have awoken other people from our multiple who were sleeping in the Saxons nearby, when this took place, so that someone else could guard the detainees. I cannot remember who we awoke at the different points to do this, but it would have been one of the other privates in our multiple.
76. As far as the detainees themselves were concerned, as I say in my statement (URN MOD0000158) when I entered the building, I saw 6 civilian males sat around the room, 3 along the left wall and three along the right wall. They all had sandbags on their head and all had their wrists plasticuffed. They were about 2 feet from the walls with their backs towards the centre of the room. They were sat with their knees bent up to their chest with their legs crossed at the ankles and their hands in their laps.
77. When I entered the room I did not think that the detainees were in what I would call at the time "stress positions". Whilst I accept that sitting like this for a long period of time may have been uncomfortable, they were not sat in stress positions in the sense that they were holding their arms out or standing up against the wall with their knees bent.
78. During the Court Martial I was cross examined at length regarding the issue of whether I ever saw the detainees in any stress positions. My recollection when I made my initial statement was that I had not. I was also questioned regarding the wording of my statement made on 25 February 2005 (URN: MOD000167), which states:

"SSgt Common has also asked whether I have any recollection or knowledge of occasions other than those previously described in my statements, when detainees were placed into 'stress positions'.

I do not recall any further incidents involving the detainees being placed into 'stress positions', whilst I was involved in their custody supervision and have no knowledge of similar incidents involving members of the Coalition Forces."

79. As the statement suggests I was asked to clarify whether I had seen the detainees in stress positions, other than those mentioned in my previous statement. I can confirm that to best of my recollection I simply told him that I did not see the detainees being placed in stress positions. I do not know why it says "further incidents", as I did not mention stress positions in my original statements. I can only suggest that SSgt Common, when writing out this statement added these words, on the basis that he thought I had mentioned stress positions in my earlier statements, but clearly I cannot say this for sure.
80. A lot of pressure was put on me at my Court Martial to accept that I had seen the detainees in stress positions. I would like to confirm my recollection that I did not see the detainees in stress positions myself. Despite being stressed and somewhat confused during my cross examination, I did confirm on a number of occasions that I did not see the detainees in stress positions.
81. I have no reason to be untruthful about this issue as it would not have been me who had given the order for detainees to be in stress positions, even if they were. I simply did not see the detainees in stress positions during the time that I was on guard.
82. In my statement (URN: MOD 000159) I explain that in the second room, which was a toilet, I saw a young male who was also hooded. Again he was not in a stress position as he was sitting with his back against the wall

with his legs outstretched. I learnt through one of the interpreters that this male was [REDACTED]

83. As I went into the third room I saw a further 3 males as I detail in my statement (URN: MOD000159). These males were facing the back wall and were wearing hoods. Only one male did not have a sandbag on his head and neither did he have his wrists bound. The others were wearing hoods but again were not in what I would describe as stress positions.
84. I explain in my statement (MOD000157) that I drew a sketch plan of the detention centre and this was subsequently exhibited on behalf of the SIB as PAS/1. I have had reference to this document when attempting to complete this current statement. To the best of my knowledge this was an accurate plan from the time.
85. I also give details of each of the detainees in my statement, making reference to the sketch plan and where each individual was sitting. I have no reason to doubt the accuracy of this sketch plan and the descriptions of the detainees, as it was an honest recollection at a point much nearer the time.
86. During my Court Martial I was cross examined regarding my memory of what the detainees looked like at the time, and the fact that I had such a good memory at that point, but could not remember other facts at the Court Martial (day 33 page 140). All I can say to this is that when I gave my statement I attempted to give the best account I could at the time. The Court Martial was two years later, during which time I had completed my tour of Iraq and been on several other exercises with the army as well as travelling to Cyprus. Consequently my memory had faded, but at the time I gave the statement I gave as full and as honest account as possible, in order to assist the SIB.

87. The reason why I could remember at the time what they looked like, despite the fact that they were wearing hoods, was because:

- i) They lifted their hoods when they were having breakfast
- ii) I saw them with their hoods off when I continued guarding later the next day.

88. As far as the specific condition of the individual detainees is concerned I did not think that I originally thought the detainees were in that bad a condition, other than the fact that they were clearly tired having I imagine been awake for a long period of time. The only specific injury that I noticed when I first arrived was to Male A, who I indicate on my original sketch plan as the male who was nearest to the door, in the right hand room of detention centre. As I explain in my statement (URN: MOD0000158) this male had *"a small cut about 1cm in length vertical above vertical above one of his eyebrows near to his nose, I cannot recall which eye."*

89. In relation to this cut I do recall that it looked fresh, but I do not know how he received this injury. I was not particularly concerned at the time regarding this cut. The fact was I did not think the cut was a major injury.

90. Later on I know that a medic was called for the young male who was detained in the middle room, who I called Male 'G' according to my original statement and plan, and a man who we later found out was his father, Male 'H'. As I explain in my statement (URN: MOD000159), the medic was called because male 'G' was crying a lot, breathing heavily and rubbing his chest and male H was also rubbing his chest and indicating that he had a heart problem.

91. In my statement I indicate that it was me who got the medic, I cannot now recall whether this was the case or not. However, I do know that I was

involved in the process, and I certainly felt at the time that a medic needed to be called. There is a possibility that I was ordered to get the medic or that I was informed by someone of higher rank that the medic should be called.

92. In my Court Martial it was put to me that Cpl Payne may have sent for the medic and that I was simply attempting to depict myself as a very humane, thoughtful and caring soldier (day 34 page 17). I simply cannot recall whether Cpl Payne or anyone else was involved in the process but I know that I was involved in getting the medic to come over, as well as helping to move the young male into the other room so that he could be with his father.
93. I also confirm that a medic was called to see Male 'E' who I make reference to in my statement (URN:MOD000159). He had complained about pain to his stomach and a medic examined him as well. After the medic looked at him we allowed him to lie down, but kept the sandbag on his head. The above is the only recollection I have regarding medics attending the facility and I cannot give any further information in this regard. Unfortunately due to the passage of time I cannot recall what the medic looked now looks like, but I do remember him being present.
94. As far as any further injuries were concerned I state the following in my statement (URN: MOD000160):

"...when I helped up Male B to take him to be questioned, his shirt raised up and I saw that he had dark purple bruising starting just above his waist band on his trousers on the right. The bruising did not go all the way around his side but stopped at the front on the right side of his abdomen area where it appeared to be fading. I did not see how far the bruising went up or across due to the man's shirt covering the rest of it. The man did not moan in pain when I helped him up and did not complain about the

bruising. I did not try and establish where he had got the bruising. I saw no further injuries and none complained about any. "

95. The above is in line with my current memory regarding the condition of the detainees when we took them to be questioned. I cannot recall now if the detainees had any further injuries, although I do recall that they were a bit stiff when we took them for questioning, having been sat down for a prolonged period of time.
96. During the Court Martial, it was put to me that Male 'B', who I was informed at the Court Martial is called **D003**, stated that he was pulled roughly over to the interrogation room to be questioned (day 34 page 11). I can confirm that I would have used proportionate, but firm force to take him over, as I did not want him to escape and as I mention above the detainees could have been dangerous. As I explain in the Court Martial I picked him up by putting my hands under his armpits, it was at this stage that I saw the injury.
97. It was further put to me at the Court Martial (day 34 page 12) that when he came back to the detention centre he was forced to stretch his hands out and was punched again. It was implied that myself and Pte Hunt assaulted **D003** in this way. All I can say, in this regard is that I certainly did not carry this out and neither did Pte Hunt to the best of my knowledge. I can only assume the detainee is confused or this act did not take place when I was present.
98. In relation to ill-treatment of detainees that occurred when I was present, I did state the following in my statement regarding the conduct of Cpl Payne (URN MOD0000161):

"I can state that the only other incidents I saw was within the last hour of my initial guard duty when Pte Hunt and I were in the right room and Cpl

Payne entered. The three of us then walked back into the left room and Cpl Payne saw that male C was lying on the floor and had removed his cuffs again. He must have done this when we were next door as we had not left him like this. Cpl Payne went over to this man and put him into the sitting position again. I am not sure exactly how Cpl Payne did this but it was forcefully by grabbing the back of the man's shirt either at the scruff of the neck or the back of the shirt. I then saw Cpl Payne punch the man to the back of the neck with one of his clenched fists, I cannot recall which. Cpl Payne was stood right behind him at this time and the force of the punch caused the males head to move forward. I had a clear unobstructed view of this. I thought the punch was too hard but I did not say anything to Cpl Payne as he's a Cpl and I'm a private soldier. Cpl Payne also shouted at the man but I cannot recall what. I did not see any injury from the punch as the man had a sandbag on his head and he did not complain about being in pain.

On another occasion that morning after the punch I believe, Cpl Payne again entered the detention centre and at this time Pte Hunt and I had allowed the detainees to lie down as we could see they were tired. Cpl Payne shouted at us we were to 'get them up' and so Pte Hunt and I sat the detainees up. Cpl Payne did not say anything else to us as I think he then left the building."

99. The above quote is in line with my current recollection regarding what took place. Obviously my memory has been jogged by reviewing the statement and its possible that I would not have remembered all the above if I had not seen the statement, but given that I made the statement near to the time of the incident and given that it accords with my current recollection, I believe this to be accurate.
100. In terms of getting the detainees to sit up, I cannot recall exactly how we did this, but Pte Hunt and myself would have probably have pulled them

up from behind, probably by placing our hands under their arm pits to make sure that they were sat up. They were not placed in stress positions at this point.

101. I would like to say that I did not agree with how Cpl Payne had treated the detainees, but at the time I did not know whether what he was doing was prohibited or not. I presumed that he was simply following orders. I also believed that he was in charge of detention, as he was telling us how to guard and as I have explained previously was the regiments Provost Sergeant, which means that he is used to guarding detainees.
102. The Provost Sergeant's role as I understand it is to deal with discipline on camp. If someone commits a disciplinary offence, they will be sent to the Provost Staff who will give them punishments such as being made to carry out drills. In Iraq the Provost Sergeant's role was also to guard detainees as I understood it.
103. Regarding the term the "choir" as I explain in my statement (URN MOD: 000161) I do recall Cpl Payne carrying this out. Someone had asked that he showed them what the choir was, and Cpl Payne started to laugh and then went up to each detainee in the right room and kicked each of them in the lower back/side area. As I say in my statement (URN: MOD0000162):

"The kicks made each of the detainees moan in different voices which I assumed was the choir. I would say that Cpl Pyane did not kick the detainees hard when doing this as he did not bring his leg back far, it was more of a nudge into them. The person who asked for the choir also laughed and walked off."

104. I can not now recall who the person was that laughed and walked off. I did not agree with what Cpl Payne was doing regarding any of the above

actions, but I did not feel that I could or should go against him due to the fact that I was lower in rank than him.

105. I can confirm that I did know Cpl Payne quite well at the time of this incident. I had personally been on several exercises with him and would say that he was a friend of mine. Despite our friendship I do feel that he could be quite intimidating due to his manner and physical presence.
106. In relation to how I personally dealt with detainees I would like to explain that I gave them water when they asked for it and let them go to the toilet when they needed to. At no time did I refuse either of these requests, and I also allowed them to have breakfast, when we first started guarding. The detainees had a full breakfast of eggs, beans and bread as detailed in my statement (URN MOD000163). We allowed them to be uncuffed at this point.
107. I gave them water by lifting up their hoods and pouring this into their mouths. Pte Hunt did exactly the same as me in this regard. I was also involved in ensuring that those that needed it had medical attention, as mentioned above.
108. I can confirm that at one point during the guard we also let the detainees lie down so that they could rest, as they had been sitting for a long time in the same position as detailed above.
109. My statement (MOD0000159) explains that at one point I had cause to reprimand one of the detainees who had caused us problems when we were on guard. This detainee is detailed as male C in my sketch plan (PAS/1). This male, as I explain, kept removing his sandbag and releasing his plasticuffs. He repeated this on a number of occasions. In order to stop him doing this, and in line with the informal briefing I was given from the guards who handed over to me, I slapped him lightly to the

rear of the head and shouted at him to stop taking his sandbag and plasticuffs off.

110. I would describe this slap as a light tap to the back of his head, to stop him trying to remove the items. I only slapped him once he had attempted to do this on a number of occasions as he was clearly not listening. In order to stop him doing this again we used two plasticuffs together.

111. Aside from the above, I did not at any other time, slap, hit or kick this male or any of the other detainees.

112. In terms of those who came into the facility during my guard duty I can say that the following people attended:

- i) Cpl Payne (see above)
- ii) Sgt Smulski (see above)
- iii) Sgt Smith

He was involved in feeding the detainees their breakfast and was often present during the period of detention, but I cannot recall him doing anything of note when he was there.

- iv) Lt Rodgers

As our multiple commander he simply attended every now and then. I believe that he would check to see if we were ok and if the detainees were ok, in terms of being appropriately fed and watered. I have no further recollection regarding what Lt Rodgers said or did.

- v) LCpl Redfearn

Similarly to Rodgers he was simply checking up on us occasionally and the detainees, to make sure everything was ok. Again I cannot recall any further detail.

vi) Others

There would have been others who attended the guardroom during the detention of the prisoners as people on the camp were obviously interested in what was going on. However, I cannot remember the names or ranks of anyone else that attended or what took place when they did attend.

113. As I explain in my statement I cannot recall who I handed over to in terms of guards, but this was at 1300. The briefing that I gave them was as stated in my statement (URN: MOD000160)

"I cannot recall who I handed my shift to at about 1300 hrs on Mon 15 Sep 03. On handing over I told the oncoming guard if the detainees got out of line to slap them around the head and place them back into position. I also told them to keep an eye of the father and son as they appeared to have health problems."

114. After my shift I went back to Camp Stephen to have a shower and change clothes and more than likely sleep. Later on we went back, I note that in my statement (URN: MOD 000160) it says that we returned back at 1900. I drove the Saxon vehicle with the members of the multiple in it.

115. As I explain in the statement (URN: MOD 000161) I originally drove the Saxon to the Ops room to drop of Lt Rodgers. The other Saxon, vehicle which I believe may have been driven by Douglas, went straight to the detention facility. Having waited for Lt Rodgers for 20 minutes I wandered over to the detention centre. It was at this point that I saw the man who I now believe to be Baha Mousa being carried out on a stretcher out of the detention facility.

116. I asked what was going on and as I say in my statement (URN: MOD0000161) was told the following by one of the lads:

"the detainee that kept getting out of his handcuffs had got up and walked around. When 'they' were attempting to put the cuffs on this man he banged head and he was then taken away on a stretcher. I did not ask who 'they' were and did not ask any further questions."

117. I do not know why I did not ask any further questions at this time but presume it was because the atmosphere was quite tense and that everyone was a bit shocked.

118. I can confirm that I did not guard the detainees again that evening, half of the multiple stayed and the others came back with me in the Saxon to camp. To the best of my memory I did not return until the next morning when I guarded the detainees again, and then drove them to Um Qasr. I have no recollection now as to which guards were present or the precise timings. All I remember is that I returned the next morning and guarded them for about a couple of hours.

119. I can remember that when I returned to the detention centre the detainees had their hoods taken off and I do not believe that they were wearing plasticuffs. As I explain in my statement (URN: MOD000161) I did notice that there was one less detainee present, who I now realise was Baha Mousa.

120. I explain in my statement (URN: MOD000161) that the whole of the multiple was present when taking the detainees back to Um Qasr. I can remember taking all the detainees for a walk to stretch their legs prior to leaving, and believe that they were happy for this opportunity.

121. I believe that when I guarded them for the second occasion they were not wearing cuffs. I think that they had had the sandbags removed and the cuffs were off due to the fact that I remember seeing their faces during this period. I had presumed this was due to what had happened to Baha Mousa who I had been informed had died.
122. I did not see the condition of the detainees when they returned to Um Qasr as I was not involved in unloading them. To the best of my memory although the Saxon vehicle that I was driving was in convoy with the vehicles, which the detainees were in, we did not go into the detention facility in Um Qasr where they were dropped off, and I did not see them again.
123. I probably did discuss what happened with my multiple after this incident but I genuinely do not remember what was said. We were all extremely tired in the days after the incident having been involved in guarding for such a long time. I took the opportunity to sleep and cannot remember any specific conversations.
124. I will say categorically that we never sat down and discussed who would say what to the police following the incident as was put to me in cross examination by one of the barristers during my Court Martial (day 33 page 149). It is true that during the times on duty I never put anybody in what I consider to be a stress position and neither did Private Hunt. The only person who I saw acting violently towards the detainees was Cpl Payne.
125. I actually knew Cpl Payne well having been part of the regiment with him since 1999 and travelled to Northern Ireland with him and as I explain above we were friends. I have as much loyalty to him as anyone else in my multiple or the regiment. If my intention was to protect people from getting in trouble, I could have said that I did not see Cpl Payne do anything wrong. However, I told the truth in relation to Cpl Payne, and it is

also the truth to say that I personally did not witness anyone else being physically violent to the detainees.

126. As I accept in my statement I did slap one of the detainees on the back of the head when he kept removing his plasticuffs and hood. I did this because I thought that I was following orders as the previous guards had passed the brief on to us.
127. I understand that the detainees received a number of injuries during their time in custody. I do not believe that many if any of the injuries could have come from when I was guarding them. There is a chance that the side injury to the man who I mention above, could have come from Cpl Payne kicking him, but as I say in my statement he did not kick him particularly hard at that stage. I accept that there may well have been more serious injuries inflicted, but I did not see that take place during my guard.
128. I realise that there are accusations that we as a multiple have closed ranks and are protecting each other. All I can say is that I am being as honest as I possibly can when writing this statement. It is a long time since the incident took place and in the meantime I have been posted to other warzones including travelling to Iraq again in 2007. During this tour to Iraq as well as other tours I have been involved in several incidents of note which include fighting against insurgents and being shot at on a daily basis. Therefore whilst the death of Baha Mousa and the incidents surrounding this, may appear to be particularly noteworthy to someone that has not served in the army, it was just one of several incidents that I dealt with day in day out on Tour.
129. I cannot recall if anybody took any photos of the Detention Facility, I certainly did not.

130. I have not discussed this matter with anyone recently, one of the reasons for this is that most of the Multiple have left the army and in any event we did not discuss things at length following the incident.
131. I can confirm that I have never given an account to the media regarding any of the incidents discussed in my statement.

Statement of Truth

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

Signed _____

Dated _____

David Sleight

From: paul stirland
Sent: 11 July 2009 02:57
To: David Sleight
Subject: RE: Your statement - URGENT

I Paul stirland have read my statement and agree with its contents. Due to the fact that I am currently in Canada I cannot sign the document, but I believe that the facts stated in this witness statement are true, and I will be happy to sign the document when I return to England.

13/07/2009