

Witness Name: Thomas Stables

Statement No: 1

Exhibits:

Dated: 11 August 2009

## THE BAHA MOUSA PUBLIC INQUIRY

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### Witness Statement of Thomas Stables

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I, **Thomas Stables** will say as follows:-

I make this statement in response to the Inquiry's Rule 9 Request dated 21 May 2009. I have read this Request, and I seek here to cover everything that it raises to the best of my ability and recollection.

I have also been shown and read a copy of my previous statement dated 7 February 2006 (ref MOD010378) referred to in the Request. I agree with its contents and note that my recollection at the time of this statement was somewhat better than it is now.

#### Career History

1. I have been in the Territorial Army ("TA") for approximately 20 years, during which time my only operational deployment has been to Iraq on Operation ("Op") TELIC 2 in 2003.

## Training

2. Pre-Deployment training in 2003 included Law of Armed Conflict ("LOAC") training, which was provided annually at Catterick Garrison by Officers and Sergeants ("Sgts") of the TA and was conducted for the benefit of all members of the Army. I recall being shown a video on LOAC that explained that Prisoners of War ("PoWs") should be treated the way you would expect to be treated yourself. Rules of Engagement ("ROE") training also formed part of the LOAC. The ROE training involved providing information as to when and under what circumstances soldiers could open fire (which included engaging in live firing on the shooting ranges) and information on how to locate the enemy. I recall receiving this information on ROE Aide Memoire cards which I carried around with me during the tour. To the best of my knowledge, all soldiers who participated in the ROE training were provided with the Aide Memoires.
3. The LOAC training formed part of the "Bounty Tests" that every TA soldier is expected to pass each year in order to qualify for the Army. Other aspects of this Bounty Test include fitness (by physical training instructors) and safety training. I have attended the Bounty Tests every year since 2003 and cannot remember any significant changes to the training received.
4. I do not recall receiving any demonstrations, lectures or practical exercises involving prisoner handling (in particular the practice of, or prohibition of sight by, hooding, stress positions or subjecting a prisoner to discomforting levels of noise) during my time with the TA. Having read and heard about the Geneva Conventions through the media both before and after my deployment on Op Telic 2 in 2003, I understood that each of these methods was prohibited.

5. I have also been asked by the Inquiry about the provision of food and water to prisoners and when or whether prisoners are permitted to be deprived of sleep. I was not aware of, and did not hear about, prisoners being deprived of these on Op TELIC 2 (or at all). I would expect these things to be prohibited by the Geneva Conventions anyway..
  
6. I am familiar with the term stress positions and understand it to mean being placed in an uncomfortable position for a prolonged period of time. To the best of my knowledge, stress positions were demonstrated to me at a TA level training session, where I was told that their use was prohibited. I recall that this training was received some time before 2003, but I cannot remember the precise date. The only position I am aware of as being classified a stress position (and the only position demonstrated at this training session) was squatting for long periods of time, which then becomes very uncomfortable. I do not remember who the instructors were or where the training was held.
  
7. I have not heard of, and do not recall, attending a Conduct After Capture ("CAC") course or any subsequent promotion or specialist courses as part of the PoW training. The only other training that I can remember receiving in the Army was specific to Motor Transport and involved training with vehicles, map reading and route assessments around Basra.
  
8. I confirm that this is the full extent of my recollection to pre-deployment training I received for Op TELIC 2 in the TA. To the best of my knowledge, I did not receive any training, pre-deployment or otherwise, from the Intelligence Corps or any branch of military intelligence, Royal Military Police ("RMP") Officers, staff from the Military Corrective Training Centre ("MCTC") or Physical Trainers (other than that which is stated above).

### Rank and Day-to-Day Role in 2003

9. I deployed to Iraq on Op TELIC 2 as a Corporal ("Cpl") for a six month tour from June 2003 to November 2003. I was attached to the Motor Transport ("MT") section and was based in Basra Palace along with Brigade Headquarters ("Bde HQ").
10. My duties involved escorting tankers to or from different locations in Basra, for example Shaibah, and providing close protection to the Battalion when required for security reasons. Nobody could leave Basra Palace without an escort, and the escort or protection provided would always involve the use of two Land Rovers, each containing four men from MT Section. I was never asked to and did not at any stage transport detainees during my time on tour for Op TELIC 2.

### Chain of Command

11. MT Section was commanded by Captain ("Capt") Mark Armstrong who reported directly to Lt Col Mendonca, the Commanding Officer ("CO") of the First Battalion, The Queen's Lancashire Regiment ("1QLR"). I, along with the remaining members of MT Section, answered primarily to Warrant Officer Class 2 ("WO2") Brent Wilcock and then to Capt Armstrong.
12. In so far as I can remember, MT Section consisted of approximately fifteen to twenty soldiers. Those that I can recall are WO2 Brent Wilcock, Cpl Kenny Simmonds, Cpl Ian Howard, Cpl Fletcher, Cpl Phoenix, Cpl Hague, Cpl Bike, Lance Corporal ("LCpl") Karen Johns, LCpl Undsworth, LCpl Powers, LCpl Leach, Sgt Tony Shuttleworth, Private ("Pte") Young, Pte Gallagher, Pte Ainsworth and Pte Goldie, all of whom were under the command of Capt Armstrong. Each of these soldiers performed a similar escort and protection role to that which I carried out. The only occasions that I assumed

responsibility of soldiers within MT Section would be when I was put in charge of vehicle groups by Capt Armstrong. This duty would alternate amongst those within MT Section two to three times a week and so I did not always have command responsibilities.

### O Groups

13. I was the driver responsible for escorting Capt Armstrong to Battle Group ("BG") Main where he attended the CO's Orders Group ("O Group") on a daily basis. BG Main was approximately two miles away from Basra Palace and the O Groups usually occurred in the evenings. The purpose of Capt Armstrong attending the O Groups was to provide to and receive an update on Operations from the CO and those in attendance at the O Groups. To the best of my knowledge, the O Groups were attended by the Officers Commanding ("OCs") of the various other companies attached to 1QLR. I did not attend any O Groups and so am not aware of what these discussions involved.
  
14. Whilst Capt Armstrong was at the O Groups, (which varied in length but lasted approximately one hour depending on what was on the agenda), I (along with the seven other members of MT Section on escort duty - four being in each of the two vehicles as described above) would wait around BG Main to transport him back to Basra Palace. During the periods of waiting, I would usually have a chat to some of the soldiers based at BG Main. As a member of the TA, I did not know many people there; I do not therefore recall the names of the soldiers that I spoke to at the time. I understand that BG Main was where prisoners were being temporarily detained by 1QLR. I do not recall seeing any detainees around BG Main for the periods that I was there and did not hear any of the soldiers discussing anything in relation to detainees. I did not visit the detention facility at any stage during the tour.

15. Following the O Groups, Capt Armstrong would brief MT Section back at Basra Palace if there was anything relevant to report back. I do not recall Capt Armstrong briefing MT Section on any discussions from O Groups involving detainees or prisoner handling.

**Detainees and Conditioning**

16. I saw detainees on three separate occasions during Op TELIC 2.
17. On the first of these occasions, I witnessed five or six detainees being hooded, cuffed and kneeling in an upright position against a wall in the shade. I do not remember what time of day it was. This was at a Company location although I cannot recall the area now. I know it was not at BG Main because I was familiar with that area from escorting Capt Armstrong to the O Groups. I do not remember during which period of the tour this incident occurred, nor can I recall whether it was pre or post Baha Mousa's death. I was stationed in the area for a brief period with at least seven other members of MT Section to fill up the vehicles with fuel or to deliver water to the camps. I do not remember the names of those from MT Section who witnessed this with me.
18. The detainees were hooded with standard hessian sandbags issued to all soldiers as part of their kit. I used the sandbags as sacks in which to store brass cartridge cases whilst cleaning the shooting ranges and, other than for hooding, I was not aware that the sandbags served for any other purpose. I believe that the sandbags were placed over the heads of these detainees and covering their entire face, but I could not see whether they had been tied at the neck.
19. All five or six of the detainees had their hands restrained behind their backs with plasticuffs and appeared to be kneeling down with their heads resting against the wall. I do not know whether the position that the detainees were

in was a stress position because I was only in that area for approximately ten to fifteen minutes, as I was on escort and protection duty at the time. I do not recall seeing any soldiers on guard and did not see any visible injuries to the detainees.

20. In my previous witness statement provided to the Service Police on 7 February 2006, I mentioned witnessing members of Anzio Company ("A Coy") 1QLR, ordering Iraqi civilians that they had arrested to run about A Coy lines whilst plasticcuffed and hooded with sandbags. This refers to a single incident that I witnessed when I, along with a vehicle group containing at least seven other soldiers from MT Section, had stopped to fuel the vehicles or deliver water to the camp. I do not remember during which period of the tour this incident occurred, nor can I recall whether it was pre or post Baha Mousa's death.
21. These seven other members of MT Section and I, (who were on duty at the time), saw a detainee who was hooded with a sandbag over his head, and with his hands plasticcuffed behind his back, being ordered to run around a compound by two soldiers whose names I do not know. I cannot recall a physical description of the soldiers but believed they were attached to A Coy because I was at A Coy's location at the time I witnessed these events. I do not remember the names of those from MT Section who witnessed this event with me.
22. To the best of my knowledge, it was late evening at the time I saw this detainee and so the temperature conditions were not very hot, but the detainee was out in the open. I did not notice any visible injuries on the detainee but I could tell that he was breathing heavily as a result of having been running. The soldiers were loudly shouting commands at the detainee to keep running. The two soldiers were standing either side of the detainee and, to the best of my knowledge, each had a hold of the detainee's sleeves

to guide him as a result of the hood preventing his sight. I asked one of the two soldiers what he was doing with the detainee and the soldier replied that he was conditioning him. The soldier did not mention who had instructed him to carry out the conditioning.

23. I was only in the area for approximately two minutes and the detainee was made to run for the entire period of time that I witnessed him but was not made to do anything else.

I have been asked by the Inquiry about my understanding of the term 'conditioning' but I am not familiar with this term. The first time I heard it being used was on this occasion, but I did not question the soldier further about it. I did not know whether 'conditioning' was an acceptable or prohibited practice.

24. The third occasion that I saw detainees was when a driver from MT Section had picked up a group of detainees from an Operation in order to transport them to Umm Qasr. The driver, (whose name I cannot now recall) stopped in at Basra Palace. I am not aware of the reason why the driver stopped at Basra Palace on the way to Umm Qasr but, for the brief period that I saw the detainees, I know that they remained in the vehicle. The detainees were guarded by soldiers attached to the arresting Company but I do not recall who these soldiers were or which Company they were attached to. I do not remember during which period of the tour this incident occurred nor can I recall whether it was pre or post Baha Mousa's death.

25. As I remember it, the vehicle had stopped just outside the cookhouse inside the Basra Palace compound and I saw approximately five detainees standing in the back of the vehicle whilst I was on my way from, or on my way to, have dinner that evening. I only saw them for a brief period, but to the best of my knowledge, the detainees were not hooded or plasticuffed, although one or

two appeared to be bleeding from their faces and one or two appeared to have wet themselves. I did not ask the driver about why the detainees were in this condition because I did not feel it was my place to do so. I am not aware of how long the detainees had been in the vehicle or whether they were given any food or water for that period.

26. I did not report what I witnessed on any of these occasions because I assumed that those higher up in the Chain of Command were aware of it. I came to this conclusion because I witnessed these detainees at Company locations where Officers of senior rank like Major, CSgt and Sgt (who made up part of the structure of each Company in a BG) were walking around and should have been able to see the detainees too. I can recall having discussions with those members of MT Section who witnessed these events with me, but I do not remember the content of these discussions now.
27. I do not know how discipline regarding the standards for the handling of prisoners of any category on Op TELIC 2 was imposed and maintained. I was not responsible for carrying out the discipline of any soldiers and am not aware of any occasions when discipline was enforced or imposed during Op Telic 2.

#### **Tactical Questioning**

28. I have been asked by the Inquiry about my understanding of the term 'Tactical Questioning' ("TQ'ing"). I am not aware of this term and have no knowledge about its purpose, what it involves, who in the chain of command was responsible for the TQ process or the extent to which Tactical Questioners ("TQ'ers") had any responsibility for issuing orders/instructions in respect of the handling of detainees. I do not know about the availability of TQ'ers as a resource on OP TELIC 2.

## Baha Mousa

29. I was stationed with MT Section around the corner from the hotel on the search operation which resulted in Baha Mousa's detention in preparation to be called forward to transport prisoners back to BG Main if needed; however, MT Section was stood down in the end because the arresting soldiers transported the detainees themselves. I do not know how many detainees were captured from this hotel. I believe the hotel was targeted as a result of a number of explosives going off around the area in which the hotel was located, and it was thought that insurgents and bomb-making material were being stored at the hotel.
30. I and, to my understanding, the other members in MT Section, did not receive a briefing for this operation because it was being carried out by BGHQ. I did not see which Units were involved on the operation or what items, if any, were found and confiscated from the hotel because I went straight back to Basra Palace when stood down with the other members of MT Section.
31. As MT Section were detached from BG Main where Baha Mousa and those detainees arrested with him were being held, I had no personal involvement with them or knowledge of the circumstances leading to his death. I became aware of these events when a friend of mine, Sgt David Brown, from BG Main informed me that Baha Mousa had died whilst in custody. This was the only information I can remember receiving either during or subsequent to Baha Mousa's detention and death. I cannot recall when I was given this information and do not know whether Capt Armstrong also mentioned it to MT section in a briefing at Basra Palace following one of the CO's O Groups. I do not remember any other information given to me by Sgt Brown or anyone else at the time and do not recall hearing these matters being discussed around camp.

32. Following Baha Mousa's death, I was based in Iraq for approximately a further two months, but did not witness any changes made to the way in which prisoners were being handled.
33. I am still serving in the TA and in all the LOAC training that I have received and continue to receive as part of the annual Bounty Tests (described under training above) is to treat a prisoner in the same way you would expect to be treated.

**Media**

34. I have never given any reports or account of matters relevant to the Inquiry's terms of reference to the press or media, nor have I ever been approached by anyone in the press to discuss these events.

**Statement of Truth**

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

Signed

Thomas Stables

Dated:.....

11. 8. 09