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STAFF - INVESTIGATION
OFFICER ONLY

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)

Statement of: Stuart Mickel MACFARLANE	
Rank/Status: Mr	
Age if under 18: Over 18 (if over 18 insert "over 18")	Occupation: Principal Depute
This statement (consisting of 9 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: SM MACFARLANE	Dated the 9 th day of August 2005

I am Mr Stuart Mickel Macfarlane, currently employed as a Principal Depute within the Procurator Fiscal Service, Ballater Street, Glasgow, a position I have held for about 13 years.

I am also a member of the TA and have been so since 1986. I am currently employed as the 2IC of C (FFY/SH) Sqn, Queens Own Yeomanry, St Coupar, an appointment I have held for approximately 3 years.

On 16 Jun 03, I received a Notice of Compulsory Call-Out for permanent service for employment in Iraq. It was my belief that during the deployment I would be employed in Armoured Medium Reconnaissance, a role of which our unit has been trained for.

I flew to Kuwait on 1 Jul 03, and the next day transported into Basrah, Iraq. Between 2-16 Jul 03, I was attached to the QLR and it is during my time with this unit that I wish to mention several incidents. The reason for me mentioning these incidents at this stage is following the recent TV reports into the investigations of the former CO QLR (Col Mendonca) and members of his unit.

Between 2-6 Jul 03, I was located at QLR Main, Basrah and was primarily employed as a Watch Keeper within the Ops Room. There was one specific O Group that I recall attending, which was taken by Lt Col Mendonca. This was the first time I had met this officer. Following the O Group and whilst talking with Lt Col Mendonca, I recall telling him of my role in Scotland and experiences with the police, subsequently offering my knowledge/support in this particular field. However, my offer was refused and was I informed that the situation was basically already taken care of.

Signature: SM MACFARLANE

Signature Witnessed by: G RITCHIE

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I now wish to mention several incidents that occurred involving the QLR that took place after the O Group. However, due to the time that has elapsed since those incidents taking place, my recollection of some of the events and words spoken at the time are quite vague.

Sometime during lunchtime on the 4 Jul 03, whilst I was sitting at the dining table with Lt Ewan Crawford, of my unit, a Sgt from QLR sat near us. As I had just arrived in theatre I do believe Lt Crawford and I were seated in the senior ranks part of the dining hall, as it became apparent later there was a separate area for the officers. Nevertheless, the Sgt, whom I didn't know nor can I now describe was bragging about catching 4 'ali babas' earlier that day. The term 'ali baba' being for a thief in the local language. Although I cannot recall the exact words spoken by the Sgt, he related that they had caught four 'ali babas' that morning and he had kicked one of them on the throat. The Sgt added that as he did this one of the other men wet himself without even being touched. The Sgt seemed to find the story amusing and was laughing about it. I do know there were others seated at the table, but cannot say who those were as I had just joined the unit. I did find what the Sgt had said disturbing, but having just arrived in Iraq said no more about the matter. I can give no descriptions of this Sgt other than he was a member of QLR.

On 6 Jul 03, I was attached to Alma Company (A Coy), QLR, whom I believe were based at Camp Lovely on the north of Basrah. At some time during an afternoon between 7-10 Jul 03, I recall sitting on a veranda area of the building being utilised at the Coy HQ. A patrol of A Coy had detained an Iraqi man, whose only description I can recall is that he was in his mid 30s and wearing a brown 'dish dash'. From what information I could establish, is that the Iraqi man had been stopped in his car and a weapon, possibly an AK47, had been found. The Iraqi man was sitting on a raised corner of the veranda, with plasticuffs used to secure his hands behind his back. The only member of QLR that I recall being present was a Capt Jo McMahan, employed within G5. The 2IC of A Coy was Capt Richard Osbourne, but I'm not sure of his location at that time.

Several members of QLR were pushing and tugging the Iraqi man's clothes and just generally shouting. I cannot now recall or give descriptions of any of the QLR members, but I remember saying to myself, 'they should not be treating him this way'. It was also my understanding that initial questioning of a suspect should have taken place at Bde HQ, based at Basrah Palace.

A short while later the OC of A Coy came to the veranda. His name I cannot now recall, only that he was a Maj and his surname began with the letter M. The OC then proceeded to also shout at the Iraqi man about a weapon being in his car, before he also pushed the man and tugged at his clothes. This action lasted several minutes and this sort of behaviour by the OC of a Coy astonished me. This was done in full view of myself and other QLR members. Although at no time was the Iraqi man punched or kicked, I do believe he was not handled appropriately and his treatment was slightly heavy handed. The Iraqi man was taken away shortly afterwards to the guardroom within A Coy location.

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Later that same day I recall having a general conversation with the CSM and the CQMS of A Coy, whose names I cannot recall. I queried with them the incident, but they seemed to think it was the norm and that it was the way detainees were normally treated. This was the perception I now seemed to be getting and opined at the time that because the officers were conducting themselves in such a manner, they were in essence setting the scene and it was therefore deemed to be the appropriate way to deal with detainees.

The following day, I was told by the CQMS that the Iraqi man who had been detained overnight had had his wrists broken whilst in detention overnight. This seemed to be the talk of the camp. I have no idea how this occurred, or whom was involved but was told by the CQMS and others it was the guard staff. As a consequence of this I went to see the OC and did so, in private, within the HQ building. I queried the treatment of the Iraqi man but was bluntly told to mind my own business. The conversation was very short and in essence the OC did not wish to listen to me and I was, 'shown the door'.

I left A Coys' location on 13 Jul 03 and returned to QLR Main, where I continued in employment as a Watch Keeper.

The last incident occurred sometime between those dates. The unit were conducting a night operation to find illegal arms and I recall the CO coming into the Ops Room to collect his rifle. I heard him say a comment during that time and it involved the words of, 'killing Iraqis'. I'm not sure of the exact words but in a 'gung ho' type voice he said words like, 'let's go kill some Iraqis', or words similar. At the time he said this I cannot recall who was present. I believe his crew were in the vicinity and can also recall Lt Crawford actually taking part in that operation.

Sometime on 16 Jul 03, I had written a personal postcard to my Adjt in UK, where I mentioned that the TA personnel were not being utilised appropriately. Somehow, I believe in error, the postcard was seen by the Adjt QLR. As a result of which Lt Col Mendonca interviewed me regarding my comments and asked me to explain, which I did. I subsequently left QLR and was returned to Bde. I had no further dealings with QLR. For the remainder of my deployment I was attached to other units and was also involved in the setting up of the Civil Affairs Group.

The main reason I have provided this statement is because I feel that the abuse I witnessed and of what I heard occurred, was as a direct result of what was deemed acceptable by some of the QLR officers. Therefore this seemed to have a direct bearing in the way the SNCOs/JNCOs dealt with Iraqi detainees.

Although not really wishing to use such a word, with all my experience and service within Iraq and having served with other units, the way prisoners were dealt with by soldiers of QLR, did indeed, seem to be institutionalised, and even encouraged from the top. This was my perception of events during

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