

Witness Name: D002

Statement No.: 1
Exhibits: Doc 1
Dated: 4 June 2009

THE BAHA MOUSA PUBLIC INQUIRY

WITNESS STATEMENT OF

D002

I, D002, will say as follows: -

1. I am making this statement for the purposes of the Inquiry into the death of Baha Mousa and the ill-treatment of myself and nine others (including Baha Mousa) whilst in the custody of the British Army. I make it in the knowledge that there is a current process by which documents and witness statements relevant to the events under consideration are being made available to my lawyers. This process is not complete, nor have my lawyers and I yet had the opportunity to digest all the material disclosed to date. I would therefore like to make it plain that I am not going to comment in this statement on any of the disclosure except my own previous statements. I will, of course, consider making a further statement in the future if either my lawyers or the Inquiry indicate to me that it is necessary.
2. I was born on [REDACTED] I am married and have [REDACTED] children. My oldest child, [REDACTED] is [REDACTED] and has [REDACTED]. He is also [REDACTED] and cannot, for instance [REDACTED]. He is [REDACTED] and [REDACTED].

requires a lot of care and attention. At the time I was detained my wife was pregnant. The child was born 2 or 3 months after my release. Unfortunately she died. It is likely that the stress that my wife suffered during her pregnancy due to what happened to me contributed to the child dying.

3. I started working in the Hotel Ibn Al-Haitham ("the Hotel") in the Al-Asshar district of Basra just after Saddam Hussein's regime fell in approximately March/April 2003. I was employed there as a night guard by D006 who was a partner at the Hotel. I would normally work from 10pm until approximately 6am the following morning. D001 was also employed as a night guard and cleaner and we worked together.
4. Given the high level of local crime in Basra at that time, the Hotel was legally entitled to own two rifles so that we, the guards, could protect the premises and guests from criminals. D001 and I would take a rifle each when we arrived at the Hotel for work and we would then patrol around the Hotel and car park to check everything was alright.
5. The situation in Basra was unstable at the time and, in particular, I recall that we feared a group called "Al Garamsha" who were criminals. We were particularly concerned as the Hotel received regular guests from the United Arab Emirates and Iran who brought cars for sale and other valuable items with them.
6. Prior to the incident, apart from the two legally owned weapons that I describe above, I had only seen other weapons at the Hotel once. I recall that I was working the night shift as usual at the Hotel. C001 (who was another partner in the Hotel and the son of D006), D003, D001 and D004 were also at the Hotel.

C001 produced a camera and we started to mess around – posing for photographs. We were bored and just trying to pass the time and amuse ourselves.

7. I recall that **C001** produced some other weapons that I had never seen before. I do not know where he kept these weapons and I did not ask to whom they belonged or where they had come from. At the time it was quite common to keep weapons in Iraq and, as a night guard, I did not think it any of my business.
8. I recall that in one photograph I was sitting on a sofa near the main door to the Hotel. I think I had one of the Hotel rifles next to me as usual. Some other members of staff were also in the photograph but I cannot recall exactly who was there and whether they were holding weapons. In another photograph I was standing by the internal door to the lobby alone. I do not think I had a weapon with me.
9. In another photograph we were all outside the Hotel and I recall that **C001** actually climbed onto a vehicle to pose. I and other members of staff posed around the vehicle and I think that we were waving at the camera. I cannot recall whether anyone was holding weapons in this photograph. In another photograph taken that night I was napping in the hotel lobby. A number of people surrounded me and pointed weapons towards me as if posing to shoot me. I was not aware of this photograph at the time because I was asleep.
10. **C001** did not tell me that he had developed the photographs and I did not see the photographs until after my arrest. I recall the first time I saw them was during interrogation at the Temporary Detention Facility.

ARREST AT HOTEL AL-HAITHAM

11. On the morning of 14 September 2003, I was working at the Hotel as usual. I was dosing in the Hotel reception area towards the end of my guard duty when, at approximately 6am, D001 woke me and said that British soldiers were entering the Hotel. I have previously given a witness statement to the RMP on 22 September 2003 that I was woken by the British soldiers themselves entering the Hotel. As with the rest of this statement, this was a true and accurate account of events as I recalled them at that time. However, I made this statement very soon after my arrest, and I was still very confused, tired and distressed due to the ordeal I had been through and was not recalling all the details of the arrest and detention very clearly. The British soldiers began searching the Hotel and found some weapons. Before these weapons were found, the atmosphere was relatively relaxed. We were free to move around in the hotel, and I remember that D004 went to get some cigarettes.

12. I understand that, as well as the two rifles legally kept in the Hotel, additional weapons were also found in the safe in the telecommunications shop attached to the Hotel. The telecommunications shop belonged to C001. Although the shop was part of the same building, the entrance to this shop was entirely separate from the Hotel and I am not aware of there being any entrance to the shop from inside the Hotel. I was also unaware that weapons had been kept in the telecommunications shop. As a night guard I had no reason to go in there. As the soldiers did not show me the weapons, I do not know whether they were the same weapons I had previously seen when we were posing for photographs.

13. I was asked at the Court Martial whether I knew of weapons being found in the telecommunications shop. I stated that I had no knowledge of this. The reason I did not bring up the incident where we had been posing with weapons is that I did not actually know whether or not the weapons the soldiers had found had been the same as those we had been posing with. I was also very scared and intimidated by the court martial process. The court did not seem to be impartial; I felt that I was the criminal on trial rather than the victim.

14. As I state above, I was aware that there was a telecommunications shop attached to the Hotel. I did not know what kind of equipment was kept in this shop and I had never handled any of it. In answer to a question asked to me by my solicitor, I was not aware of any notebooks containing the telephone numbers of members of the Iraqi Intelligence Service in the Hotel.

15. While the soldiers were searching the hotel, I understand that they smashed one of the safes. I saw the soldiers carrying something and I understood from overheard conversations that these were four identity cards from C001's safe in the telecommunications shop. I overheard someone say that these belonged to C001, his father, uncle and brother. I do not know what these identity cards were.

16. After they had searched the safe the soldiers realised that C001 had escaped. I was in the reception area when C001 disappeared, but I was not aware that C001 had gone as I did not myself see C001 escape. The soldiers then made us lie down with our faces pressed against the floor and our hands over our heads. We were not allowed to talk to each other and remained like this for approximately 25-30 minutes. I recall that one soldier walked on my back while I was lying down. He stepped from one side of my body, placed one of his boots on the

middle of my back and then stepped off the other side. This happened only once. During the time we were lying on the floor I recall the soldiers took Baha Mousa upstairs and I understood that they were searching the rooms.

17. The British soldiers then took me and my other colleagues to the Hotel toilets. All of the Hotel staff, including Ahmad Taha Musa Matairi ("Ahmad Taha"), Kifah Taha Musa Mutairi ("Kifah Taha"), Baha Mousa and D004 were taken to the toilet area. Although I was taken into the toilet area with my colleagues from the Hotel, I was then taken into a cubicle on my own. I do not recall whether or when other members of the hotel staff were taken into the cubicles. Iraqi toilets are at ground level with grooved ridges on other side of the toilet to place ones feet. When a toilet is flushed all previous waste emptied into the toilet gets swilled around on the surface of the toilet. I was made to sit in the toilet bowl for 25 minutes while the soldiers repeatedly flushed it so that wastewater and excrement rose into the bowl. My clothes were totally soiled with raw sewage. I was nervous and scared by this point and I began to cry. I felt that I was not pure anymore because I had water and excrement all over my body. I still cannot comprehend why the soldiers humiliated me in that manner with no explanation given for such baffling, inhumane treatment. The soldiers were laughing during the time I was in the toilet and this added to my humiliation. In the Court Martial proceedings they played a DVD film which shows me (at a later time in my detention) wearing the same clothes which were soiled during this incident.

18. I understand from my solicitors that I stated in a taped interview with Mazin Younis that I was questioned by the soldiers whilst in the toilet. As far as I can recall, this was not the case.

19. After approximately half an hour in the toilets we were led back into the Hotel reception area. I was not given a chance to wash after

that disgusting ordeal until I reached Camp Bucca 3 days later. I felt that I could not pray properly until I was clean again. The soldiers then tied all our hands together to the front of our bodies, and made us stand in a queue.

20. Just prior to our removal from the Hotel, I understand that Baha Mousa's father arrived. He later told me that he told one of the British officers that he had seen a soldier stealing money from the safe and putting this in his pockets. He said that the officer then went and shouted at the soldier. I think that this is perhaps why Baha Mousa was singled out for particularly bad treatment later on.

TRANSIT TO DETENTION FACILITY

21. We were then ordered to climb into a tall military truck that was covered in canvas. We were not threatened or hit in order to make us board the truck. We sat on the floor of the vehicle for the journey. We were not hooded or blindfolded but our hands were still tied to the front with what seemed like white nylon. I could not see the route to the detention centre as the vehicle was covered all over. I was not assaulted during this journey.

22. After a 5-10 minute journey in the military truck, we reached a building, which I now know was the British Army Head Quarters Detention Facility. I was still not hooded at this stage. When we arrived, British soldiers shouted at us to get off the back of the truck we were then taken into a room. I do not recall seeing any other detainees, unconnected with the Hotel.

BRITISH ARMY HEAD QUARTERS TEMPORARY DETENTION FACILITY

DAY 1 - 14.09.03

23. I cannot remember much about the outside of the building, other than that it was a very large building which used to belong to the Ba'ath Party. I understand from my solicitors that in the first statement I made to the RMP in September 2003, I described the building as having had two windows and two doors. However, as I have already stated, at the time I gave this statement I was still very confused, afraid and distressed by the events I am describing and so I was not remembering everything completely accurately.

24. I do, though, recall the inside of the building. The building had two main rooms with a small room in the middle. We were led into one of the two main rooms. I recall that the room had a window frame with no glass in it. The window frame was blocked closed by two pieces of aluminium so I could not see out of it at all and no light came in through it. I do not believe that anyone outside the building would have been able to see in due to this aluminium. There was also a doorframe without a door which led onto another room, rather than outside the building. This doorway was the only source of light into the room. Once we entered the room, I noticed that it smelled very bad and was dirty. The room had a mosaic flooring and had no furniture in. I understand from my solicitors that I have previously stated in the statement I gave to the RMP on 22 September 2003 that I saw an angled metal bar on the floor when I entered this room. However, due to the passage of time, I am now unable to recall whether this was on the floor of the room at this point.

25. All of us who were brought from the Hotel were taken into the same room, apart from D003 who joined us later after taking the soldiers to C001's house. I knew that D003 had been with the soldiers to C001's house as he had spoken to the British soldiers whilst we were still at the Hotel to explain that he knew where C001 lived and offered to take them there. I also asked

Kifah Taha where D003 was at this point and he explained that D003 had gone to show the soldiers where C001's house was.

26. I do not recall being asked my name or details about where I lived during my time at the detention centre. Nor can I recall a soldier entering the room, removing my hood and taking a photograph of me on my arrival or two soldiers entering the room and medically examining us. It is possible that these things happened but I do not remember them.
27. The soldiers made us stand in a circle formation facing inwards. I think that there were about 6-8 soldiers in the room at this time. One of the soldiers placed 3 sacks over my head to cover my face. I could tell there were 3 sacks as I felt them being put on me 3 times. I did not like this at all as not being able to see made me feel totally disorientated and scared. I was then forced to stand beside my colleagues against a wall in the room. My hands were untied from behind my back and were retied in front of my body.
28. The British soldiers then forced me into a position whereby I had to bend my knees and stretch out my arms in front of me with my back against the wall. The soldiers would physically force me into this position although there was also a translator present to translate their instructions. If I dropped my arms at any point, the soldiers would punch me all over my upper body and kick me with their boots. It was very hard to maintain the position and after a while I began to collapse. When I fell to the floor, a soldier would tighten the ties of the hood around my neck and then pull me up by the ties so that I felt strangled, then the same process would be repeated.
29. The soldiers were constantly shouting at us and everybody was terrified. I knew that the soldiers were attacking my friends because I could recognise the tone of their voices when they

moaned. I could also hear the sound of the punches and kicks. In total I estimate that I was forced to remain in this position for approximately 2 or 3 hours.

30. It was very hot in the detention facility and I was very tired from being beaten and trying to maintain the stress positions. The soldiers eventually realised that I was exhausted and supported me so that I was standing. They removed one of the sacks from my head, leaving two still on.

31. I was very badly beaten all over my back and my torso. I could sometimes feel 3 people kicking me together.

32. When I asked for water, the soldiers sometimes ignored me. On those occasions when I was given water the soldiers would remove the sacks from my face and would pour hot water into my mouth then cold water over my head. The water that they did give me to drink was never enough to quench my thirst.

33. Later in the day we were forced into a different stress position, sitting down. This time, I had to sit down with my back against the wall and stretch my arms out in front of me. I realised that this meant that I was facing the centre of the room, although I could not see this or anyone around me due to the hood. If I did not keep my arms in this position then I would be hit on my back around my kidneys and on my body.

34. At some point we were brought some food, although I am not absolutely sure that this was on the first day. The food was a yellow substance and I did not eat it. I knew that the food was yellow as they raised my hood a little so that I could see it. This was the only time that we were allowed to rest our arms, but my hands were still tied. I tasted the food that was given to me but was unable to eat it as I was in too much pain, I was too scared

and I did not know if the food was Halal or not. I understand from my solicitors that I said in my statement to the RMP on 22 September 2003 that I did eat the food. However, although I tasted it, for the reasons I have given above I did not actually eat more than was enough to taste.

35. Following the period of sitting down we were made to stand up again. We were forced back into the same stress position as before, that is knees bent, arms outstretched and back against the wall. Again, if I dropped my arms I would be hit. As well as this it seemed that we would be beaten in any event, even if we followed their instructions.

36. On that first day I was hit for a long time. As soon as I dropped my hands from the stress position I would be hit and I was beaten many times. The soldiers kept shouting at me, however, this was in English and I could not understand what they were saying as an interpreter was not always present. The punches hurt a lot and I was continuously praying Al-Shahadeh (the special Islamic prayer one is meant to say before death). I was not praying out loud. I was simply repeating it over and over down inside to myself as I thought I was going to die at any point and not be able to pray Al-Shahadeh before I died. I could also hear screaming and cries from my fellow workers. I would hear them being hit and then hear them cry out. I did not ask the soldiers if I could pray as I could not have prayed at this point as I had been soiled by the dirt from the toilet at the Hotel and felt impure. I could not pray until I was clean again.

37. I found it difficult to breathe with the hoods on but I did not tell the soldiers that I was having problems breathing because even if I had they would not have done anything to help me. I had never previously experienced any problems with my breathing prior to my arrest by the soldiers.

38. It was very difficult to go to the toilet with my hands cuffed, especially if I wanted to pass stools. I went to the toilet only once during my detention. The soldiers refused to take me any other times, but I managed to control myself and didn't soil myself. When I was taken to the toilet my hoods were lifted above my eyes so that I could see where I was walking and look around. The toilet I was taken to was a portaloo and was next to the room in which I was being detained. It is my recollection that the portaloo was in the same building as the room in which I was detained.

39. On 3 or 4 occasions the soldiers would climb on top of me (sometimes sitting on my shoulder) and pass wind, which seemed to greatly amuse them. On one occasion, when I fell to the ground, many soldiers sat on top of me. I found it extremely difficult to breathe and I also suffered a split in my anus as a result of this treatment. I cried out in pain and anguish and I was also very ashamed and embarrassed.

40. I was not allowed to sleep during the evening. By this time I was collapsing regularly but the soldiers would still pick me up and continue to beat me if I could not keep my arms outstretched and my knees bent. I could not sleep, as I had to remain in this position.

Questioning

41. During the first day, a soldier dragged me by my collar to another room to be questioned. I sensed that this was another room as, although I was hooded, I could no longer hear my colleagues. I had taken so many hits that day.

42. When we arrived in the room, the soldier removed my hoods. There was a British officer, a translator and two other soldiers in

the room. At this stage I had taken so many hits that I cannot remember the officer interrogating me clearly because I was exhausted. I recall him being a tall, well built man with a bit of a belly. I was instructed to constantly look into the eyes of the interrogator. The interrogator asked me about C001, who he was, what he worked as, and things like that.

43. I did not mention to the interrogator that I had been beaten because he was shouting at me and I was scared to say anything. I estimate that the interrogation lasted for approximately 10-15 minutes.

44. I recall that the interrogator showed me the photographs of staff posing with weapons at the Hotel. This was the first time I had seen these photographs. I was so terrified that I do not think I said anything. The soldier interrogating me then became angry and gestured to a soldier to take me away. The soldier who had brought me into the interrogation room pulled the sacks back over my head. On the way back from the room the same soldier pulled me by my collar and hit me several times on the right side of my head, which I believe caused the deep cut above my right eye which was one of the injuries shown on the photographs displayed at the Court Martial. I am unable to describe this soldier but I believe it was the same soldier who put the hood back on my head and then punched me repeatedly in the head as he was the one dragging me back to the detention room. As I was being dragged back to the detention room my tracksuit bottoms fell down and my backside was exposed. My hands were tied and so I was unable to pull them back up. I was dragged back to the room where I was originally detained. I noticed on the way back to the room that it was now dark so I assumed that it was night time.

45. Once back in the room I was forced to sit down with my hands and arms stretched out again. If I dropped my hands I would be hit

again. I recall that D004 somehow managed to help me pull my trousers up. In all of this I felt that I was being played with like a ball. A soldier began to hit a metal pole against the tiles on the floor and walls causing a lot of sound whilst he was constantly shouting in English. The soldier was shouting "no sleep, no sleep" again and again. I could not understand what he was saying, but from the noises he was making I guessed this meant that as it was night time the soldiers were trying to prevent us from sleeping. I also whispered to one of my colleagues asking what the soldier was shouting and he explained what it meant in Arabic. I cannot recall which of my colleagues explained this as it was dark and I was hooded. It certainly was apparent that they were trying to keep us all awake and did not want us to get any rest.

46. The soldier who was shouting and banging the metal pole against the floor then hit me with the metal pole twice on my back and shoulders while I was sitting down. I believe that this was the same soldier because he was very noisy and I could recognise his voice as he never left the room. I would hear his voice coming close to me and then I would be hit. I knew that it was a metal pole from the sound it made when it struck the floor and the feeling when I was beaten with it. As I have stated above, I understand from my solicitors that I said in the statement I gave to the RMP on 22 September 2003 that I had seen an angled metal bar on the floor when I was first taken to this room. However, I do not now believe this to be the case. In fact, I do not know where this pole came from.

47. As I say, during the first day the soldiers constantly beat me using their fists, boots and, at times, a metal bar – which I could feel on my back. There was absolutely no let up, not even late at night. Their aim must have been to hurt us and to prevent us from sleeping throughout the night. By the end of the first day, I was

exhausted, weak and badly injured. I could barely stand up or speak.

DAY 2 - 15.09.03

48. I could tell that it was the following morning despite wearing 2 or 3 hoods because I could hear birds chirping. The same treatment as the previous day continued. We were made to sit or stand with our arms outstretched whilst hooded and cuffed. Again, as soon as we dropped our hands we would be hit. We were given the same form of punishment - that is, sustained and relentless beatings, punches and kicks using fists, hands and boots.

49. I recall that one of the times I collapsed the soldiers took off one of my hoods. I think they only did this once, although I cannot remember for sure.

50. I recall that at some stage during the second day I was provided with a meal. This consisted of a yellow foodstuff, which I did not recognise. I believe that this meal was served early in the afternoon. My solicitor read out the following paragraph from my RMP witness statement dated 22 September 2003 *"I ate another meal sometime during the afternoon that consisted of soup and the same type of yellow food that I have already described. After the second meal they took the bags off my head and they were not replaced."* This is incorrect. On the second day I recall a soldier lifting my hood and providing me with a meal. I did not eat this meal however, partly because I did not know what it was and partly because I was too exhausted and scared to eat. Following the 'meal' my hoods were replaced again and only taken off later that night after the events I describe below. At the time of my interview with the RMP in September 2003, I was tired, injured and scared. As I recall, I told the interviewer that I had not eaten this meal - maybe there was a problem with the Egyptian translator not

understanding my dialect or maybe I was not totally clear due to the ordeal I had just been through.

51. The hood was not completely removed and I was still restrained by plastic handcuffs. At this time I recall seeing a soldier with very short blonde hair. He had white skin that looked sunburnt and he was wearing a white T-shirt with military trousers. The soldier was approximately 5'4" tall and aged between 25-30 years old. I recognised this man's voice to be the voice that had been screaming and shouting during my detention. As I describe above the man who was screaming and shouting also hit me with a metal bar twice. This soldier continued to shout in my ear when my hood was removed but I could not understand what he was saying. When I didn't eat anything, the soldier pulled down my hoods again.

52. I was interviewed by the RMP following my release and I provided them with a witness statement dated 25 January 2004. I recognised the soldier in DVD two, position 8 as the person who shouted at me as I describe above. As I state above this man also hit me with a metal bar. I was subsequently informed at the court martial that the soldier I had identified was called Corporal Payne. I shall refer to him as Soldier A.

53. During the evening of the second day I again collapsed through sheer exhaustion and pain. This was the time that I saw my death. Then one soldier picked me up and punched me in the mouth with such force that he broke 3 of my teeth. I cannot describe the pain I felt at the time, I cried out in agony and could not understand why I was treated with such contempt when I had done nothing to deserve such treatment. Nobody deserves to go through what my colleagues and I went through over the three days in the detention facility. I cannot believe I encountered such cruelty and lack of regard for human life whilst in the custody of British soldiers, the

supposed "liberators" of the Iraqi citizens. After being punched in the mouth I really thought that I was about to die and again said Al-Shahadeh.

54. Baha Mousa was in the same room as us on the first day but during the second day he was taken to another room. I could hear him and it sounded like he was in the next room. During the evening of the second day, I heard Baha Mousa screaming, *"Oh my God, I'm going to die, I'm going to die. Leave me alone. Please leave me alone for five minutes. I am very tired, I am going to die"*. He was screaming all the time and I heard him many times. I could also hear the soldiers shouting at him in English. At the time I wondered why Baha Mousa was being singled out for particularly bad treatment. Baha Mousa was shouting, "just let me rest for a minute or two." I could hear voices I believe to be English shouting at him but I do not know what they said. After the screaming stopped I did not see or hear Baha again, but I did not yet know that he was dead.

55. After this happened at night, the soldiers removed my hood, my hands were completely untied. After the hood was removed, I was sat facing the wall when about ten minutes later the other people in the room started to shout "Baha, Baha", over and over. I looked around and saw D004 lying on the floor in the room to my left. When D004 fell to the floor, a male in a white T-Shirt ran in to the room and looked at D004. He left and returned with four soldiers and carried D004 away on the stretcher. I did not see D004 in the room again and later learned that he had collapsed due to the pain in his kidneys that evening and was sent to the medical centre.

56. That night, we were allowed to sleep on the floor. I lay down and saw that there were four other people in the room with me. They were D001, D003, Ahmad Taha and Kifah Taha. I went to sleep

but I could not get comfortable because of all my injuries from the beatings.

DAY 3 – 16.09.03

57. On the third day of detention, the soldiers provided us with some food. This consisted of spicy beans and the yellow food. Again, I did not eat this meal. I knew that the beans were spicy as Kifah Taha ate some of the beans and said that they were very spicy. I do not like spicy foods as they give me great stomach pain and so I did not eat this meal. I was still un-hooded and un-cuffed at this point. After the meal a young soldier approached me, ripped my tracksuit top open and began to play with my nipples in a seductive manner. This soldier to the best of my recollection was approximately 20 years old, wearing military uniform, approximately 5'4" – 5'6" tall, had green eyes, blonde hair which was short on the sides but longer on top and he was of slim build.
58. There was a group of soldiers in the room at this time and they just watched and laughed as he did this. I cannot describe these soldiers but might recognise them if I saw them. I felt humiliated and upset as I felt that I had done nothing to deserve this. I was depressed. I am a Muslim and this was against my religion. The soldier was speaking but I could not understand what he was saying. He was talking in English and making fun of me and laughing. The whole incident lasted for something like 5 minutes.
59. Following this, the soldiers made us do some 'sports'. They ordered us to run outside and back in again and to dance like Michael Jackson. We were not able to walk by this stage and were pulled about by the soldiers. They dragged us back and forwards. This was outside in the detention compound and, as we were not hooded then, we could look around and see all the buildings. I understand from my solicitors that my RMP statement of 22

September 2003 mentions that my hands were retied after the exercise. This is not correct, and I can only imagine that the Egyptian interpreter in the RMP interview did not understand. Only D004 's hands were retied after the exercise. Mine were not. I do not know why his hands were retied at this stage and they were only untied again once we reached Camp Bucca.

60. On the morning of the third day, we were transferred to the Umm Qasr Detention Facility (Camp Bucca) in a military vehicle that was similar to the one that had taken us to the detention facility on Sunday 14 September 2003. I had been beaten so badly during my detention that I could hardly walk towards the truck and two of my fellow colleagues had to help me by supporting me on either side. I think that I was one of the most badly beaten detainees.

61. Throughout my detention, I never put up any resistance to the British Army, either at the Hotel Al-Haitham or at the British Army detention facility. We were outnumbered, frightened, exhausted, hungry, disorientated, hooded and our hands were tied, so it was not even physically possible to put up any form of resistance.

CAMP BUCCA

62. Upon my arrival at Camp Bucca (Umm Qasr) I was placed in the silent camp, "Al Samita," which was run by the Americans. On my arrival I recall that I was seen by either an American or Canadian doctor. I told the doctor that I had been beaten and kicked repeatedly and that I was suffering from backpain. The doctor checked me over but did not give me any treatment for my injuries.

63. Within a week a British officer called "Andy" ordered for us to be seen by another medical officer. I was seen fairly quickly by a doctor from the British Army. I complained of severe pain in my ribs

and back and difficulty in breathing. He told me that I needed stitches for the cut above my eye and recommended that I be sent to hospital for some tests. I was given some medication but I am not sure what this was, they were white pills – possibly tranquilisers, but they did not alleviate my pain or help me sleep.

64. At Al Samita I was not allowed to communicate with the other detainees until we had all spoken to the British Royal Military Police ("RMP"). I stayed at Al Samita for 13 days. At this camp as well as not being allowed to talk to anyone, we had to put our hands up if we wanted to pray or go to the toilet.

65. Whilst I was at Al-Samita I was visited by a member of the British Royal Military Police called Andy. I was asked what I did for a living, how long I had worked at the Hotel, how many children I had. I was also asked about my treatment at the detention centre at Basra and about how I was being treated at Camp Bucca. During the course of my first interview they showed me a picture of Baha Mousa and asked me if I knew who he was. They then told me that he was dead. I was so distraught by this news that I collapsed.

66. After my stay in Al Samita, I was sent to Al Shu'aiba Hospital in a military vehicle, the journey took about 45 minutes from Camp Bucca. My colleague, D001, was also taken there with me at the same time. At Al Shu'aiba Hospital we saw Kifah Taha Al-Mutairi. He was lying down, wearing an oxygen mask and he talked to us very briefly. I still had a deep cut above my eye but it was not sewn up. My main pain was around my back and torso and I could not sleep at night. D003 was also at the hospital. Despite the pain I was in, D001 and I only stayed at the hospital for about 15 minutes. I think they thought we were terrorists as they refused to examine or treat us, almost as soon as we arrived there. Instead we were just sent back to Camp Bucca.

67. This time I was in a different tent, not in Al Samifa. I was allowed to sit down there and given two meals a day. I was not beaten, nor was I asked about C001 or whether I was a Ba'athist etc. I was not told why I was still being detained. I was held initially in Camp 2 where I was interrogated for one night. I was asked if I knew anything about the problems with the restaurant at the Hotel between [REDACTED] and C001 and his family. [REDACTED] rented the restaurant at the hotel from C001 and there had been a problem between them. I was asked about this and I told the soldiers what I knew: that there had been a problem between them but that I did not know what this problem was. This was the only interrogation which I was subjected to at Camp 2. I was then taken straight away to Camp 8 and was held with the rest of the group there.

68. After my wife eventually found out where I was being detained, she came to visit me once every 15 days. My mother also visited me once, as did one of my cousins.

69. To the best of my recollection, I was eventually released in December 2003, approximately 3 months after my detention. The group were released before I was as it seemed the soldiers forgot that I had been part of the group with the rest of the Hotel staff. Ahmad Taha had to explain that I had been left behind and I was then released shortly afterwards.

70. On 14 February 2006 I was shown a video by the RMP labelled DAS/1C. I was able to recognise myself on the footage as the person on the far left of the room, to the left of the window.

COURT MARTIAL

71. Some time after the incidents I have described I attended the Court Martial in England to give evidence. At the court martial I did not feel that anyone was on our side apart from one prosecutor. I also felt that we were not well represented. The court martial was a farce – they said that only Corporal Payne beat us, but they all did. I also recall being asked a lot of detail about what happened at the Temporary Detention Facility. I struggled with some of the questions as they were very specific and I could not recall everything with exact clarity, over 3 years after the event.

CIVIL PROCEEDINGS

72. After the Court Martial, my UK lawyers brought proceedings against the British Government to try to get compensation for the injuries and losses we had suffered as a result of our detention. I made witness statements for the purposes of these proceedings on 7 June 2007 and 31 May 2008. In its Defence in the civil proceedings, the Government accepted that we were hooded, cuffed, placed in stress positions and beaten by soldiers, but it is suggested that we have exaggerated the ill-treatment. I totally deny this. I have only ever told the truth about my treatment by the British and have never exaggerated anything about my time in detention and the beatings I received.

73. I attended a mediation meeting with the other detainees and representatives of the British Government and we agreed to settle our claims in return for the payment of compensation. I agreed to this because I wanted to have a chance to re-build my life and repair the financial hardship caused to my family as a result of my detention, but it meant that there was no further hearing at which we could learn more about who was involved in our detention and why we were treated as we were.

PREVIOUS STATEMENTS

74. I have been asked by the Inquiry when I made certain statements made to the RMP. I can confirm that I made statements on 22 September 2003, 25 January 2004 and 14 February 2006. I was very intimidated whilst giving the statement on 22 September 2003 and also very afraid that I might be taken back into the Temporary Detention Facility. Given the extent of the harrowing ill treatment, abuse and humiliation I suffered at the hands of British soldiers only a short while previously, I was terrified that I would be beaten by the Royal Military Police as well, as I felt that they were really on the same side. Therefore I limited the information I provided them and did not tell them the full extent of the abuse and injuries I suffered. I was also feeling very physically poor. I also believe that the Egyptian interpreter present and translating did not fully understand some of what I was saying. As such, I cannot be sure that this statement is in fact full, true and accurate, although I intended it to be so.

75. I have also been asked by the Inquiry whether I participated in a tape recorded interview with a man called Mazin Younis which was later referred to in the Court Martial proceedings. Although I would recognise the man who interviewed me again, I was unable to remember his name until reminded by my solicitors or when this interview was held. It was quite some time ago and I have been questioned about the incident many times by many different people. This interview, though, was intended to be a full, true and accurate account of the events I have described.

76. I have been asked further by the Inquiry whether I gave the statements referenced PIL000454 and dated 11 May 2004. This statement has been read back to me by my solicitors and I confirm that I did indeed make this statement.

IMPACT OF DETENTION

Physical Health

77. As a result of my detention at the British detention facility, I suffered broken ribs, 3 broken teeth, intense pains in my legs and severe bruising on my face and torso. Since my detention at the British facility, I have also started suffering from sinusitis – with a constant blocked or runny nose, which is often accompanied by a headache. As I have stated before, this was not a problem from which I had suffered previously. Sometimes it is so bad that I end up staying in bed for 2 days. I initially took medication to help with this problem but, as this did not seem effective and was expensive, I stopped going to the doctor.
78. After my release I was generally physically weak and suffered from aches all over my body. I was not physically able to help around the house, assist with household chores, take care of my son or go to work.
79. My wife, [REDACTED], noticed the damage to my anus shortly after I was released from detention. [REDACTED] enquired about an appropriate doctor for me to visit. When I went to the doctor [REDACTED] had found for an examination, I described what had happened to me at the British detention facility. He told me that when the soldiers had piled on top of me when I had collapsed to the floor one time, the lower part of my back had been loosened, which in turn had caused the split in my anus. The doctor said that he could conduct surgery which could help, but I couldn't afford it. I had already paid the doctor for the examination and could not afford the surgery. As he told me that there was no medication to help me I did not return to see him again.
80. I spent a year at home following my release not working. It took a long time for me to recover physically and mentally.

81. During the Court Martial I looked at a number of photographs of myself following my arrest and they showed that I sustained a cut above my right eye and a bruise below it. I had bruises on my left shoulder and right arm above the elbow. There was also severe bruising to the right side of my waist and bruising to my back. There was also other bruising caused by the hits and kicks.

82. As well as the above, following my detention I began suffering from erectile dysfunction. A doctor examined my sperm levels and told me that I had a low sperm count as a result of my abuse. This problem had a severe impact on my sex life and caused me and my wife considerable distress. I underwent a course of injections from February 2007 and by approximately June 2007 the problem had got much better and I would describe myself as almost back to normal. As a result of the treatment my sex life improved [REDACTED]

83. I went to see a dentist in Iraq in 2007 and was told it would cost 500,000 dinar to fix my teeth. Sadly, at the time, I could not afford this sum.

Psychological health

84. The psychological impact of my detention by the British Forces has been immense. I feel that my life has been turned upside down as a result of my arrest. I feel that, even though the war has had a negative impact on my life, this incident has had a much more detrimental effect on my family. I am still at a loss to understand why I was arrested and why I was beaten, given that at no point was I uncooperative. I feel that during my detention at the British Army head quarters, I was treated worse than a dog would be in the United Kingdom.

85. I will never forget the screams of Baha Mousa, who was a good friend to me. His screams on the second day, which was I think the day he died, will haunt me for a very long time. I suffer also from flashbacks of when I was hooded and beaten at the detention centre. For about 7-8 months after my release I suffered from frequent problems sleeping, with nightmares and flashbacks. During this time, I would often wake up at night to find myself trembling and my wife holding me asking me what was wrong. I would feel ashamed at her seeing me like that. I would be scared if I heard a loud car coming down the street, in case it was a military vehicle coming to take me away. I still find myself very tearful even though my detention happened almost 4 years ago when thinking about what happened. I no longer suffer from flashbacks during the day, but still get nightmares sleeping almost every other night. I see the soldiers coming to me and arresting me, punching and kicking me with their steel-capped boots.

86. As part of the civil proceedings mentioned above, I was medically assessed by psychiatric expert, Dr M A Essali in June 2007. Dr Essali concluded that I was suffering from PTSD and severe depressive episode. I exhibit a copy of Dr Essali's report dated 8 October 2007 as Doc 1 . I confirm for the Inquiry that I hold no further medical reports relevant to the injuries I sustained as a result of my arrest and detention by the British Army.

Impact on Family

87. My detention also had a detrimental impact on my wife's health. [REDACTED] was 3-4 months pregnant with our second child when I was arrested. She was not told that I had been arrested. After hearing that I had been taken from the hotel, she went around from place to place trying to find me. She eventually found out that I was at Camp Bucca after 15 days. [REDACTED] gave birth [REDACTED]

after I was released from detention but, tragically, our baby died after 5 days. Before my detention the pregnancy had been going well and we had not been told of any problems. We were told that our baby had died due to the stress [REDACTED] was under during her pregnancy searching for me. We were told that the baby was very weak as [REDACTED] was very weak, and she was born with jaundice.

Employment and Income

88. I was unemployed for a year following my release. My family endured much financial hardship as a result as my wife and son were wholly dependent on my income. When my physical and psychological health improved gradually, I began searching for a new job but it was very difficult. My reputation had been tarnished because of my arrest and people assumed that I was a criminal or that I was a supporter of Saddam Hussein.

89. I managed to find some casual work for a while until, in June 2005, I was offered the position as [REDACTED] for a private company in Basra.

90. In September 2006, I came to the UK to attend a court martial in relation to Baha Mousa's death and our treatment during detention. I ended up staying in the UK for approximately one month and, when I finally returned, my employer had hired someone else in my absence.

91. From October 2006 I could only find [REDACTED] In approximately March 2007 I again managed to find a job working for a private company as [REDACTED] but sadly I lost this job in July 2007, because my employer offered my position to one of his relatives. From July 2007 to February 2009 I searched for a permanent position. I applied for many positions such as [REDACTED] [REDACTED] or something else but their answer was always the same – I

permanent position. I applied for many positions such as [REDACTED] or something else but their answer was always the same - I was too [REDACTED]. As a result, I had to go back to [REDACTED]. As before, I had to rely on friends and relatives to help me find work.

92. Approximately one month ago I bought a vehicle, which is slightly bigger than a pick-up truck but not as big as a lorry. This vehicle means that I can now get work [REDACTED]. The work is still casual but at least it is more stable than my previous work.

CONCLUSION

93. I am willing to give evidence in this Public Inquiry as I want the inquiry to bring us justice. Since I was a child I have always been a peaceful person. The people in my area ask me why this happened to me when I am such a decent man. To this day I do not know the answer. I want to prove to the world that we are all innocent and that they tortured us without any reason. We are simple, normal people who suffered under Saddam Hussein and then the soldiers came and made our lives even worse. I want the criminals who beat me to be prosecuted fairly and be convicted. If not, I would like to meet the Queen of England and tell her what her soldiers

Statement of Truth

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

D002

Signed [REDACTED]

Dated 2009/6/19.....

This statement was read to and approved by D002
on 4 June 2009.