

The Baha Mousa Public Inquiry

Inquiry Chairman: The Right Honourable Sir William Gage

SUMMARY OF PROCEEDINGS: MONDAY 16 NOVEMBER 2009

DONALD PAYNE

- The witness stated that detainees remained the responsibility of the guarding multiple. He and Sgt. Smith were responsible for the TDF.
- Baha Mousa detainees were treated quite differently to other detainees, e.g. visitors were allowed into TDF.
- The witness had heard rumours about detainees after they'd been brought in. Maj. Peebles said they could have been responsible for the deaths of the RMP.
- He (Payne) and the guard shouted at the detainees to keep them awake.
- The witness admitted lying in the interviews and statements made after his arrest and at the Court Martial. His most recent statement to the Inquiry was true. He now admitted using a greater degree of force towards the detainees, including kicking and punching. He did this because he thought they'd murdered the RMP. He saw all the other members of the multiple using violence, e.g. forcefully kick and punch detainees. This included Lt Rodgers, and the whole multiple except for the drivers.
- The witness admitted prodding the detainees but denied performing the 'choir'. He never saw any injuries on the detainees.
- The detainees were given a beating but not constant. The length of time the detainees were kept in the stress positions concerned him and he raised it with Maj Peebles, who said he wanted 'the shock of capture' to continue.
- He was aware an iron bar had been used in the TDF on Monday morning, he threw it out. It could have been used as a weapon. Sgt Smulski (the TQer) had brought it in.
- The witness recalled some RMPs trying to get into the TDF. He told them not to go in.
- He was not aware of any visits by medics to the TDF, until Baha Mousa's death.
- Maj Peebles came to TDF a number of times. He made no comment on state of TDF and/or detainees.

- He was told that Baha Mousa was causing trouble on Sunday tea time, and told Maj Peebles. He told the guard to keep an eye on him. Baha Mousa kept getting out of his plastic cuffs. As a result he (Payne) placed Baha Mousa in the middle room – this was Monday afternoon. The decision was made by TQer, Smulski.
- He described encountering Baha Mousa coming out of the left-hand room with no hood or cuffs. He (Payne) brought Baha Mousa to the ground. Cooper helped to put cuffs back on. Baha Mousa was thrashing about. Payne had his knee in Baha Mousa's back to control him.
- Payne heard Baha Mousa's head whack the floor or wall, didn't see where head struck. Baha Mousa stopped thrashing about. Payne sent for a medic; Baha Mousa has a pulse.
- He denied getting hold of Baha Mousa's head and banging it against the wall. He told the adjutant what had happened – Baha Mousa was dead and he couldn't believe it: 'he only banged his head.'
- Monday morning, he went to the TDF. Lt Rodgers was in middle room with 'young lad'. Open jerrycan of fuel in front of him – poured water over lad's head. Then lifted hood and lit a match. Other members of multiple there – had gone hysterical.
- Payne not aware of visit to TDF by CO. 3 days after Baha Mousa's death, CO came to TDF. Told him what had happened. 'Hope that's right, end of my career or yours'.
- Video does not show humane treatment. No idea who took film. Didn't know it was being taken at the time. Early Sunday morning.
- Saw (and used) racist language being used towards Iraqis, e.g. 'apes'. Widespread, officers saw it.
- Payne not lying about incident with Col Mendonca. Witnessed by other soldiers and two journalists.
- Payne described behaviour in video as appalling. Would like to apologise to detainees for appalling behaviour.
- Purpose of hooding was to disorientate

Christian Stout

- Mr Stout joined the army in Dec 1995 and now serves as a sergeant.
- He worked and slept in the stores closest to the TDF. He was able to hear moans and groans from the detainees.
- He was aware of a general rumour that the detainees had been involved in the killing of RMP officers.

Stephen Woods

- Mr Woods joined the army in Dec 1998 and now serves as a corporal. During Sept 2003 – at the age of 21 – he was in the Hollender multiple 30A.
- He said that he had no conversations with Pte Lee about event in the TDF.
- He did not take – and has not seen – a video clip of ‘the choir’.

SUMMARY OF PROCEEDINGS: TUESDAY 17 NOVEMBER 2009

Dr Deryk James

- Dr James is a pathologist whose report comments on the findings of the post mortem examinations of Baha Mousa.
- He confirmed that all 93 injuries were ‘blunt impact’ injuries likely to have been caused by sustained assault, carried out within the 48 hours prior to death.
- Likely causes of death are a combination of high temperature and humidity, lack of food and water, entrapment, plus, crucially, the stress of restraint and assault.

Dr Ian Hill

- Dr Hill is a pathologist who carried out the post mortem examination of Baha Mousa.
- He described the cause of death at the time as :
 1. ‘Ligature strangulation and postural asphyxia
 2. Multiple injuries’.
- Dr Hill provided a written provisional view of the cause of death to the RMP. He did not complete the final, formal death certificate.

- Dr Hill had examined other detainees and produced a written report of their injuries. The report concluded that many of the injuries were consistent with detainees being punched and kicked.

SUMMARY OF PROCEEDINGS: WEDNESDAY 18 NOVEMBER 2009

Steven Paul Winstanley

- Two weeks of training as a medic including training in the use of FMed5 to be made out in a clinical situation for soldiers. No training in handling Detainees until went to Iraq where things were different.
- In Iraq, primary role in Regimental Aid Post (RAP), most junior member of the team. Described the layout of the medical centre at BG Main. Main recurring problems were heat exhaustion and soldiers were encouraged to drink copious amounts of water.
- No rules laid down for the treatment of detainees usually examined on arrival – basic checks and looked out wounds to bodies and faces to make sure they were fit but never encountered anyone who wasn't fit to be detained.
- On visits to TDF witnessed detainees hooded and tagged. Never saw detainees in stress positions but would have thought it was the normal position. When examining detainees F Med5s were made out at the time, checked 8 detainees for forty minutes – no F Med5s but fit for detention.
- Examined Baha Mousa when called to do so, exact same checks as before, made out F Med5 – no bruises or other injuries.

Staff Sgt. Steven Winstanley

- Staff Sgt. Winstanley joined the army in 1998 and is a serving soldier. In Sept 2003, he was a medical corporal attached to 1QLR.
- On the Monday in Sept 2003, he was called to the TDF to help to treat a detainee who had a heart complaint. Mr Winstanley examined the detainee, described as an old man who would not give his name.
- He was called to the TDF by a guard to attend Baha Mousa, who was taken by stretcher to the medical centre. During unsuccessful attempts to revive Baha Mousa, his injuries on his torso were visible to Mr Winstanley.

- Following the death of Baha Mousa, dramatic changes in medical assessment procedures were implemented.

Sgt. Ian Goulding

- Sgt Goulding is a serving soldier, who joined the army in 1987, aged 16.
- He saw detainees hooded and in stress positions.
- He was in the medical team that tried unsuccessfully to revive Baha Mousa in the medical centre.
- Accepts that there was a failure of responsibility in not ensuring that other detainees were medically checked immediately after Baha Mousa's death.

SUMMARY OF PROCEEDINGS: 19 NOVEMBER 2009

Stephen Saxton

- Witness described his role in Iraq as an admin sergeant and ambulance driver. As security sergeant, he planned the routes for vehicles. No duties involving civilian detainees.
- Witness wasn't able to help the Inquiry with the identification of the medical team or the location of the RAP. Mr Saxton confirmed he helped carry Baha Mousa to the RAP and helped with CPR attempts to resuscitate him. After his death, Baha Mousa's body was taken to the British Military hospital at Shaibah.
- Mr Saxton described the injuries he had seen on Baha Mousa's face and some bruising but didn't see the body after it had left the RAP.

Kevin Armstrong

- Witness explained the hierarchy of army medics and his training as a CM2. Seconded to QLR working for 3 weeks in BG Main. No experience as a medic in dealing with civilian detainees and no reference in training.
- Witness described the layout of the RAP and confirmed that the lighting was good. Only saw detainees when brought into the treatment room. Asleep when Baha Mousa brought in. everyone helped with the resuscitation in rotation for 30 or 40 minutes.

- Witness saw Baha Mousa's injuries – swollen arms/wrists and bruising about his body. Placed in a body bag and assisted with the general tidying up of the treatment room. Debriefing took place and RMP involved very quickly.
- Two more detainees seen by medics after Baha Mousa's death – went into one of the rooms in the TDF. Where there were more than three hooded and hands out in stress positions. Two guards on duty at the same time. Patient riding around on the floor – stretchered to the RAP for examination.
- The witness described the circumstances in which a second and third detainee was treated in the RAP following the death of Baha Mousa. Two incidents very close together.
- All detainees were re-examined the following day – Tuesday in the TDF.

Edward Knight

- Explained his role in Iraq as driver to the Regimental Medical Officer (RMO) which involved involvement with RAP. No medical training but annual refresher on law of armed conflict. Detainees to be treated humanely and gave them what they needed.
- Confirmed that he saw detainees hooded and tagged when they first arrived coming off the lorry. Not aware of any stress positions or any ill treatment of detainees in the TDF.
- Called by QLR soldier to get a stretcher. Went to RAP and informed medics. Went to TDF with stretcher and Baha Mousa was put on the stretcher and taken to RAP. Didn't see body of Baha Mousa again.