

Iraq Historic Allegations Team: Work completed

| | IHAT Investigation Number | Review/Investigation Result |
|---|----------------------------------|---|
| 1 | IHAT/82 | <p>The IHAT has carried out enquiries to establish the circumstances surrounding the death of 57-year-old Mohammed Al Kanaan in April 2003.</p> <p>Mr Al Kanaan was arrested by British Forces and taken to Camp Freddy, near Umm Qasr, 44 miles south of Basrah. The IHAT investigation has established that whilst in custody, Mr Al Kanaan experienced heart problems. He was taken to a medical facility at Al Zubayr Port, but doctors were unable to save him.</p> <p>It has been decided that there is no criminal case to answer in this instance.</p> |
| 2 | IHAT/83 | <p>This investigation concerned an allegation relating to the death of a Prisoner of War in April 2003. He was shot during an altercation in the compound and died of his wounds.</p> <p>IHAT concluded that there was no British involvement in this case as the prisoner of war camp was under the control of the US military forces. The IHAT will seek to establish contact with the relevant US investigative agency to discuss the possible handing-over of the case to US authorities.</p> |
| 3 | IHAT/84 | <p>The IHAT was tasked to review an RAF Police investigation into an allegation relating to the death of a Prisoner of War (PoW). He died whilst being transported along with nine other PoWs in an RAF helicopter to a Coalition base.</p> <p>The review has been completed and presented to the RAF Police for consideration. Provost Marshal (Royal Air Force) has directed further investigation.</p> |
| 4 | IHAT/85 | <p>The investigation into the death of Mr Ahmed Jabaar Kareem Ali considered an allegation that the deceased drowned on 8 May 2003, as a result of the behaviour of the British soldiers who had detained him earlier that day.</p> <p>The decision has been made to discontinue any further work on the case after the investigation identified there was no prospect of gaining any new or compelling evidence to go any way to altering a previous decision made by the courts martial.</p> <p>All material gathered during the course of the investigation will be passed to the MOD for its decision as to whether there should be any further, non-criminal, inquiry into the circumstances of his death.</p> |
| 5 | IHAT/93 | <p>This investigation considered the death of Mr Waleed Fayay Mezban, who was shot on 24 August 2003. That day a patrol of four soldiers conducted a stop and search operation on a small minibus, driven by Mr Mezban. Investigations suggest that he had a short conversation with a soldier and then accelerated away, causing other soldiers in the patrol to take evasive action. One soldier fired several shots at the moving</p> |

| | | |
|---|----------|--|
| | | <p>vehicle and Mr Mezban was injured. He died in hospital the following day.</p> <p>Following extensive enquires by the IHAT, the Evidential Sufficiency Test was undertaken and the case was referred to the Director of Service Prosecutions (DSP), under subsection 116(2) of the Armed Forces Act 2006. He considered the evidence and concluded there was no realistic prospect of conviction in relation to either a charge of murder or an alternative to such a charge and that no further proceedings would be taken against the soldier.</p> |
| 6 | IHAT/95 | <p>On 24 October 2003, a passing patrol of UK soldiers noticed a dispute between two Iraqi men by the side of the road. One of the men (Mr Sabah) appeared to be holding a pistol into the lower back of a third person (a woman) and forcing her into the back of a car. The patrol stopped and two soldiers got out of their vehicle, shouting for Mr Sabah to show his pistol and get onto the ground. Mr Sabah suddenly reached into his clothing and was seen to start to withdraw something; fearing that Mr Sabah was drawing his weapon, one soldier shot and fatally wounded Mr Sabah.</p> <p>The IHAT reviewed the circumstances of the death and obtained legal advice from the Service Prosecuting Authority. Assessing there was no credible evidence to prove the use of force was unlawful, it was decided that the Evidential Sufficiency Test to justify a charge of homicide had not been met and the IHAT investigation was discontinued.</p> |
| 7 | IHAT/96 | <p>On 29 April 2003, a Mr Atheer Kareem Khalaf was shot by a British soldier in an incident at a petrol station in Basra; he died the following day as a result of the injuries. It was subsequently alleged that this shooting was unlawful. The IHAT has reviewed the original investigation and the JCRP identified some focussed lines of enquiry, however, IHAT investigations produced no new evidence.</p> <p>Furthermore, the evidence provided by witnesses at the scene was contradictory and inconsistent. The decision has been taken that the evidential sufficiency test for a charge of murder or manslaughter against a member of British forces has not been met and therefore this case has not been referred under section 116 (2) of the act.</p> |
| 8 | IHAT/97 | <p>In April 2011 the <i>Mail on Sunday</i> sent the Ministry of Defence's media centre video footage showing the apparent abuse of an Iraqi man by British servicemen.</p> <p>One of those soldiers was identified and interviewed by IHAT investigators. He admitted to being responsible.</p> <p>He was subsequently referred by IHAT to his Commanding Officer and was fined £3,000 after a Summary Hearing.</p> |
| 9 | IHAT/102 | <p>The investigation considered the deaths of Mrs Sabiha Khuder Talib and Mr Karim Gatii Karim Al-Maliki who, it was alleged, were killed unlawfully by British troops in</p> |

| | | |
|----|----------|---|
| | | <p>November 2006.</p> <p>In the early hours of 15 November 2006, UK troops went into a residential address as part of an operation to arrest and detain Mr Al-Maliki. Once the soldiers entered the house, a gun battle ensued and both Mrs Talib and Mr Al-Maliki were shot and killed. The complaint received by IHAT alleged that Mr Al-Maliki was unlawfully killed by British Forces and that Mrs Talib had been tortured and then shot by British Forces.</p> <p>IHAT investigators reviewed the original investigations and, after consulting with SPA lawyers, completed a number of inquiries in a bid to establish exactly what happened.</p> <p>The investigation reports concluded that Mr Al-Maliki was shot and killed by soldiers acting in self-defence because Al-Maliki fired on them as they forced entry to the property. All the evidence identified in the investigation also supports accounts given by soldiers at the scene that Mrs Talib was shot and seriously injured inside the house and that she died as a result of that injury despite their efforts to give her first aid. No evidence was found to support the claim she had been tortured. It has not been possible to identify the calibre of the bullet that killed her and, therefore, to determine who fired the shot British Forces or Mr Al-Maliki.</p> <p>Assessing the circumstances, it has been decided there are no further reasonable or proportionate lines of enquiry to pursue in this case. Therefore, the evidential sufficiency test to justify a charge of murder or manslaughter against any member of UK Armed Forces was not met and the IHAT investigation has been discontinued.</p> |
| 10 | IHAT/105 | <p>During the course of an IHAT review an email was recovered which raised concerns about RAF training in the appropriate use of hooding, blindfolding and the restraining of prisoners through the use of collar and rope.</p> <p>Following an investigation IHAT concluded that there was no evidence to suggest that this inappropriate training was conducted by anyone other than one individual trainer.</p> <p>The IHAT report was forwarded to the RAF Police.</p> |
| 11 | IHAT/106 | <p>In March 2011 information was received by the IHAT that whilst on a routine patrol in the desert a serving soldier had been involved in the 'mock execution' of an Iraqi.</p> <p>An investigation was conducted and an interview under caution undertaken with the suspect. There was insufficient evidence to refer the case to prosecutors. Should any other information come to light the investigation could be reopened.</p> |

| | | |
|----|----------|---|
| 12 | IHAT/107 | <p>This investigation was launched after an email from the IHAT to RMP personnel asking for anyone who had witnessed ill treatment in Iraq to get in touch resulted in a member of the RMP responding to say that during his tour on Telic 2 he witnessed 'hooding'.</p> <p>Due to the status of the individual and the nature of his response the IHAT interviewed him under caution. He confirmed that on one occasion he had witnessed two hooded detainees and that he questioned the use of hooding at the time. He was told the individuals were militia and that it was done for security reasons.</p> <p>It was decided that, with regards this individual, the evidential sufficiency test had not been met and the investigation has been discontinued pending any further information coming to light.</p> |
| 13 | IHAT/120 | <p>On 6 November 2003, British soldiers acting on information suggesting armed men had been seen entering a property in Basrah, went to search a house. In the course of gaining entry to the premises they were confronted by two armed men, one of whom was shot and died the next day as a result of his injury.</p> <p>The IHAT have investigated the resulting allegation of unlawful killing and after careful consideration of this information and liaison with the Service Prosecuting Authority, it has been decided that there is no evidence to suggest the soldier was not acting in self defence. The criminal investigation has therefore been discontinued.</p> |
| 14 | IHAT/123 | <p>In May 2003 an Iraqi boy was killed by unexploded ordnance when it detonated as he was playing outside. The origin and the type of ordnance are unknown.</p> <p>It has been decided that in light of the circumstances of the incident, there are no further lines of enquiry for the IHAT to pursue in regards to identifying whether a crime has been committed by a British service person in this case.</p> |
| 15 | IHAT/124 | <p>This investigation considered an allegation that an 8-year-old girl was shot dead by UK soldiers during the 'Battle of Danny Boy' on 14 May 2004. The complainant (the older brother of the deceased) has since admitted that he lied in statements given to the Royal Military Police and those given in evidence to the Al Sweady Public Inquiry; he accepted his sister was not shot during this battle.</p> <p>It has been decided, therefore, there is no criminal allegation to investigate and the decision has been taken to discontinue further enquiries by the IHAT.</p> |
| 16 | IHAT/129 | <p>This allegation concerns the fatal shooting of a man in August 2003 during a volatile demonstration in Basra. As tensions escalated there were exchanges of gunfire and grenades were used against British troops. The deceased was buried very soon after his death, with no post mortem having taken place. The IHAT has investigated this incident but there is no evidence available as to who fired the fatal shot</p> |

| | | |
|----|----------|--|
| | | (whether British, Iraqi or otherwise). Therefore, with no viable lines of enquiry to follow at this time the investigation has been discontinued. |
| 17 | IHAT/134 | <p>This case concerned the alleged unlawful killing of Mr Lafteh Ahmed Awdeh in September 2003. IHAT investigators have examined the claim that Mr Awdeh was killed in a road traffic collision involving a British Army truck but can find no evidence, such as records of British troops being in or near the area at the time, to support the allegation.</p> <p>Requests to PIL to supply further information have not been answered and so with no reasonable or proportionate lines of enquiry identified, it has been decided to discontinue the investigation.</p> |
| 18 | IHAT/136 | <p>This investigation considered the alleged unlawful killing of Hilal Fanjan Salman, who was working as a guard/caretaker at Al Ma'qil Preparatory school for Girls, opposite Basra Old Port, when he was shot dead.</p> <p>The incident happened on 3 October 2003, a day upon which there had been a disturbance with reports of up to 2,000 people involved. British troops were deployed to assist Coalition Provincial Authority and local police.</p> <p>At some point during the operation a man (Mr Salman) armed with an AK47 rifle, was seen on the roof of the school, four soldiers admitted to firing at the man who they believed to be a threat to them. Although there is no dispute that the deceased was shot and killed by one of the soldiers, it is not (and is highly unlikely to be) possible to say which of the soldiers fired the fatal shot. Additionally, given the circumstances, in the absence of compelling and reliable witness evidence to the contrary, it is deemed likely that a prosecution would be unable to disprove self-defence in this case. In light of this it has been decided there are no longer any reasonable and proportionate lines of enquiry to pursue in this case as a criminal investigation.</p> |
| 19 | IHAT/141 | <p>This was an investigation into the alleged unlawful shooting of a young Iraqi man in April 2007.</p> <p>Ali Salam Abdul Hasan (aged 18) died on 10 April 2007; the day British forces launched an operation responding to continued assaults on their base at Basra Palace.</p> <p>The IHAT team considered the available information and discovered that although his death was certified at Basra hospital, no post mortem was conducted and there were no eye witnesses to the incident. It was impossible to identify what type of ammunition killed Mr Hasan because during the course of the military operation, British forces came under fire from armed militia and a large amount and variety of ammunition was expended by both sides. Therefore it has not been possible to establish whether he was shot by British soldiers or Iraqi militia.</p> |

| | | |
|----|----------|--|
| | | <p>These factors combined to make it impossible to identify any viable lines of enquiry. Additionally, there was little prospect of gaining sufficient evidence to meet the evidential sufficiency test to justify a charge of murder or manslaughter and as a result it was decided to discontinue the investigation.</p> |
| 20 | IHAT/144 | <p>In Dec 2004 a patrol opened fire on a vehicle they suspected to be a Vehicle Borne Improvised Explosive Device (VBIED). The driver, an off duty Iraqi police officer was killed.</p> <p>This incident occurred at a time when the security threat assessment of a VBIED attack was high.</p> <p>Careful consideration was given to what investigative opportunities existed in this case. No other vehicle stopped at the scene for some time after the incident, therefore this case offers no viable lines of enquiry to challenge the account given by the patrol.</p> |
| 21 | IHAT/147 | <p>This investigation came to light after a soldier bragged to two British female civilians that he had been involved in the deaths of two unknown Iraqis. This allegation had previously been investigated and subsequently discontinued by the RMP in July 2004. A pre-investigation assessment undertaken by the IHAT did not identify any further information than that already held by the RMP and consequently, the decision has been taken that with no criminal offence being identified, the IHAT discontinued any further work on this case.</p> |
| 22 | IHAT/149 | <p>On 8 May 2004, a 14-year-old Iraqi boy named Ali Khaleed Abdul Al-Shamsy was killed by ordnance discharged during a battle between coalition forces and local militia. The boy's family alleged that he had been unlawfully killed.</p> <p>No post mortem examination was undertaken meaning it has not been possible to determine what ammunition killed Ali Khaleed Abdul Al-Shamsy and therefore it is not possible to determine whether British or Iraqi ordnance killed him. Notwithstanding this, it has been noted that even if a British serviceman was identified as a suspect, it would be extremely difficult given the circumstances to prove he was not acting in self-defence. Therefore the decision has been taken that with no reasonable or proportionate lines of enquiry to pursue, the Evidential Sufficiency Test to justify a charge of murder or manslaughter against the suspect had not been met.</p> |

| | | |
|-------|--|---|
| 23 | IHAT/176 | <p>This case concerned the death of Mr Hamid Al-Sweady during what came to be known as the 'Battle of Danny Boy', on 14 May 2004. The deceased's uncle, Mr Khudar Kareem Ashoor, alleged his nephew had been unlawfully killed. Mr Al-Sweady's death was one of a number which occurred during the same battle and which were examined in the widely publicised Al Sweady Public Inquiry, chaired by Sir Thayne Forbes.</p> <p>Sir Thayne heard oral evidence from Mr Ashoor during the course of the inquiry. At its conclusion he stated that Mr Ashoor had made false and wholly unfounded allegations Sir Thayne also concluded that all those who died at the battle were actively engaged in combat at the time of their deaths. There being no criminal offence identified in this case, the IHAT decided to discontinue any further work on it.</p> |
| 24 | IHAT/377 | <p>This investigation concerned the alleged unlawful killing of Dakhel Qasem Jallab Atafa, who was shot and died from his wounds on 16 August 2003.</p> <p>The IHAT has undertaken a thorough assessment of the circumstances of Mr Atafa's death. During this process, investigators located documents indicating Danish involvement. Further checks confirmed the Danes had accepted responsibility and paid compensation to the deceased's family. As a result, the IHAT investigation was discontinued.</p> |
| 25-33 | IHAT 586 IHAT/587 IHAT/588 IHAT/589 IHAT/590 IHAT/591 IHAT/592 IHAT/593 IHAT/594 | <p>At the conclusion of the Al Sweady Public Inquiry (ASPI), PIL submitted allegations of wounding (IHAT586) and unlawful killing in relation to the deaths of:</p> <p>IHAT 587 Rahma Abdelkareem Al-Hashimi IHAT 588 Muhammed Abdelhussain Al-Jeezani IHAT 589 Muhammed Maleh Ghleiwi Atiya Obeid Al-Maliki IHAT 590 Majed Jubair Suweid Edayyem Al-Sweli IHAT 591 Firas Radhi Kahyoush Shazar Al-Grawi IHAT 592 Nissan Rasem Jabbar Al-Abbadi Al-Ruhamaimi IHAT 593 Atheer Abdelameer Ja'fer Sarout Al-Sweili IHAT 594 Ali Dawood Aleiwi Al-Maliki at the battle of Danny Boy on 14 May 2004.</p> <p>The IHAT has conducted an analysis of the evidence presented to the ASPI to determine whether any criminal offence was committed by British Forces. Having taken into consideration the findings of Sir Thayne Forbes that all those killed (and in the case of the injured man) were armed combatants in the battle, the IHAT concluded no offence had been committed under the Armed Forces Act 2006. It was therefore decided to discontinue any further investigative work.</p> |

| | | |
|--|--|--|
| | | |
|--|--|--|