

The Iraq Fatality Investigations

Inspector: Sir George Newman

REPORT
into the death of ALI SALAM NASER



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Presented to Parliament by the Secretary of State for Defence
by Command of Her Majesty

March 2017



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TABLE OF CONTENTS

GLOSSARY OF TERMS	5
GUIDE TO THE REPORT	11
SECTION 1: INTRODUCTORY OBSERVATIONS AND CONSIDERATIONS	12
SECTION 2: THE ORIGIN AND REACH OF THE INVESTIGATIONS AND THE FORMAT AND PROCEDURES ADOPTED	13
The procedure and format of this Investigation	15
The Article 2 duty to investigate ‘cross-fire’ cases	16
SECTION 3: A BRIEF SUMMARY OUTLINE OF OP AREZZO ON 10TH APRIL 2007 AND THE CONTEXT IN WHICH IT TOOK PLACE	19
SECTION 4: SUMMARY OF THE EVIDENCE	21
CONTEMPORANEOUS IRAQI ACCOUNTS	21
The IPS report	21
Local media articles	24
BF CONTEMPORANEOUS EVIDENCE	27
Shooting Incident Review dated 17 th April 2007	29
Conclusion of the Shooting Incident Report	30
Summary of the soldiers’ statements	31
Shooting Incident Review dated 22 th April 2007	46
Michael Yon’s Account	47
Compensation Claim	48
Amnesty International Letters	49
Document Sealed by Basra Governorate Council, Martyrs’ Families Assistance Department	50
Accounts given during the Course of Court Proceedings	50
SECTION 5: FINDINGS AND CONCLUSIONS	55
APPENDIX 1: LIST OF PERSONS NAMED IN THE INVESTIGATION	59
APPENDIX 2: CHRONOLOGY	62
APPENDIX 3: CARD ALPHA	66
APPENDIX 4: IMAGE AREA OF OP AREZZO	67
APPENDIX 5: SKETCH MAP	69
APPENDIX 6: MEDICAL REPORT	70
APPENDIX 7: DEATH CERTIFICATE OF ALI NASER	71
APPENDIX 8: BRITISH FORCES AT WAR AS WITNESSED BY AN AMERICAN	73
APPENDIX 9: MESOPOTAMIAN TIMES	80

GLOSSARY OF TERMS

1 QLR	1 st Battalion The Queen's Lancashire Regiment
2 Rifles	2 nd Battalion The Rifles
2 Lancs	2 nd Battalion The Duke of Lancaster Regiment
2ic	Second-in-command
2Lt	Second Lieutenant
7 Pl	7 Platoon
8 Pl	8 Platoon
Adjt	Adjutant
AFV	Armoured Fighting Vehicle
AG	Attorney General
AGO	Attorney General's Office
AIF	Anti-Iraqi Forces
Alpha	Target
Al Skeini Litigation	Litigation comprising the following four judgments: [2005] 2 WLR 1401; [2007] QB 140; [2008] 1 AC 153; (2011) 53 EHRR 18
AO	Area of Operations
AOR	Area of Responsibility
APA	Army Prosecuting Authority
APC	Armoured Personnel Carrier
Armd Sqn	Armoured Squadron
AS1	<i>Al-Saadoon v Secretary of State for Defence</i> [2015] EWHC 715 (Admin)
AS2	<i>Al-Saadoon v Secretary of State for Defence</i> [2016] [2016] EWHC 773 (Admin)
BD	Bulldog – AFV
Bde	Brigade

Bde AO	Brigade Area of Operations
BGH	Basra General Hospital
BF	British Forces
BG	Battle Group
BGHQ	Battle Group Headquarters
BG net	Battle Group radio network
Brig	Brigadier
BRITFOR/BF	British Forces
BSBG	Basra South Battle Group
CA	Court of Appeal
Capt	Captain
Card Alpha	Also known as 'the White Card'. A card outlining the Rules of Engagement and dictating in what circumstances a soldier may open fire
CF	Coalition Forces
CHARLIE	Time zone 3 hours ahead of Greenwich Mean Time
Comd	Commander
COMD Legal	Commander Legal Services Coy Company
Coy net	Company radio network
C Coy	C Company
CO	Commanding Officer
COB	Contingency Operating Base
CPA	Coalition Provisional Authority
CPERS	Captured Person
Cpl	Corporal
CQMS	Company Quartermaster Sergeant
CS (or C/S)	Call-sign
CSM	Company Sergeant Major

DCOS	Deputy Chief of Staff
Dicker	A lookout, someone who indicates the position of enemy targets
Dismount	Member of vehicle crew who typically travels in the rear of the vehicle
Div HQ	Divisional Headquarters
ECHR	European Convention on Human Rights
ECtHR	European Court of Human Rights
ENHIT	Enemy Hit
FP	Firing Point
FRAGO	Fragmentation Order
GLD	Government Legal Department
GOC	General Officer Commanding
GPMG	General Purpose Machine Gun
GR	Grid Reference
HE	High Explosive
HMG	Heavy Machine Gun
HQ	Headquarters
ICC	International Criminal Court
IDF	Indirect Fire
IED	Improvised Explosive Device
IFI	Iraq Fatality Investigations
IHAT	Iraq Historic Allegations Team
INTREP	Intelligence Report
INTSUM	Intelligence Summary
IPS	Iraqi Police Service
ISF	Iraqi Security Forces
ITD	Individual Training Directive

IVO	In vicinity of
IW	'Individual Weapon'; part of the SA80 family of assault weapons firing 5.56 x 45mm rounds
JAG	Judge Advocate General
JAM	Jaysh al-Mahdi, a militia insurgency group in Iraq
Kgn	Kingsman
LBW	Long Barrelled Weapon
LCpl	Lance Corporal
LMG	Light Machine Gun
LOAC	Law of Armed Conflict
Lt	Lieutenant
Lt Col	Lieutenant Colonel
Maj	Major
Maj Gen	Major General
MBT	Main Battle Tank
MG	Machine Gun
Minimi	Type of Light Machine Gun (LMG)
MMG	Medium Machine Gun
MND (SE)	Multi National Division (South East)
MNF	Multi National Force
MPS	Military Provost Staff
NTM	Notice to move
OC	Officer Commanding
O Gp Meetings	Orders Group meetings
Ops	Operations
OP TELIC 1	Codename for operation to invade Iraq in 2003
OPTAG	Operational Training and Advisory Group

Orbat	Battalion Orders
OTP	Office of the Prosecutor, International Criminal Court
PIL	Public Interest Lawyers
PI (or Plt)	Platoon
PI Comd	Platoon Commander
PoW/PW	Prisoner of War
PTSD	Post-traumatic stress disorder
PTT	Part Task Training
QRF	Quick Reaction Force
Regt	Regiment
Rfn	Rifleman
RHQ	Regimental Headquarters
RMP	Royal Military Police
RoE	Rules of Engagement
RPG	Rocket Propelled Grenades
RQMS	Regimental Quartermaster Sergeant
RSM	Regimental Sergeant Major
RV	Rendezvous
SAF	Small Arms Fire
SCU	Serious Crimes Unit of the Iraqi Police
Sect Comd	Section Commander
SIB	Special Investigation Branch of the RMP
SINCREP	Serious Incident Report
SIR	Shooting Incident Review
SITREP	Situation Report
Sjt	'Serjeant', i.e. a Sergeant in a Rifles regiment
Snatch	Snatch Land Rover vehicle

SoS	Secretary of State for Defence
SRSAF	Single round small arms fire
UGL	Underslung Grenade Launcher
UGLHE	Underslung Grenade Launcher High Explosive
Veh Comd	Vehicle Commander
VOI	Voices of Iraq
Warrior/WR	Fully Tracked Armoured vehicle. Also known as Armoured Personnel Carrier ('APC') and Infantry Fighting Vehicle ('IFV')

GUIDE TO THE REPORT

1. There is a chronology at Appendix 2 to this Report. The body of the report is designed to be a self-standing account. Full information is to be found on the IFI website.
2. Some findings are made throughout the review of evidence. This allows for a progressive approach to the section headed 'Findings and Conclusions'.
3. A list of persons named in this report can be found at Appendix 1.
4. Maps and photographs of locations, items of relevance to the detailed events, and other documents are to be found in the remaining Appendices. Where documents are referred to in the report but which are not included in the Appendices, these are available on the IFI website and should be treated as forming part of the report.

SECTION 1: INTRODUCTORY OBSERVATIONS AND CONSIDERATIONS

- 1.1** This report records the outcome of the sixth Investigation into a civilian death referred to the Iraq Fatality Investigations ('IFI') by the Secretary of State for Defence. The origin and purposes of the IFI, sometimes referred to as the Iraq Judicial Investigations, appear from the reports, rulings and public statements published on the website at www.Iraq-Judicial-Investigations.org. The website carries an extensive documentary record from which the legal background, objectives, procedures and the course of each of the Investigations can be seen. The need for this Investigation was confirmed in the *Al Skeini* Litigation.¹
- 1.2** The Investigation into the circumstances surrounding the death of Mr Naser has involved a review of all of the existing evidence, both contemporaneous and that which has been produced in the course of civil proceedings and judicial review proceedings. What follows in the body of the report is an analysis of that evidence. For reasons which are given in the report, it has not been necessary to conduct further interviews with soldiers or with Iraqi witnesses in the context of this Investigation.
- 1.3** There has been satisfactory disclosure from all those requested to make disclosure as well as assistance from QC Law in Basra. Public Interest Lawyers (PIL) has co-operated with the Investigation and has made disclosure of documents in its possession and control.²
- 1.4** The remit of the IFI has arisen from various judgments of the European Court of Human Rights ('ECtHR') at Strasbourg. A succinct survey can be seen from the judgment of the Divisional Court, the judgment of the Grand Chamber of the Strasbourg Court in *Al Skeini and Others v United Kingdom*,³ and, more recently, judgments from Leggatt J in the Administrative Court in *Al Saadoon and Others v Secretary of State for Defence*.⁴

¹ [2004] EWHC 2911 (Admin); [2005] EWCA Civ 1609; [2007] UKHL 26; [2011] 53 EHRR 18

² Prior to ceasing trading on 31 August 2016.

³ [2012] 53 EHRR 18

⁴ [2015] EWHC 715 (Admin); [2016] EWHC 773 (Admin)

SECTION 2: THE ORIGIN AND REACH OF THE INVESTIGATIONS AND THE FORMAT AND PROCEDURES ADOPTED

- 2.1** The detailed legal background to the IFI is set out in full in the consolidated report into the death of Nadeem Abdullah and Hassan Abbas Said, published in March 2015. The specific obligations which govern the reach and purpose of this Investigation are set out in two judgments of the Divisional Court in the action of *R (Ali Zaki Mousa and others) v the Secretary of State for Defence (No. 2)*.⁵ By an order of the Divisional Court dated 31st October 2013, the Secretary of State for Defence was ordered to hold inquiries into civilian deaths in Iraq in any cases where he accepted that an Article 2 ECHR obligation to hold an inquiry existed and where it was clear that there would be no prosecution of any British soldiers alleged to have been involved in the deaths.
- 2.2** On 6th June 2016, following the decision of Leggatt J in *Al-Saadoon & others v Secretary of State for Defence*⁶ ('AS2'), I was appointed to conduct an inquiry into the death of the deceased, Mr Naser.

My appointment is subject to the Terms of Reference set out below:

ANNEX A: TERMS OF REFERENCE

The Scope of the Investigation

1. The investigation into the death of Ali Salam Naser on 10 April 2007 ('the death') is to be conducted to establish the relevant facts and accountability for the death, thereby discharging the positive obligations of the State pursuant to Article 2 of the European Convention on Human Rights.
2. The investigation must be accessible to the family of the deceased and to the public, thereby bringing the facts to public scrutiny.
3. The investigation should look into and consider the immediate and surrounding circumstances in which the death occurred.
4. The investigation should encompass the wider circumstances of the death, including the instructions, training, and supervision given to the soldiers involved.

⁵ [2013] EWHC 1412 (Admin) and [2013] EWHC 2941 (Admin) respectively

⁶ [2016] EWHC 773

5. Where facts are found in connection with the instructions, training and supervision given to the soldiers, consideration should be given to whether it is proportionate or necessary to make recommendations on the issues raised taking into account the extent to which the issues raised have already been considered by the Ministry of Defence or other inquiries.
6. The investigation is to be conducted so as to bring to light all the facts, including failures on the part of the State and facts from which such failures could be properly inferred.

The Conduct of the Investigation

7. The procedure and the conduct of the investigation are to be such as the Inspector may direct so as to achieve the aims and purposes set out above and to comply with the terms of the Court's judgements, Orders and directions.
8. The Inspector will draw up and publish the procedures which are to be followed to progress the investigation, and so far as appropriate conduct the investigation in accordance with the published procedures established in previous investigations. In this regard he will follow the guidance given by the Court about the extent to which legal representation will be necessary, the questioning of witnesses and the opportunity to be given to the next of kin to raise lines of inquiry.
9. The Inspector will from time to time consider and keep under review the need for procedures to be made public in connection with any of the aims and purposes of the investigation.
10. The Inspector has the power to require any person or organization to provide evidence in writing, to produce relevant material in their possession or control and to attend a public hearing to give oral evidence.
11. The Inspector is to commence his investigation by considering all the relevant documentation in the possession of the Ministry of Defence and any relevant information emanating from the Iraq Historic Allegations Team (IHAT) and Service Prosecution Authority.
12. Having considered all the documents which are to be supplied to him and any further documents or information which he may have requested the Inspector will decide what needs to be disclosed to interested persons, the next of kin of the deceased or the public to enable the investigations to be accessible and subject to public scrutiny.

13. Where the Ministry of Defence considers publication or disclosure would be damaging to national security, international relations of the State, or the safety of any individual it shall bring its considerations to the notice of the Inspector who, having heard such representations from the Ministry as may be necessary, will determine the extent to which publication or disclosure is required in order to achieve the aims and purpose of the investigations.

14. At the conclusion of an investigation the Inspector will produce a written report which sets out:

- (a) a narrative account of the circumstances in which the death occurred; and
- (b) any recommendations he has decided to make.

15. The report will not be concerned to determine or address any person's criminal or civil liability. But the investigations are not to be inhibited by the likelihood of liability being inferred from the facts found or recommendations made.

2.3 I received a non-use assurance from the Attorney General's Office on 7th September 2016 (see the website for further details) and from the OTP at the ICC on 3rd November 2016.

The procedure and format of this Investigation

2.4 In AS2 Leggatt J was asked to consider applications for judicial review of decisions by the Secretary of State for Defence ('SoS') not to establish inquiries into five cases where it was alleged that an individual had been killed by the British Forces ('BF'). The death of Mr Naser was one such case. It was also one of the test cases for the purpose of deciding the issue of jurisdiction under Article 1 ECHR in *Al-Saadoon v Secretary of State for Defence* [2015] EWHC 715 (Admin) ('AS1'), in which Leggatt J found, on assumed facts, that the death had occurred within the UK's jurisdiction. The status and relevance of those assumed facts is a matter to which I will return when considering the evidence below.

2.5 The SoS decided not to refer the case to the IFI because he was continuing to dispute the issue of jurisdiction, which was the subject of a pending appeal to the Court of Appeal ('CA') in AS1.⁷ Leggatt J considered whether it was correct to delay the referral on this ground and concluded that there would be substantial injustice caused to the families of the deceased if the inquiry was postponed and the decision in AS1 was upheld. Accordingly, he ordered that an inquisitorial inquiry into Mr Naser's death should be established. As a result, the case was referred to the IFI subject to the Terms of Reference set out above.

⁷ The judgment in AS1 has since been upheld by the CA, although on more limited grounds, in *Al-Saadoon and others v Secretary of State for Defence* [2016] EWCA Civ 811.

The Article 2 duty to investigate 'cross-fire' cases

- 2.6** In respect of Mr Naser's case, there was no argument in AS2 as to whether or not, if the alleged events were within the UK's jurisdiction for the purposes of Article 1 ECHR, the SoS's decision could nonetheless stand on the basis that the alleged facts failed to disclose a credible breach of Article 2 ECHR. Leggatt J did, however, consider this issue in respect of another of the five cases in which the SoS had decided not to establish an inquiry, that is, the case of Mr Husam Salih Owaid.
- 2.7** In that particular case, Mr Owaid had been killed in the course of a public demonstration during which there had been an exchange of gunfire between demonstrators and the BF. It was alleged that the deceased had been shot and killed by a member of the BF. After conducting their pre-investigation assessment into the case of Mr Owaid on the basis of the information and evidence which was then available to the IHAT, the Director of the IHAT recorded his decision not to undertake any further investigations. In particular, the decision took into account: (1) *'the lack of any credible evidence to indicate with any certainty that the shot was fired by a UK forces member'*; (2) *'the inability to exhume the body to potentially identify the type of bullet or shrapnel the deceased was killed by'*; and (3) *'the fact that this death occurred in the middle of a volatile and violent engagement with firearms being used by all sides and other munitions which cannot be attributed either individually or by group to a particular organisation.'*⁸
- 2.8** Following the IHAT's decision, the SoS decided not to establish an inquiry into the death of Mr Owaid, on the basis that there was no credible breach of Article 2 by the BF. It was therefore necessary for Leggatt J to consider the scope and extent of the State's Article 2 duty in what he termed *'cross-fire cases'*, i.e. *'where a civilian has been killed in an exchange of gunfire between soldiers and insurgents and it is unclear who fired the fatal shot.'*⁹ It is plain that the death of Mr Naser also falls within that category, and so I must consider the guidance given by Leggatt J regarding the duty to investigate in cross-fire cases. I summarise that guidance as follows:
1. A duty to investigate arises automatically in a cross-fire case;¹⁰
 2. There are two ways in which a substantive breach of Article 2 ECHR could be established in a cross-fire case. The first is by finding that the bullet which killed the deceased was fired by a state agent and involved a use of lethal force which was not *'absolutely necessary'*. The second is by finding that, even if the fatal shot was or may

⁸ Ibid para [65]

⁹ Ibid para [96]

¹⁰ Ibid

have been fired by someone else, the shooting occurred as a result of a failure to take all feasible precautions in the planning and / or conduct of the operation;¹¹

3. The passage of time will have a significant impact on the duty to investigate.¹²

2.9 Having considered the application of those principles to the SoS's decision not to hold an inquiry into the death of Mr Owaid, Leggatt J concluded that the investigation by the IHAT met, '*so far as was now feasible*', the requirements of Article 2, and that the SoS was justified in deciding not to establish an inquisitorial inquiry in that case.

2.10 I take note of the following principles which were identified and/or laid down by Leggatt J:

1. The procedural obligation to investigate does not continue indefinitely, but binds the State only during such period as the State authorities can reasonably be expected to investigate the death;¹³
2. If a credible new allegation or evidence of unlawful killing is brought to the attention of the State authorities many years after the incident occurred, there will generally be a fresh duty to investigate, but the extent of the duty may well be affected by the lapse of time. Relevant questions in determining the extent of that duty will be (1) whether information has come to the attention of the State authorities which adds significantly to what was known before; (2) if so, whether the new information provides credible evidence of a breach of Articles 2 or 3 ECHR; (3) if so, whether there are any investigative measures which the State can reasonably be expected to take, having regard to the passage of time since the incident occurred;¹⁴
3. Where there is a credible allegation, lapse of time since the incident may still affect the extent to which it is possible or worthwhile to investigate that allegation. The duty to investigate historic allegations '*must be interpreted in a way which does not impose an impossible or disproportionate burden on the authorities*'. It only requires the authorities to take such steps as it is reasonable in all the circumstances to take in order to investigate the allegation.¹⁵ Relevant factors in assessing what steps it is reasonable to take will include (1) the strength of the existing evidence; (2) the gravity of the allegation; and (3) the likely difficulty and cost of the possible investigative steps weighed against the likelihood that they will yield significant evidence of value.¹⁶

¹¹ Ibid para [99]

¹² Ibid para [100]

¹³ Ibid para [172]; *Silih v Slovenia* (2009) 49 EHRR 37 at para [57]

¹⁴ AS2 para [176]

¹⁵ *Brecknell v United Kingdom* (2008) 46 EHRR 42 at para [70]

¹⁶ AS2 para [198]

4. In assessing the anticipated benefits and costs of possible lines of inquiry it is important to bear in mind the fact that many soldiers and other witnesses interviewed about events which occurred in 2003 or 2004 have found the process extremely distressing. The human costs involved in the process of investigation should not be overlooked.¹⁷

2.11 I bear these principles in mind in considering whether it is now realistically possible, in the context of this Investigation, to determine on the balance of probabilities (1) whether Mr Naser was killed by a shot fired by the BF; (2) if so, whether the force used by the BF was justified; and (3) in any event, whether the shooting occurred as a result of a failure to take all feasible measures in the planning and conduct of the Operation. That assessment begins from an examination of the evidence which has been available to the IFI, including information from PIL.

¹⁷ Ibid para [201]

SECTION 3: A BRIEF SUMMARY OUTLINE OF OP AREZZO ON 10TH APRIL 2007 AND THE CONTEXT IN WHICH IT TOOK PLACE

- 3.1** On 28th June 2004, the Coalition Provisional Authority ('CPA') handed formal sovereignty over to an interim Iraqi government. The CPA was disbanded and the UK ceased to be an Occupying Power in Iraq. However, British Forces remained deployed in Iraq as part of the Multi-National Force ('MNF') pursuant to requests by the Iraqi Government and authorisations from the United Nations Security Council.¹⁸
- 3.2** By April 2007 the British Army had divided Basra City into two Areas of Operation ('AOs'): North and South. At this time the threat to the BF was considered to be substantial, with a number of attacks on BF patrols by Anti-Iraqi Forces ('AIF') using small arms fire ('SAF') and rocket propelled grenades ('RPGs') from a variety of locations including vehicles, buildings, streets and roofs. In the five months prior to 10th April 2007, Basra Palace, which served as the HQ for the southern AO, had recorded more than a thousand contacts on the base.
- 3.3** Between 8th and 9th April 2007, soldiers in the Basra South Battle Group ('BSBG') were briefed for Op AREZZO. Lt Col Maciejewski was the BG Commander. The FRAGO for Op AREZZO stated that the purpose of the operation was to conduct a BG-sized surge into the Al Quibla district of South West Basra in order to disrupt AIF activity. It consisted of two phases: firstly, a Strike Operation on seven separate target premises in Al Quibla thought to have been involved in recent attacks on Coalition Force ('CF') patrols; and secondly, the domination of ground of their own choosing to demonstrate the CF's overwhelming capability by defeating any AIFs who chose to attack. The Operation consisted of A and B Companies ('Coys') 2 Rifles mounted in Bulldog armoured fighting vehicles ('BDs'); Chindit Coy 2 Lancers mounted in Warrior armoured vehicles; and an Armcd Sqn of Challenger II Main Battle Tanks ('MBTs') from the Force Reserve BG. The task of the BG Reserve was to clear and secure the insertion route into the area and to act as a blocking force to prevent any interference by AIFs. The standard applicable Rules of Engagement ('RoE') were those of self-defence, with the exception of limited offensive action authorised under ROE 429 against positively identified JAM IDF crews.¹⁹
- 3.4** As part of their orders for Op AREZZO the soldiers were briefed on threats from improvised explosive devices ('IEDs'), single round small arms fire ('SRSAF'), SAF and RPGs. They were briefed that the threat of SAF in the Al Quibla district was high and the AIF were likely to

¹⁸ *Al-Skeini v UK* (2011) 53 EHRR 18 para [19]

¹⁹ FRAGO 069/07 Amendment 1 (MOD-83-0000370)

attempt to contact the BF using complex ambushes in and around the back streets using multiple firing points from the roofs of buildings. It was assessed that they could expect such an ambush to be set up within half an hour of the BF deploying.²⁰

3.5 Op AREZZO commenced at about 1400 hrs on 10th April 2007 and was completed by approximately 1700 hrs. Between about 1436 hrs and 1632 hrs the BF experienced multiple ambushes from AIF on the streets, moving vehicles, buildings and roofs. During multiple engagements the BF expended 9,443 rounds of ammunition and 41 grenades.²¹ The BF claimed between 24 AIF members were killed or injured and two persons suspected of being AIF were arrested and subsequently interned. One Iraqi Police Service ('IPS') officer was also shot and killed, reportedly by AIF.²²

²⁰ Annex B to FRAGO 069-07 (MOD-83-0000371)

²¹ Op AREZZO SINCREP 1393C (MOD-83-0000372)

²² Ibid

SECTION 4: SUMMARY OF THE EVIDENCE

CONTEMPORANEOUS IRAQI ACCOUNTS

The IPS report

- 4.1** Mr Naser was shot during the afternoon of 10th April 2007. That day, the IPS at Al Quibla Police Station were informed of his death by members of his family and an investigation into his death, along with that of two others, Mahmoud Ahmad Waheeb and Maher Jassem Ghadban, was launched.²³
- 4.2** The report on Mr Naser's body carried out by an IPS Investigation Officer, dated 10th April 2007, states:
- 1. The victim was about 19 years old.*
 - 2. The victim was injured by a gunshot in the head with an exit from the other side.*
 - 3. The victim was wearing a pair of trousers and a (illegible)-colour shirt.*
 - 4. I did not see anything else that could be of use to the investigation.*²⁴
- 4.3** Mr Naser's death certificate records the cause of death simply as 'gunshot'.²⁵
- 4.4** On 10th April 2007 Judge Mamoun Ahmed Yassin ordered that Mr Naser's body be released to his family without a post-mortem.²⁶ A decision of Judge Muhammad Odeh ordered that statements be taken from any known witnesses to the accident.²⁷
- 4.5** On 16th April 2007 Lieutenant Haydar wrote a letter updating the Investigation Judge of Al Ashar on the IPS investigation.²⁸ It stated that a statement had been taken from the deceased's father stating that Mr Naser had been killed as a result of 'random' shooting by the BF, and that he had requested that a complaint be launched against the BF.²⁹ An examination and inspection of the scene where Mr Naser was allegedly shot had been

²³ Investigation papers 'for the victims Mahmood Ahmed Waheeb and Ali Salam Abd Al Hassan and Maher Jassim Ghadban' were submitted to the Al Ma'aqal Investigation Judge on 10th April 2007 (MOD-83-0000417). Basra General Hospital released their bodies to their families without post mortem on the same day (MOD-83-0000416). There are no further papers or documents which relate to the deaths of Mahmoud Ahmad Waheeb and Maher Jassem Ghadban.

²⁴ MOD-83-0000434

²⁵ MOD-83-0000400

²⁶ MOD-83-0000416

²⁷ MOD-83-0000417

²⁸ MOD-83-0000438

²⁹ The initial statement made by Mr Naser's father is not included within the IPS documents.

carried out and the report was attached.³⁰ The inspection report records that the incident occurred around 1.5km to the north of Al Quibla Police Station on a public, two-way road in the Hay Al Mohandiseen neighbourhood (also known as the '*engineers' area*'). Bloodstains were found at the scene of the incident. There is a small sketch on the bottom of the report, which appears to be a very localised diagram of the scene. It does not assist in determining the location in which Mr Naser was shot.³¹

4.6 Lt Haydar's letter also states that a statement had been taken from Luai Aboud, an IPS policeman, alleging that his vehicle, '*Plate number 580*', had been fired at and damaged at the time of the incident. His statement and a preliminary examination of the car, along with photographs, were said to be attached to the letter. However, despite enquiries, I was unable to obtain a full copy of the IPS report and have not been provided with the statement of Mr Aboud.

4.7 Attached to Lt Haydar's letter was Mr Naser's death certificate (see above) and an undated medical report which stated that Mr Naser was dead on arrival from a bullet wound on the left side of his forehead accompanied by haemorrhage.³²

4.8 A document dated 17th April 2007 and signed by the investigation judge³³ records that statements had been taken by the judge from the deceased's brother, Rafed Salaam Abdal Hassan Al Rikabi, his father, Salaam Abdul Hassan Naser Hussein Al Rikabi, and from Luai Aboud.³⁴ The Judge directed that a statement was to be taken from the deceased's mother, Widad Muhammed Shaker, and that the Multinational Deployment office were to be informed of the incident through the Liaison Officer in the Directorate of Governorate Police. I set out the evidence of the deceased's father, brother and mother below. I have not been provided with the statement from Mr Abdullah. Efforts to obtain the statement have been unsuccessful.

4.9 The witness report of Mr Naser's brother, Rafed Salam Abdal Hassan Al Rikabi, stated that at about 1600 hrs on 10th April 2007 Mr Naser was shot by the BF and hit in the head while he was returning from work in the Hay Al Mohandiseen area. Mr Naser was transferred to the hospital but he had passed away.³⁵

4.10 The witness report of Mr Naser's father, Salam Abdol Hassan Naser Hussein Al Rikabi, stated that on 10th April 2007 at 1600 hrs Mr Naser was returning home from his work and, as he was crossing the Hay Al Mohandiseen neighbourhood on the way to his uncle's

³⁰ MOD-83-0000428. See Also Appendix 5

³¹ Ibid

³² MOD-83-0000410

³³ MOD-83-0000426

³⁴ There is no standard system of transliteration from Arabic to English. These names may appear with different spellings elsewhere in the report.

³⁵ MOD-83-0000427

house, he was fired at by the BF and was shot in the head. He was transferred to the hospital by a police vehicle with a person named Abu Muhammed Saleh. He died from his injuries.³⁶

4.11 The witness report of Mr Naser's mother, Widad Muhammed Shaker, stated that on 10th April 2007 she was in her house in the University neighbourhood³⁷ when her son Muhammed, who was 15 years old, came and told her that Mr Naser had been shot by the BF in the Al Muhandiseen neighbourhood. Mr Naser worked washing cars. The BF were '*engaged in random shooting at passers-by*' when Mr Naser was hit in the head and went to the Basra General Hospital ('BGH') but passed away. The incident occurred at 1530 hrs in the afternoon.

4.12 On 23rd April 2007 the IPS investigation papers into the death of Mr Naser were submitted to the Directorate of Basra Governorate Police with a request that they be brought to the attention of the MNF.³⁸ The IPS papers include a list of witnesses as follows:³⁹

Saleh Hussain Ali: The Martyr was taken to Al-Jumhuriya Hospital⁴⁰ in Basra while he was already dead.

Mohammed Saleh Hussain Ali: He is the son of the above witness...

Hisham Hamed Kassem: The incident took place in front of his house....

Ali Jabar Hussain: The incident took place in front of his house

Muwaffaq Hameed Yaseen: Witness

Rafed Salaam Abdul Hassan: Brother of the martyr. He, too, [took part in his] transport...

Muhammad Kamel Jawal: Witness

Khaled Hameed AbdulKareem: Witness

Hamza Khaled AbdulRazzaaq: Witness

4.13 This undated document also states that the '*The tank that fired at the martyr was British, small, yellow in colour and hexagonal (illegible) and was a backup to the armour [sic] that*

³⁶ MOD-83-0000435

³⁷ MOD-83-0000425

³⁸ MOD-83-0000404

³⁹ MOD-83-0000403. On another, untitled document, it states '*Martyrs with him: School girl, Falafel vendor, policeman at checkpoint*'. It is unclear where this information comes from (MOD-83-0000401).

⁴⁰ Also known as Basra General Hospital.

cordoned the area'.⁴¹ The IPS papers do not contain any statements from any of the additional witnesses listed above. It does not appear that any contemporaneous statements were taken from them. This is highly material to the scope of this Investigation, and whether it is now possible to determine, on the balance of probabilities, the circumstances in which Mr Naser was shot.

4.14 On 24th May 2007 the Deputy Governor of Basra wrote to the Commander of the BF notifying him of Mr Naser's death and enclosing the IPS investigation documents. He requested compensation for Mr Naser's family.⁴² This appears to be the first time that the BF were made aware of Mr Naser's death, i.e. some 34 days after the event itself. I set out the BF's response to the compensation claim below.

Local media articles

4.15 I have been provided with an undated copy of *'The Mesopotamian Times'*, which was a daily compilation by the BF of articles from local Arabic media.⁴³ Whilst undated, the following entries initially appear to relate to the events of 10th April 2007:

2. Updates with killing a policeman, police statements

A policeman was killed and 13 civilians were wounded on Tuesday in cross-fire during clashes between British forces and gunmen in western Basra, a media source in Basra police department said.

'A British patrol was attacked by gunmen on Tuesday afternoon near to the police station in Al-Qibla region in eastern Basra,' the source, who asked not to be named, told the independent news agency, Voices of Iraq (VOI).

'The forces started a shootout with the attackers that left a policeman dead and 13 civilians with injuries,' he added.

Two gunmen and a policeman were injured and two suspected armed men were arrested during clashes between British forces and gunmen in western Basra, the Multi-national forces had said earlier.

'British forces launched a crackdown operation on Tuesday afternoon in Al-Qibla region in western Basra to search for illegal weapons,' the Multi-National

⁴¹ MOD-83-0000403. The document goes on to state that the *Al-Akhbaar* newspaper '*carried a front-page item about the incident*', which is said to have been attached. However, I have not received a copy of this article.

⁴² MOD-83-0000402

⁴³ MOD-83-0000411

forces in Basra said in a statement received by the independent news agency Voices of Iraq (VOI).

'Clashes flared up between British forces and gunmen, leaving two armed men and a policeman injured', the statement added.

'Two suspected gunmen were arrested in the operation after firing a Rucker [sic] Propelled Grenade (RPG) against British forces', it noted.

...

6. Press conference regarding the deaths in Al Qibla

Hakeem Al Mayaahi, the chief of the security committee for Basra Provincial Council said today, during a press conference held in the Basra governate this morning that, the total number of people killed in Al Qibla was three, 2 civilians and one IPS officer, when the British forces surrounded an area in Al Qibla with tanks and then carried out a strike on a house. He stated that the way the British forces carried out the strike was excessive and inhumane. They destroyed doors and windows and scared children and women, before randomly opening fire which resulted in 3 martyrs. He added that it was a very dangerous action from the British forces because this treatment has caused upset amongst the people of Basra. The British forces have now randomly opened fire two times.

...

9. Casualties from Basra fighting rises to three dead and nine injured

A spokesman from Basra IPS said today, Wednesday, that the final total for the number of victims of the fighting which happened between a British patrol and gunmen west of the city last night rose to three dead from the gunmen and police and nine civilians injured.

The spokesman added to this independent news agency (VOI) today that 'The fighting which happened yesterday evening, Tuesday, between a British patrol and gunmen took place close to the Al-Qibla Police Station, he revealed that one of the dead was from another police station, and nine civilians were injured in the random fire between the two parties.'

He stated that 'Two of the casualties were serious, and they were taken to hospital.'

The spokesman did not make clear if there were any casualties amongst the British patrol.

A security source in Basra IPS said to VOI yesterday evening that a policeman died and 13 civilians were injured by random fire, caused by the fighting between British forces and gunmen near to the Al-Qibla Police Station, 8km west of Basra city.

A press statement from MND (SE) yesterday said that confrontations happened on Tuesday afternoon between armed elements and a British patrol 'Which was conducting a search operation in the Al-Qibla district to search for illegal weapons, and prevent criminal activities'.

It confirmed that the fighting resulted in 'Two gunmen injured and one policeman and two suspects were arrested' without mentioning the injured civilians.

4.16 The reports in *The Mesopotamian Times* are somewhat contradictory, and / or incomplete, but they do have general contextual value. I consider that they provide little assistance on matters of detail, but the following comments can be made:

1. I cannot be sure that they do relate to the events of 10th April 2007;
2. The reports are inconsistent regarding the location of the incident(s) described (i.e. whether shooting took place in 'eastern' or 'western' Basra);
3. There are conflicting accounts of the numbers of casualties and deaths resulting from the incident, as well as whether these were of civilians or gunmen;
4. None of the reports or quotes refer to any civilian deaths as a result of the incidents described;
5. The subjective descriptions conveyed by use of words such as 'random', 'excessive' and 'inhumane', without more, do not advance the fact-finding exercise.

4.17 The contextual value of the reports is that they confirm that what occurred took place in the course of what can be seen as clashes and fighting between the BF and AIF in the Al Qibla region close to the police station, and to the exchange of fire between both parties. This is likely to be the same area in which the IPS reported that Mr Naser was shot.

4.18 On 6th August 2007 the *Al-Sabah* newspaper reported the deceased's mother's account of the incident:

On the tenth of April this year my son Ali Salaam Abdel Hussain al-Rikabi was martyred by bullets of the British forces in al-Muhandiseen neighbourhood in Basra while he was walking on the street. I put a complaint through to the British forces at Basra international Airport but I received no justice. I also approached the Directorate of Assistance for Families of Martyrs but they only took the name down as they have no instructions to pay retirement pensions for martyrs after 2003. And I ask you: why don't they give the families of martyrs what they are due? What excuse is that, especially when foreign forces shoot indiscriminately and do not differentiate between young and old? He was my bread winner and worked in a car wash garage in the same neighbourhood where the indiscriminate shooting happened. I ask the proper authorities to give him a retirement pension and include him in the roll call of martyrs. Thank you.⁴⁴

- 4.19** In an appeal letter dated 17th January 2008 against the BF's decision not to award compensation to Mr Naser's family, the following account is given by the legal representative of Mr Naser's father:

...Ali Salam Abdul Hasan Nasser) who was 18 years old and a high school student in Al Akrameen evening school and who worked daytime at car vetting station [sic]. He left his workplace and tried to evade the random shooting by British Forces, therefore, heading towards the house of his aunt which was close to where he worked. The tank that happened to be behind him allowed him to carry on because he was an unarmed civilian. However, the tank that was situated in a branch road fired at him unjustifiably hitting him in the head just above left eyebrow. He died instantly.⁴⁵

BF CONTEMPORANEOUS EVIDENCE

- 4.20** I have been provided with a document entitled '*Significant Incidents / Events*' for Basra City South BG dated 11th April 2007, which summarises the events of Op AREZZO.⁴⁶ Insofar as it relates to exchanges of fire in the Hay Al Mohandiseen neighbourhood, it states as follows:

B Coy 2 Rifles were engaged from the NW as soon as they crossed into HAYY AL MUHANDISN. They believe that this was an MG or HMG. They returned rounds in the direction of the FP and the enemy weapon system (which was not clearly identified) fell silent and was not heard again during the contact.

⁴⁴ MOD-83-0000462

⁴⁵ MOD-83-0000409

⁴⁶ MOD-83-0000368

One C/S then proceeded to the northern area of HAY MUHANDISN and was contacted from a static white Saloon car at 1535. They assaulted the FP and found 2UKMs in a ditch by the car who were then detained. They also passed two bodies who are assessed to be ENHITs. Simultaneously they came under contact from the north and south. The black LINCOLN had been spotted firing at another B Coy C/S and came to a stop to the south so the C/S assaulted, coming under contact again from a house with an RPG. The C/S followed up into the building but nothing of significance was found. The two detainees were later flown to the COB and identified as wanted SCU members and then interned. **BC G2 COMMENT:** A heavy machine gun weapon has been repeatedly reported by C/S involved in contacts in the AL QUIBLA area. In the past it has changed fire position a number of times indicating that it could be a vehicle mounted. During the last contact in AL QUIBLA on 29 March it was fired from a similar position in HAYY AL MUHANDSIN, indicating that it may be stored in the area. **BC G2 COMMENT ENDS.**

The remainder of B Coy 2 Rifles was engaged in a significant contact with a large number of AIF in the area who had taken up FPs on the roof tops in two blocks in the East of HAY AL MUHANDISN. The C/S manoeuvred around the FPs, having effectively surrounded them, and claimed 15 ENHITs before the extraction began. **BC G2 COMMENT:** It is uncertain where these gunmen came from. Current G2 assessments indicate that most AIF within AL QUIBLA live within the HAYY AL SHUHDA area, whenever there is a large contact they seem to be reinforced from the AL HYANNIAH. However on this occasion the ingress routes from the HYANNIAH had been blocked off. Either they were infiltrating through the blocks or had looped round from HAYY AL SHUHDA or there are in fact a heavier concentration of AIF within AL MUHANDISN than previously thought. **BC G2 COMMENT ENDS.**

...

...There however seemed to be a sizeable AIF force gathered against B Coy in HAYY AL MUHANDSIN...[This] suggests that there is a larger and more active AIF grouping operating within HAYY AL MUHANDSIN than previously thought.

This was one of the few times where atmospheric alerts obviously alerted the C/S to the imminent contact. In past contacts in AL QUIBLA gunmen have opened up on MNF without any regard for civilians in the vicinity. This would indicate that the AIF presence was sufficiently obvious to warn the locals, or that the AIF were local and thus able to warn their friends and family...

4.21 This document reveals that there was a significant number of AIF in the Hay Al Mohandiseen neighbourhood during the Operation, who made contact with members of the BF from a variety of different firing points in the area.

4.22 The SINCREP for Op AREZZO records that:

...The search phase of the op completed successfully with relatively calm local atmospherics, and during this phase a BLOCK was established by FORCE RES along the RED route to reduce interference from the HYYANNIYAH District. As the BG time on the ground increased, atmospherics were reported to deteriorate and children were seen being cleared from the streets. A number of contacts then occurred. During these contacts AIF were seen to be delivered in vehicles and formed 'pockets' of fighters.⁴⁷

4.23 The SINCREP records 25 occurrences of exchanges of fire between the BF and AIF between 1436 hrs and 1700 hrs, some of which involved sustained and sporadic fire from multiple firing points. 24 enemy hits were recorded along with one IPS casualty, who was reportedly shot by AIF.

Shooting Incident Review dated 17th April 2007

4.24 On 17th April 2007 a Shooting Incident Review ('SIR') was signed by Lt Col Maciejewski.⁴⁸ The review of the events of 10th April 2007 was conducted by Capt W Wells, Adjutant of 2 Rifles. The review states that the intent of Op AREZZO was to continue the application of offensive pressure on AIF in Basra by conducting a BG surge into Al Quibla to demonstrate that Multi-National Forces ('MNF') could operate across the city with impunity. Initially the BG would strike known Alphas before dominating ground of the BF's choosing in order to demonstrate their overwhelming capability.⁴⁹ Capt Wells' initial decision not to refer the case for investigation by Service Police was supported by Lt Col Maciejewski.

4.25 The review included the recording of 79 witness statements from various soldiers involved. I have been provided with all but three of those witness statements. 17 soldiers were identified as having been '*directly involved*' in the incident, in that they had stated that they

⁴⁷ SINCREP 1393C (Amdt 3) OP AREZZO (MOD-83-0000372 p.1)

⁴⁸ This document is erroneously entitled 'Shooting Incident Report', rather than 'Shooting Incident Review'.

⁴⁹ MOD-83-0000421 para. 8

had returned fire and 'hit' at least one individual during the incident.⁵⁰ In total, 20 hits were claimed as a result of the incident.

4.26 Capt Wells stated that *'[t]he soldiers who were involved demonstrated in interview that they had a confused and disorientated perceptive of events during the operation... Often the soldiers involved were unable to state the time or location of the specific incident in which they were involved.'* I will return to this consideration and its impact on this Investigation below.

Conclusion of the Shooting Incident Report

4.27 The SIR included a summary of the statements of each of the 17 soldiers who claimed a hit. Capt Wells concluded that each had fired at the various unknown males ('UKMs') because they believed that their own life or the lives of their colleagues were in danger, and furthermore, that each stopped firing as soon as they believed that the threat had ceased. Capt Wells decided not to refer the case for investigation by Service Police:

I am satisfied that there are no grounds to suspect that a criminal act has or might have been committed by UK Troops and I do not propose that a Service Police Investigation be initiated. I am satisfied that the Rules of Engagement have not been breached. In this case the soldiers believed that there was an imminent risk of injury or death to themselves or to one of their colleagues. They fired at clearly identified targets in accordance with the rules of Card Alpha. I believe that their actions were both proportionate and reasonable.⁵¹

4.28 A total of 62 further statements were taken from soldiers involved in Op AREZZO, but who did not claim hits. They were not summarised in the Shooting Incident Report. However, I have been provided with all of them for the purposes of this Investigation. Set out below is a summary of events as they occurred during Op AREZZO, insofar as this can be gleaned from the statements of the 79 soldiers from whom statements were taken.

⁵⁰ The accounts of these 17 soldiers have been summarised in detail, along with the accounts of the other 62 statements, at paras 4.29 to 4.111 below. Having given careful consideration to the content of these statements, which were taken mere days after Op AREZZO took place, it appears very unlikely that any improvement could now be obtained on the quality of the evidence. Accordingly, the Investigation has not contacted the 17 soldiers to request further evidence. Any requests for the identities of the soldiers will be considered once the relevant soldiers have had the opportunity to make appropriate representations.

⁵¹ MOD-83-0000421 para 32. The Investigation has been unable to locate a version of Card A dated 2007, but believes that the version dated 2004 (see Appendix 3) was extant at the time of Mr Naser's death.

Summary of the soldiers' statements

A Coy

- 4.29** Call-signs A10B, A30A, and A31C conducted the strike on the target, 'Alpha 1'. Approximately 20 minutes into the strike a Corporal ('Cpl') from A Coy was dismounted and was covering an alleyway approximately 100m from Alpha 1 when he came under accurate SAF. He returned fire before moving into cover, and after breaking cover to return fire again, he saw that his rounds had struck the gunman.
- 4.30** Once the strike on Alpha 1 was complete, the strike teams moved onto the roof of Alpha 1. Two fire teams were designated on the roof: Charlie fire team and Delta fire team. Delta fire team were on the East side of the roof with arcs overlooking a football pitch by a crossroads. Charlie fire team were on the Western side of the roof with arcs to the West. The soldiers were split into pairs and allocated arcs.
- 4.31** The first strike team on the roof had been in place for approximately 10 minutes when there was a single round of SAF from the direction of the West. Approximately 3-5 minutes later a Warrior began engaging in a westerly direction, and a Lance Corporal ('LCpl') from call-sign A31C saw one UKM on a roof whom he engaged.
- 4.32** The roof team then came under SAF from various FPs for between 30 and 40 minutes. It is not possible to piece together a precise chronology from the various statements I have seen, but a general outline is as follows.
- 4.33** Having identified a gunman from a FP to the east, one Rifleman ('Rfn') from call-sign A30A engaged him but did not believe that he hit him. Immediately afterwards, the same Rfn observed a gunman with a long barrelled weapon ('LBW') on a roof, whom he also engaged. Approximately four minutes later the roof team came under fire from a gunman whom the same Rfn identified as being on a building to the East across the football pitch. He engaged him but was unsure if he hit him. Having come under SAF, another Rfn from call-sign A30A and a LCpl from A31C each engaged a UKM on the roof of a building but neither believed that they hit their target.
- 4.34** During the SAF contacts, a Cpl from call-sign A10B noticed a white saloon vehicle that was moving from South to North along the road and was being driven by a UKM who was on his mobile phone. Believing the driver to be a lookout or 'dicker', the Cpl fired one round of 5.56mm as a warning shot. The car sped away and he did not see it again.
- 4.35** Shortly after this, the same Cpl saw 3-4 UKMs moving across the top of a building as if they were trying to conceal something. They were engaged by a Warrior, and as they were engaged they split up and took up firing positions. The Cpl engaged the UKM gunmen with

5-10 rounds of 5.56mm, after which they disappeared from sight. When they reappeared 2-3 minutes later he engaged them again and they again disappeared from sight. The same FP was engaged twice by a Rfn who fired at a UKM who was firing at his call-sign. However, the Rfn was unsure whether he hit him.

4.36 The roof team then came under contact from their North East. The Cpl from call-sign A10B identified one UKM gunman standing on a roof to the North East who started firing at the roof team. The Cpl engaged the UKM and saw the gunman fall down.

4.37 The soldiers were informed that B Coy to their South-West had come under contact, and shortly thereafter they came under contact themselves from a single shot of SAF which the recce platoon, call-sign P20, reported had come from a white saloon car. The soldiers were accordingly told to observe their arcs for such vehicles. At this point a UKM dicker had been identified to their East standing on the roof of a building wearing an orange t-shirt, observing MNF call-signs and speaking on his mobile phone. A Cpl from call-sign A31C fired a warning shot at the dicker and he moved into the building and out of their sight. The same Cpl then identified a second dicker on a building in the vicinity of the 'Old Post Office' who was dressed in black and disappeared from sight shortly after his position was identified.

4.38 Approximately 5 minutes later, the soldiers came under contact from a building at the North East corner of the football pitch to the East. This FP was used 3-4 times and there were several UKMs firing LBWs from that point. The Cpl from call-sign A31C fired at them throughout these sporadic contacts, during which he also fired 2 Underslung Grenade Launcher High Explosives ('UGLHE') at the UKMs. A Warrior then engaged the FP and the UKMs disappeared from sight.

4.39 There followed a lull in the firefight which lasted several minutes, after which the soldiers came under a significant weight of accurate SAF from a FP located to their North-North-East, approximately 200-250m away from Alpha 1. At this point they were pinned down by the SAF and could not get eyes on the FP, but eventually there was a lull in the UKMs' firing. One Cpl was then able to break cover and identify the FP and a UKM holding a LBW, so he and three others engaged him. The Cpl fired at the UKM and saw him fall, although he did not believe that his rounds hit the UKM. Another rifleman from the same call-sign engaged various UKM gunmen on roofs to his east but did not believe that he hit anyone. Approximately 2-3 minutes later they received the order to extract.

4.40 As the first team moved off the roof, a Rfn from call-sign A31C identified a UKM gunman raising a LBW to aim, and so he fired at the gunman who moved out of sight. However, the soldier did not believe he hit him. Similarly, during extraction, a Rfn from call-sign A30A saw

a gunman with a LBW standing in the door of a house in the street. He engaged the gunman, who then moved back into the building.

4.41 Some call-signs from A Coy had formed part of an 'inner cordon' for the strike on Alpha 1. One call-sign was positioned down an alleyway. Shortly after the roof team first came under fire, a Rfn from call-sign A10B saw a gunman aiming a LBW from a rooftop and engaged him. His Serjeant ('Sjt') received a target indication over the radio and engaged the same gunman, but did not believe he hit him. Approximately 20 minutes later they received the order to extract.

4.42 Whilst the strike on Alpha 1 was taking place, some soldiers from call-sign A31C were in a BD parked on the Western side of the crossroads near to the football pitch. After they had been there for about 30 minutes they came under three separate, accurate SAF attacks which were striking their vehicle and the surrounding ground. At this point a Warrior began engaging a UKM gunman standing on the roof of a building to the East, and the Veh Comd of the BD proceeded to engage the same gunman. As he did so, a Rfn in the BD observed and engaged a further gunman who was aiming a LBW from the window of a building. The BD came under further contact several times over the next 60-80 minutes. The Veh Comd engaged several different gunmen on the roofs of buildings to the East, but did not believe that he hit anyone.

Call-signs P20 and P22

4.43 Call-signs P20 and P22 were part of the Recce Platoon attached to A Coy. They were tasked with providing 'overwatch' and situational awareness for A Coy and the BG and to engage with AIF entering their arcs in order to enable A Coy to dominate the area designated as 'Orange 2'.

4.44 In the days prior to the Operation, soldiers from call-signs P20 and P22 received briefings relating to enemy threats in the Al Quibla district. The Captain ('Capt') from P20 received a full G2 brief from the Battlegroup Intelligence Officer relating to enemy threat in the Al Quibla district for Op AREZZO, which stated that a large militia presence existed in the area in which they would be operating. They were also told that previous patrols had come under RPG and sustained SAF contacts in the Al Quibla district. The Capt stated that of note was a patrol 10 days previously in which call-signs came under SAF contact and a 'pop-and-drop' IED exploded hitting a Warrior Armoured Fighting Vehicle after approximately 30-40 minutes of remaining in the Al Quibla vicinity.

4.45 At approximately 1435 hrs P20 was dropped off by call-signs D12 and D13 at a building referred to as 'the Post Office', but as the building was unsuitable for an overwatch position

the platoon moved West to a building across the road with a high accessible roof and parapet defences.

4.46 Once on the roof, P20 took up all round defence and once in position began reporting all observations to A Coy Tactical HQ. A LCpl and a Rfn provided overwatch from the window of a room on the first floor using the Sound Commander. Concurrent to this A Coy were conducting their strike of Alpha 1.

4.47 The Cpt of the call-sign stated that soon after being in the area it was reported that the streets were beginning to empty of children, and they observed market stalls packing up and closing in the vicinity of the area designated 'Orange 2', which was also reported on the radio. After about 20-30 minutes of being on the roof, gunfire was heard to the South towards B Coy's area of operations, and it was reported over the radio that B Coy was in contact. A LCpl and a Rfn from another call-sign had climbed over to an adjacent rooftop. The LCpl was observing the area to the South when he heard a lot of gunfire from B Coy's area and saw two motorbikes with three UKMs moving West to East until they went out of sight. The call-sign heard gunfire close to their location and noticed that the civilian population had left the area, and then Warriors started to engage an enemy target.

4.48 P20 were then contacted from the North and the East. One of the snipers stated that he heard two single shots from his West coming towards him, and saw a gunman at whom he fired, hitting him in the chest, which was confirmed by a Sjt. A Rfn in P20 stated that they were contacted from a firing point approximately 200m to the north-east of their location. This Rfn fired 2 x 3-5 round bursts at the gunman, and other call-signs were also firing until the threat no longer existed. Moments later a gunman was spotted at the same FP and the Rfn applied suppressive bursts of fire until the threat disappeared again. Two motorcycles with a total of 7 passengers were seen heading East to West from Hay Al Muhandiseen to Hay Al Shudha towards the B Coy contact. A Capt stated that a single round of gunfire was then heard to their North and it was reported over the A Coy net that a warning shot had been fired at a gunman to the East. The Platoon then came under contact from the East, and several armed individuals were observed firing from rooftops and in the general area of Hay Al Qaad in the vicinity of the top corner of the football pitch.

4.49 One of the LCpls in the call-sign stated that he heard a contact to the North-East, and that the FP was a white faced building with three satellite dishes on top at the far left corner of the football pitch in Hay Al Qaad. The LCpl stayed in this position observing the area to his front when he saw a UKM with a LBW and engaged with 2 bursts of 7.62mm from the General Purpose Machine Gun ('GPMG'). He then heard a call by a Sjt to cease fire due to the gunman being down. The call-sign and a Warrior were also contacted from the North-East just across the football pitch, and there were several men within a building coming out

on to their balcony to fire at the Warriors and the call-sign on the roof. A Cpl stated that he and his colleagues returned fire at a gunman who disappeared for a while and then popped up again to re-engage. The Cpl fired three times at the enemy position, firing a total of 30 rounds. Shots were heard to the North-East and members of the call-sign engaged the building at the corner of the football pitch. Rounds were hitting their building in the direction of the A Coy call-signs. One of the Rfn saw a gunman moving about and firing and engaged him with his Light Machine Gun ('LMG') until the threat was gone. A man from a black car fired at them and the Rfn engaged him until the threat was gone. There was firing from most directions and the gunmen on the roof to the East kept appearing.

4.50 Throughout the contact, a number of vehicles were observed circling the call-sign, heading West and then turning North. A white saloon was seen turning behind the football pitch after the mosque; muzzle flash was seen from the vehicle's windows and rounds were being fired at A Coy. Members of P20 returned fire at the gunmen on the rooftops and the vehicle and at least one hit was claimed. The Capt stated that during the contact, rounds being fired from the enemy gunmen struck the bonnet and windscreen of an IPS vehicle and an IPS officer was seen to be hit. The injured officer was picked up by an IPS 4x4. A gunman was also observed in the backstreets and was engaged by a Rfn who shot him in the chest.

4.51 A LCpl in the call-sign was given a target indication of an enemy FP but then the firing stopped and they noticed that an IPS officer was down on the ground. They then came under contact again from the same position and the LCpl saw gunmen firing from the rooftop, returning three rounds of 5.56mm. A LCpl from call-sign P22 states that he opened fire at a FP, engaging with 5 rounds of 5.56mm, whilst armed men were firing and running across the road into the Hay Al Qaad estate. A Cpl from call-sign P22 fired an Underslung Grenade Launcher ('UGL') at the position at the corner of the football pitch and then the firing stopped again.

4.52 They then came under fire but spotted a gunman. A LCpl engaged the position with 10 rounds of 5.56mm. He then heard a UGL explode within that immediate area. After about 5 minutes he heard over the radio that a Rfn from his platoon had shot a gunman to the North-West, and they started receiving more incoming from the area of the previous FP which he could hear the roof team engaging. He then heard over the radio that a black car was transiting around the Eastern area with a gunman around the JDAM/Post Office building, and he heard it being engaged. He then engaged more enemy fire from the same contact area with 14 rounds of 5.56mm.

4.53 The call-sign were also contacted approximately 200-300m North-East of their location. One of the Rfn was given a target indication and fired 5 bursts of his LMG until the threat was no longer there. Moments after, another gunman was spotted again at the same FP and the

same Rfn fired a further three bursts until the threat was gone. Whilst observing he noticed a number of cars stopping and doing U-turns to the East-South-East and heard firing from his call-sign on the roof.

4.54 The contact with the gunmen in the vicinity of the football pitch continued on and off. Contacts were heard to the South with B Coy. SAF and an explosion were heard towards the North, and gunmen were seen and engaged by P20 running towards the direction of the mosque from the South across the market road separating Hay Al Shuhda from Hay Al Qaad. A dark coloured saloon was seen conducting the same method of attack as the earlier white saloon. As the vehicle turned right up the back street at the eastern edge of the football pitch muzzle flash was seen from the rear windows and it was engaged by members of P20. One of the Rfn states that he saw gunfire coming from a dark coloured car and fired 2 x 3-5 round bursts at the vehicle, believing he hit the occupants in the rear. Another dark coloured saloon was hit in the rear from fire in the North. A black car was noticed to their North-East by a LCpl and the Cpl from P22. They saw the car pulling onto the road with the window down and a gunman pointing his weapon out of the car and firing, so the LCpl fired 5 rounds of 5.56mm at the target while other call-signs engaged more gunmen in the car. Two males were seen stumbling away from the vehicle and a third body was seen motionless in the vehicle.

4.55 Gunmen were seen firing towards P20 from the roof of the mosque and were engaged by members of P20. A dark saloon vehicle (possibly the same seen previously) was seen conducting the same drive-by tactic, and muzzle flash and rounds were seen from the vehicle by the Capt and a Rfn who both engaged. The Capt fired a total of 9 rounds at the vehicle, which he believed hit the occupants.

4.56 Approximately 40 minutes after the strike and just before the cut-off time they began to collapse the roof team, at which point their building was being hit by a number of enemy rounds which the fire teams on the roof and the Warrior were engaging. Accordingly, Bulldog D13 was called to move to the outside of their building for cover. Another Rfn popped a smoke grenade to provide additional cover. The contacts to the East continued but a call was made to extract out of the area at 1605 hrs. One of the LCpls states that he and other Rfn left the building and mounted the BD, and the rest of the Recce ran over towards the D12 near the JDAM building using their BD as cover, before they extracted out of the area. As they extracted they came under increased fire, with soldiers stating that they believed it was coming from snipers from the North-West, and smoke grenades were used to screen the soldiers' movements whilst they extracted via an area designated as 'Red 3'.

B Coy

B10, B11, B13 and B14

- 4.57** At 0900 hrs on 10th April 2007, soldiers from call-signs B10, B11, B13 and B14 received a full set of orders for Op AREZZO, which was a strike and ground domination patrol in the Al Quibla area. As part of the orders, the soldiers received a threat brief specific to the Al Quibla area. The threat from SAF in that area was assessed as being 'High', and the intelligence assessment was that AIF were likely to attempt to contact the soldiers using complex ambushes in and around the back streets, using multiple FPs from the roofs of buildings.
- 4.58** Call-signs B10, B11, B13 and B14 were to form part of a strike team in the Al Quibla area. Once they had carried out the strike, they were to extract and move to the Hayy al Muhandiseen area in order to dominate that area.
- 4.59** The call-signs carried out the strike as planned. As they were preparing to extract from Al Quibla, however, the strike team came under contact from their North East, across a water feature. Some dismounts were coming under fire whilst attempting to cross open ground to reach their vehicle. Several soldiers from the strike team identified a gunman firing from the roof of a prominent building. Accordingly, a Rfn from call-sign B10, a Rfn from B11, two LCpls from B13 and two Rfn from B13 returned fire at the gunman on the building, but none of the soldiers could confirm a hit.
- 4.60** Meanwhile, a B10 Cpl and Rfn observed two UKMs on the roof of another building who were firing at them, so both returned fire at the UKMs, who disappeared behind a parapet. Another B10 Rfn, a B13 LCpl and a B13 Cpl fired at a gunman who had contacted their vehicles from the same location; the gunman disappeared but it was unclear whether he had been hit.
- 4.61** Call-sign B10 then came under contact on two separate occasions from a gunman on the roof of another building. On both occasions, a Rfn fired several rounds at the gunman, who disappeared.
- 4.62** Once the dismounts had remounted safely, the soldiers extracted out of Al Quibla and moved into the Hay Al Mohandiseen area. During this phase of Op AREZZO, their vehicles came under repeated SAF from a variety of FPs.
- 4.63** The B10 Cpl and two Rfn fired at 3 or 4 firing points, all of which involved one to two gunmen on roofs of various buildings, but the soldiers did not manage to hit any of the gunmen. Neither the two Rfn nor the Cpl was unable to identify the exact locations of the

targets they engaged due to the fact that they were under fire and were manoeuvring throughout the area for a period of time.

- 4.64** About 20 minutes after moving into the Hay Al Mohandiseen area, the B13 vehicles came under SAF from a gunman on the roof of a two storey building. Two Rfn fired several rounds at the gunman, who disappeared. Shortly afterwards, B13 came under fire from a gunman in the first floor of a building. Three B13 Rfn returned fire at the gunman and the firing stopped, although it was unclear whether the gunman had been hit.
- 4.65** Similarly, around 20 minutes after moving to Hay Al Mohandiseen, call-sign B10 came under SAF from two UKMs moving across a large patch of open ground. A Rfn fired about 100 rounds at the UKMs and saw one of them fall down, but he did not believe that it was him who had hit the UKM. Another Rfn also fired at a gunman over open ground. The call-sign vehicles continued to move forwards.
- 4.66** As B10 moved South East they came under SAF from their right hand side. A Rfn identified a gunman on the ground beside a house who was firing a LBW in his direction. The Rfn opened fire with an initial burst of about 10-15 rounds at the UKM but the rounds fell short. He then fired another long burst of about 20 rounds, which hit the gunman. As his vehicle moved off he could see the gunman lying face down on the floor. A Cpl from call-sign B14 reported that his Warrior vehicle came under fire from a gunman inside a building in the same area. Although other BF vehicles nearby were engaging that FP, the B14 Cpl also fired 8 rounds at the muzzle flash coming from the building but was unsure if he hit anyone.
- 4.67** A B10 Rfn reported observing a gunman moving between buildings firing a LBW at them, at whom he fired 10 rounds, but the gunman moved out of sight. Shortly afterwards his vehicle came under fire again from two UKMs on top of a roof to the left hand side of the vehicle, whom the Rfn engaged with approximately 20 rounds.
- 4.68** As his vehicle approached a junction, a B10 LCpl reported that his BD had come under SAF from two gunmen on the roof of a building. The LCpl fired several long bursts from his GPMG at the gunmen, who were firing and manoeuvring along the roof, and they disappeared from the parapet. After his vehicle had turned at the junction, the LCpl became aware that the vehicles behind were firing again at the same gunmen, who had continued to engage, so he turned and fired approximately five bursts of 10-12 rounds at the building but did not hit anyone.
- 4.69** Meanwhile, in the vehicle behind the LCpl's Bulldog, the B10 Plt Sjt had initially fired a UGLHE round in order to suppress the two gunmen on the roof of the building, but the gunmen continued to fire. The same gunmen were also firing at a B11 vehicle. A Cpl from call-sign B11 therefore fired two UGLs and several rounds in return and managed to hit one

of the gunmen. At the same time, the B10 Plt Sjt and another Rfn continued to fire and saw one of the two gunmen collapse behind the parapet of the roof. The other gunman also disappeared but the Plt Sjt did not know whether he had been hit.

- 4.70** Whilst soldiers from call-signs B10 and B11 were engaging the two gunmen, two LCpls from B13 were in vehicles behind B10 and B11. Both soldiers observed the firefight in front of them and each fired several long GPMG bursts at the two gunmen, but it was unclear whether they had shot the gunmen.
- 4.71** At that point, a white and orange taxi which had been following the soldiers' vehicles pulled over to the side of the road. Two UKM got out, each carrying a LBW, and one of them moved to the corner of a building and began engaging both the B10 and B11 call-signs. The B10 Plt Sjt aimed his rifle at him and fired several rounds in his direction. At the same time, a B11 Cpl fired several rounds and a UGL at the same gunman. A grenade hit a wall near the gunman and exploded, killing him.
- 4.72** A LCpl from call-sign B13 observed a gunman firing out of the balcony on the first floor of the building next to which the white and orange taxi had stopped. The LCpl immediately returned fire and gave a target indication to a Rfn top cover in his vehicle, who also fired at the gunman. The gunman then stopped firing, but it was not clear whether he had been hit. The LCpl was aware that other call-signs were still firing at FPs which he could not identify.
- 4.73** Shortly afterwards, the call-signs came under further SAF from the parapet at the top of the same building. The B10 Plt Sjt fired another 15 rounds and two UGL rounds and the firing stopped.
- 4.74** At some stage during the Operation, a B10 Rfn heard an RPG going off and saw a UKM standing on a roof over the rear right of his vehicle and reloading an RPG launcher. The Rfn fired at the UKM, who was hit and fell off the roof. At another point, a gunman fired from a rooftop at the B11 vehicle, and a B11 Cpl returned fire.
- 4.75** A B13 Cpl reported receiving a target indication to the effect that there were 3 gunmen on the roof of a large two storey building, each of whom was engaging B13 with a LBW. The Cpl therefore aimed his UGL at the gunmen and fired 4 UGL rounds at the roof, all of which landed directly on the roof. Although the Cpl could not see if any of the gunmen were hit, all of them ceased firing their weapons.
- 4.76** At about 1630 hrs, the soldiers received orders to extract from the area.
- 4.77** The B10, B11 and B13 vehicles moved towards an area designated as 'Red 3'. They stopped just short of Red 3 in order to wait for B20 to rendezvous ('RV') with them there. As the vehicles waited, a B10 Cpl observed two UKMs on the roof of a building, one of whom

was pointing an LBW in their direction. The other appeared to be spotting for him. The Cpl aimed his GPMG at the gunmen on the roof and fired at them, hitting them both. Two B10 Rfn in the same vehicle received target indications from the Cpl and also fired at the gunmen on the roof, as did another B10 Rfn, the Plt Sjt and a B11 Rfn.

4.78 The driver of one of the BF warriors described how, at this point, his vehicle was 'stuck' due to the fact that there were a lot of lorries and trailers in the way. He saw the BF vehicles in front firing at the two gunmen on the roof of the building, and he himself fired two rounds until the convoy began to move forwards again and he continued driving.

4.79 One of the B10 Rfn then saw two other gunmen on the ground in an alleyway who were firing from the standing position and using the corner of a building for cover. The B10 Rfn and another B11 Rfn engaged these two gunmen, but by then the soldiers' vehicles had carried on southwards so that the firing point was no longer visible.

4.80 The B13 vehicles had also stopped in order to RV with B20. As they were waiting, a B13 LCpl identified a group of UKMs on the roof of a building, one of whom had a LBW which he was pointing at the soldiers. The LCpl and a Rfn engaged the gunmen but ceased fire as their vehicle moved off. Similarly, a B13 LCpl in another vehicle observed one gunman on the roof of another building and he and another Rfn engaged him, but both were forced to cease fire when their vehicle moved off.

4.81 Throughout this second phase of Op AREZZO, several soldiers in call-signs B10, B11 and B13 fired at UKM gunmen who were attempting to engage their vehicles. However, because these soldiers were usually acting as top covers for their vehicles and did not themselves have access to a map at the time, they were often unsure of their location when they opened fire. This confusion was compounded by the fact that the BF vehicles were continually moving and circling throughout the Operation.

B20, B21, B22, B23 and B30

4.82 At 0900 hrs on 10th April 2007 soldiers from call-signs B20, B21, B22, B23 and B30 received orders for Op Arezzo. As with the other B Coy call-signs, they were to perform a strike and ground domination patrol to the Al Quibla area. As part of the orders they received a threat brief specific to the Al Quibla area that the threat from SAF in the Al Quibla district was assessed to be High. The assessment was that AIF were likely to attempt to contact them using complex ambushes in and around the back streets using multiple firing points from the roofs of buildings, and it was assessed that they could expect such an ambush to be set up after being in the area for only half an hour or so.

- 4.83** After having conducted the initial strike, soldiers from call-signs B20, B21, B22, B23, and B30 were involved in moving into the Hay Al Muhandiseen to dominate the area.
- 4.84** According to a Rfn in call-sign B21, as they were preparing to extract from the strike area they came under contact from two gunmen on the roof of a building across a body of water, so he fired 10-15 rounds at them and they disappeared.
- 4.85** Soldiers from call-sign B23 reported coming under SAF from three UKMs holding LBWs on the roof of a three-storey building whilst extracting from the strike area. One Rfn who was acting as top cover fired 70 rounds at the UKMs who stopped firing, although he could not see if he hit them.
- 4.86** Following extraction from the strike area, the call-signs then moved into the Hay Al Muhandiseen area and began to patrol.
- 4.87** The Rfn who was acting as top cover in call-sign B30 stated that after moving into the Hay Al Mohandiseen area they came under SAF from a gunman on a rooftop to the left-hand side of their vehicle. He aimed his weapon at the gunman and fired about 40-50 rounds. Shortly after moving on, he received a target indication from the LCpl that there was another firing point on a roof top, from where he saw two gunmen with LBWs. He fired about 100 rounds at the gunmen but as the vehicle he was in was moving he could not see if he hit them. As the vehicle continued to move around the area he saw an individual who was moving between the rooftops and firing at their call-signs with an LBW, at whom the Rfn fired about 50 rounds. The LCpl of call-sign B30 reported that he could only see out of the small window at the back of the vehicle, and so could not identify where they were the whole time, although he knew it was in the Hay Al Mohandiseen neighbourhood. He stated that after they came under SAF contact he joined the top cover to provide additional fire support. He observed a gunman on the rooftops across a body of water who was firing a LBW in their direction, at whom he fired 10 rounds but could not see if he hit him. Shortly after their vehicles moved on he observed two more gunmen on a rooftop who were carrying LBWs and moving into a position to engage their call-sign. He fired 10 rounds at the gunmen and a 40mm UGL which hit the roof, but as the vehicle he was in was moving he could not see whether they were hit.
- 4.88** Soldiers from B20 and B22 reported that after about 20 minutes patrolling in the North-West area of Hay Al Muhandiseen they came under heavy machine gun fire coming from the top of a building. A Cpl from B20 identified muzzle flash from a parapet and gave a target indication to his call-sign to engage with the muzzle flash. He fired about 40 rounds at it and the rest of his platoon also fired at the building. He did not see if anyone was hit, although he stated that the heavy machine gun fire ceased. A Rfn from B22 fired approximately 50-60

rounds at the parapet where he had seen the muzzle flashes but did not see if he hit anyone. Another Rfn from B22 who was acting as top cover sentry fired about 100 rounds at the target location but could not see if anyone was hit.

4.89 A Rfn from call-sign B21 also confirmed that after they moved into the Hay Al Muhandiseen area they came under SAF from two gunmen with LBWs on top of the roof of a two-storey building. The Rfn fired 30-40 rounds at them as their vehicle passed the building but could not see if he hit either of them. He subsequently fired 30-40 rounds at another gunman who was firing at them from behind a parapet on the roof of a building. The dismount team commander (a LCpl) also reported that after about 20 minutes of beginning to patrol the Hay Al Muhandiseen area they came under heavy machine gun fire coming from the top of a building. The LCpl engaged the target with approximately 60 rounds and they then extracted from the area.

4.90 The Second Lieutenant ('2Lt') in B20 whose weapon in OP AREZZO was the GPMG mounted on his Bulldog Armoured Personnel Carrier ('APC') fired a burst of 10 rounds at a gunman firing at them with a LBW, after which the gunman disappeared. A dismount in the same call-sign fired 30 rounds at a gunman, who was firing at them from the roof of a building to the left-hand side of the vehicle he was in, who then disappeared behind the parapet of the building.

4.91 The call-signs were next contacted from a white saloon car across a body of water from about 200m away, from a gunman pointing a LBW at them. The sniper attached to B20 fired at the car but did not think he hit any of the passengers. A Rfn from B20 engaged with 40 rounds of 5.56mm but could not see whether he hit any of the occupants. The 2Lt also fired 20 rounds from his GPMG at the vehicle but did not hit any of the occupants. The Cpl fired about 80 rounds at the vehicle from the GPMG but did not hit any of the occupants. The LCpl from call-sign B21 engaged them with approximately 30 rounds of 5.56mm but did not hit any of the occupants. Soldiers from B23 also engaged with the vehicle, with the LCpl firing approximately 10 rounds at it, and one of the Rfns acting as top cover sentry firing approximately 50-60 rounds at the occupants of the vehicle but not hitting any of them. The other Rfn in the call-sign also fired approximately 10-15 rounds at the vehicle.

4.92 Three Rfns from B22 between them fired approximately 170 rounds at the vehicle which went static, but none of the occupants were hit. The sniper attached to B20 shot at the car but did not think he hit any of the passengers inside, but when a UKM emerged from the car with a LBW the sniper fired a further shot which hit the UKM. Two occupants fled and after a follow up on the vehicle two further individuals were detained.

- 4.93** Shortly after, B23 came under SAF from a gunman on the roof of an orange building to their right-hand side, at whom the LCpl and both Rfns fired approximately 60-70 rounds in total, and the gunman disappeared behind the parapet. The LCpl observed a UKM on the roof of a large pink building who appeared to be observing the BF using binoculars, and fired 2-3 bursts of automatic fire over his head to act as warning shots and the UKM disappeared. Their vehicle came under contact again from a gunman with a LBW on the roof of a building and the LCpl fired a couple of bursts at the gunman and then gave a target indication to one of the top covers who opened fire. The LCpl fired another few rounds at the target but then lost sight of the UKM.
- 4.94** During the follow-up on the car that had fired at them from across the water, the Cpl from B20's vehicle came under fire as it was moving past a building. The Cpl could see a gunman standing beside the corner of the building and fired 10 rounds at the gunman but failed to hit him. As the Cpl reversed his vehicle at a junction he noticed a dead body lying on the ground but did not know how it came to be there. The gunman appeared again in the same position as previously and the Cpl engaged him with 30 rounds from his GPMG and his top cover also opened fire. The UKM was hit and fell to the ground.
- 4.95** Soldiers from B22 also stated that whilst they were carrying out follow-up on the vehicle, they came under contact from SAF which came from the corner of a building. The Cpl from call-sign B20 engaged the gunman, but one of the Rfns from B22 was unable to do so before his vehicle moved past the alleyway. His vehicle then reversed and the gunman reappeared in the same position pointing a LBW at them, and the Rfn and another from B22 fired a total of about 30 rounds at the gunman who was hit and fell to the ground.
- 4.96** Whilst they moved to the area of the white car to assist, call-signs B20 and B22 were engaged again from the building they had moved past previously. The Cpl from B20 fired about 100 rounds of his GPMG at the FP identified by his top cover. Other soldiers also reported that as they searched the vehicle and detained two of its occupants, they came under SAF. The sniper attached to B20 fired at a UKM on a rooftop holding a LBW, hitting him in the chest. He saw a second gunman on the roof of the adjacent building, and fired at him but missed. Soldiers from B22 reported that as they moved to the area of the white car to assist in the follow-up they came under fire from the window of a building, and two of the Rfns fired a total of 30-40 rounds and 2 x 40mm UGL rounds at the building.
- 4.97** Soldiers from B21 also confirmed that whilst conducting the follow-up on the White saloon car they came under SAF from a gunman in a building, whom the LCpl engaged with 10 rounds, and the gunman disappeared into the building. A Rfn acting as top cover sentry stated that they came under SAF from a gunman with a LBW on the roof of a building whom the Rfn engaged with several long bursts from his LMG and the gunman disappeared, but

the Rfn could not see whether or not he had hit him. The Rfn observed another gunman on the roof of a building pointing a LBW at him and so he fired approximately 30 rounds of 5.56mm at the gunman who disappeared. He also reported further SAF contacts but did not fire his weapon in these.

4.98 Once the follow-up was complete B20 moved forward in a convoy and the lead vehicles spotted a suspicious car and so stopped. The Cpl from B20 reported that as they were conducting a follow-up in a building to the South of the road, B23 came under contact from a building on the right hand side of the road. The Cpl from B20 saw muzzle flash coming from the roof of a building and fired 50-60 rounds of 7.62mm but did not see if he hit anyone. One of the Rfn from B22 stated that as they moved on he saw a gunman with a LBW on the roof of a building at whom he fired 20 rounds but could not confirm a hit.

4.99 The call-signs moved to the area of 'Red 3' to RV with each other and the rest of the Coy. The LCpl of B30 reported that as they were extracting they moved to the area to the South-East of Red 3 in order to wait for B20. As they were waiting he saw a gunman on the ground beside a building who was firing a LBW at their vehicle from a standing position. The LCpl fired 20 rounds at the gunman but could not see whether he hit him.

4.100 Whilst waiting to RV, B20 were contacted by a gunman with a LBW who was firing out of a large window of a building. The 2Lt engaged with about 20 rounds but could not see if he hit the gunman. One of the Rfn from B23 reported that as they moved on to RV with call-sign B10 they came under contact again. The Rfn observed a gunman with a LBW firing at them from the roof of a building about 100m away and fired about 50 rounds at him but could not see if he hit him. As B30 was waiting to RV with B20 one of the Rfn saw a gunman on the roof of a house in front of them who was firing at their call-sign, and fired about 70 rounds at the gunman before their vehicle moved off to extract from the area.

4.101 The LCpl from B21 stated that they re-mounted their vehicles and from that point he was looking after detainees in the back of B21. The call-signs were then told to move forward to 'Red 2' and then extract to Basra Palace, which they did without further incident.

C Coy

4.102 On the 10th April 2007 at about 1100 hrs, soldiers from C Coy were briefed regarding a strike Op that was to take place in the Al Quibla district of Basra, where they were to escort a strike team and carry out cordon duties. Prior to deployment they had a full set of Orders in which the threat and G2 brief was given, during which they were told of the IED, SAF and RPG threat in the area, as well as incidents which had taken place over the previous couple of days. There was also assessed to be a sharpshooter within the city. A Cpl stated that he

received full orders for OP AREZZO, which was a strike and search operation, and that he was to be part of the stand-off in the Al Quibla area around an area designated as 'White 1'.

- 4.103** The Veh Cmd for call-sign C22 (who in total fired 72 x 7.62mm during the Op) stated that as they were escorting a strike team during Phase 1 of the Operation, they came under SAF from a white car. The vehicle gunner engaged the FP with 60 rounds of 7.62mm but no hit was claimed.
- 4.104** The gunner of call-sign C33 stated that at about 1520 hrs his call-sign was static when he observed two UKMs taking up fire positions and so he engaged them with his chain gun, hitting one UKM in the chest, but could not confirm any hits on the second gunman who moved behind cover. A Kgn who was part of call-sign C30 also stated that at about 1520 hrs his call-sign was static and dismounted when his team commander observed one UKM taking up a fire position to engage other friendly call-signs in the area and so the Kgn fired 30 aimed shots at him. The UKM moved into cover and the Kgn did not believe he hit him. The Warrior gunner for C30 observed approximately 4-5 UKMs take up fire positions to engage other friendly call-signs in the area, and so engaged them with the chain gun, firing a total of 170 x 7.62mm rounds, but they moved behind cover and he could not confirm any hits on them. A LCpl who was part of C30 also observed the 4-5 UKMs and fired 140 x 7.62mm rounds from his GPMG in numerous bursts, but could not confirm any hits. Two further UKMs were identified by the commander of C33 on the roof of a Mosque with LBWs just north of their position. The UKMs engaged the call-sign and the gunner of C33, ordered by his commander returned fire with his chain gun, in total firing 304 x 7.62mm rounds but could not confirm any hits.
- 4.105** At about 1615 hours a Bulldog vehicle, call-sign D11, came under contact from RPG fire whilst static. The gunner of call-sign C20 identified a UKM at the FP, whom he engaged with 150 rounds of 6.62mm before having a chain gun stoppage. The Veh Com, switched to 30mm. The Kgn fired two rounds of High Explosive ('HE'), which destroyed the UKM. The Vehicle Cmd of call-sign C20 stated that they were then contacted by a gunman with a LBW, who they engaged with 25 rounds of 7.62mm. In total the Veh Comd fired 150 rounds of 7.62mm and 2 x 30mm.
- 4.106** A number of the soldiers stated that call-signs C10 and C12 were static at about 1623 hours when SAF and an RPG were launched at them. A Kgn from call-sign C10 stated that SAF hit the rear of the vehicle C12 whilst the RPG flew over top. A UKM wearing a white dish-dash with black trousers had an RPG and was using a wall as cover, and call-sign C12 began to engage him with a 7.62mm chain gun. The Warrior gunner for call-sign C10 also engaged the UKM with a 7.62mm chain gun, firing 30 rounds, but was unable to confirm any hits.

- 4.107** The Warrior gunner for call-sign C12 stated that he observed two UKMs (one wearing a white dish-dash with black trousers and the other dressed in all black) with an RPG and LBW taking cover behind a wall and down an alleyway. He engaged them with a 7.62mm chain gun, firing a total of 194 rounds, but was unable to confirm any hits.
- 4.108** Another Kgn who was part of the dismounted team C12C in the back of C12 who was providing top cover also confirmed the contact from SAF and RPGs. This Kgn observed 3 UKMs (one wearing a white dish-dash with black trousers, the other two dressed all in black) with an RPG and LBWs taking cover behind a wall and down an alleyway. He engaged them with 5.56mm, in total firing 23 rounds, but was unable to confirm any hits on them. The LCpl from C12C also observed the UKMs and engaged them with 5.56mm from his SA80, firing 25 rounds, as well as 2 UGLHE rounds but was unable to confirm any hits on them. Another Kgn who was part of C12C stated that he observed the UKM wearing the white dish-dash and another all in black with an RPG and LBW and fired 17 x 5.56mm rounds and 2 x UGLHE rounds at them. The Cpl from C12C observed the UKM wearing the white dish-dash and fired a total of 15 x 5.56mm rounds but was unable to confirm any hits.
- 4.109** At about 1630 hrs C22 was also contacted by a gunman with a LBW who was engaged with 12 x 7.62mm and was hit.
- 4.110** The Cpl acting as the gunner for call-sign C0C stated that at about 1640 hrs his vehicle was contacted from multiple FPs by SAF and RPGs from the area of the crossroads, and he observed one UKM with an RPG who had emerged from the corner of a building. The Cpl engaged with his chain gun but sustained a stoppage and so switched to 30mm and fired 1 round. The UKM reappeared minutes later and the Cpl fired a further 2 x 30mm rounds but was unable to identify whether he had hit his target due to the smoke and dust obscuring the target area.
- 4.111** They were extracted to base at approximately 1720 hrs. A Cpl who was part of C Coy stated that during extraction they came under fire while static at 'Red 3'. The Cpl identified two UKMs with LBWs whom he engaged with '*a number of aimed shots*' from his rifle, in total firing 21 x 5.56mm. At the same time they came under fire from a window about 150m away and the Cpl fired one round from his UGL into the window, after which the firing stopped. Shortly thereafter they extracted from the area.

Shooting Incident Review dated 22th April 2007

- 4.112** On 22nd April 2007, Capt J Harris, SO3 Legal Adviser MND (SE), reviewed the SIR completed by Capt Wells and Lt Col Maciejewski and advised that Lt Col Maciejewski's

proposal not to initiate a Service Police investigation should be supported.⁵² Capt Harris found that each of the 17 soldiers who had claimed hits and had provided witness statements had fired aimed shots only at their clearly identified target, and that in each case it was because they believed that the target posed an immediate threat to life; furthermore, he found that they stopped firing once the threat ceased.⁵³ Capt Harris concluded that there was nothing to suggest that a formal disciplinary investigation was necessary. No referral was made to the Royal Military Police ('RMP') for investigation by the Special Investigation Branch ('SIB').

Michael Yon's Account⁵⁴

4.113 Michael Yon was an American journalist who accompanied soldiers from 5 Pl, 2 Rifles during Op AREZZO. In an article dated 12th April 2007 he reported that there had been a dramatic surge in rocket and mortar attacks since September 2006, and over the previous five months '*more than a thousand*' bombs had been fired at Basra Palace.⁵⁵

4.114 Op AREZZO was '*part of three simultaneous strike and arrest operations in the al Quibla district of Basra, designed in part to bait the enemy into attacking British forces.*' Yon described how the Operation began with rapid ground assaults on target houses in the district in an attempt to kill or capture key local militia leaders. Once the raids on houses were complete, the BF came under SAF from AIF in the areas anticipated during planning of the Operation. Yon reported:

They opened on us with massive small-arms fire from many directions, and RPGs. One RPG slammed into a British vehicle and exploded in the slot armor, but the vehicle took the hit, and the men inside continued to fight. The enemy pounded at one of the platoons with at least one large machine gun, possibly a 12.7mm, which can blow a man in half and easily defeat British or American armor. But soldiers in that platoon responded with blistering fire, and silenced the gun.

The ensuing firefights were vigorous. As more enemy joined and the battle progressed, British elements manoeuvred and fired, making adjustments to the plan to mold the fight. With no helicopters above to help develop ground awareness or to help shape the combat by engaging targets, British commanders directed their elements by map and ground-feel. Having no

⁵² MOD-83-0000422

⁵³ See footnote 51 above.

⁵⁴ 'British Forces at War As Witnessed by an American', April 12 2007 (MOD-83-0000399).
See also Appendix 8

⁵⁵ Ibid

helicopters also left rooftops open to the enemy, adding another dimension to the combat. In addition to small arms, British soldiers used 7.62mm machineguns, grenades, and 30mm guns with deadly focus. As the soldiers ran out of ammunition, they dropped back to reload, while other soldiers kept up the aimed shots.

The enemy was at times on both sides of us firing from many positions, on the ground and on rooftops. 5 Platoon and others continued answering heavy fire with accurate return fire. I saw a soldier fire his 40mm grenade launcher several times, arching explosive rounds into enemy positions. A British sniper fired four bullets. One 7.62mm bullet struck an armed man on a rooftop in the chest. Another bullet stopped a gunman who was firing from a car.

Bullets popped into the walls of the vehicles. British planners had anticipated that JAM would by now have placed large IEDs on our egress routes, and the commanders' plan to defeat this threat so far was working. At least one IED was in fact placed to get us, but exploded at the wrong time and missed a Bulldog.

...

In an operation that lasted over four hours, British forces killed 26-27 enemy and sustained no casualties. 5 Platoon fired more than 4,000 bullets before their guns began to cool, and about 15 of the enemy kills were accredited to 5 Platoon. Another platoon captured two enemy fighters, including one Iraqi policeman who might have been heeding al Sadr's call for Iraqi Police and Army forces to turn on their coalition partners.

Compensation Claim

- 4.115** As referred to above, by letter dated 24th May 2007 the Deputy Governor of Basra wrote to the Commander of the BF notifying him of Mr Naser's death and requesting compensation for his family. The IPS investigation papers were attached.⁵⁶
- 4.116** On 3rd October 2007 the MOD Claims Manager wrote to the deceased's father informing him that the MOD were unable to offer compensation for the death of Mr Naser as there was no evidence of negligence by the BF.⁵⁷

⁵⁶ MOD-83-0000402

⁵⁷ MOD-83-0000408

4.117 As set out above, an appeal against that decision was submitted on 17th January 2008.⁵⁸ On 17th April 2008 the MOD Chief Claims Officer replied stating that he had thoroughly reviewed the decision of 3rd October 2007 but had not discovered any further information which would lead him to overturn that decision.⁵⁹

Amnesty International Letters

4.118 On 29th May 2007 Irene Khan, Secretary General of Amnesty International, wrote to the Secretary of State for Defence expressing concern regarding the deaths of Mr Naser, Mahmoud Ahmad Wahib, and Mahir Jasim Ghodhban on 10th April 2007. Ms Khan's letter stated:

Amnesty International wishes to raise with you the case of Ali Salam 'Abdul Hassan al-Rukabi, an Iraqi student aged 18 who was shot dead in a Basra district, reportedly by UK troops. According to information that we have received, on 10 April 2007 Ali Salam 'Abdul Hassan al-Rukabi was visiting his uncle's house in Hay al-Muhandissin (Engineers' district) in al-Qibla, west of Basra. As he stepped outside the house, and according to witnesses, he was shot, apparently by a UK soldier from a tank positioned in the same street. A neighbour who heard the shot came out of his house and rushed Ali Salam 'Abdul Hassan al-Rukabi to Basra's General Hospital where he was pronounced dead on arrival. He had sustained a fatal shot to the forehead above his left eye. His family said that Ali Salam 'Abdul Hassan al-Rukabi was not carrying any kind of weapon at the time when he was shot.

Amnesty International has also received a copy of an Iraqi police report which refers to UK troops "opening fire indiscriminately at passers-by", killing Mahmoud Ahmad Wahib, a policeman, and two civilians, Mahir Jasim Ghodhban and Ali Salam 'Abdul Hassan al-Rukabi. This incident is said to have taken place at 3pm on 10 April 2007 in al-Qibla. In the police report no details were given as to the exact place and manner in which Ali Salam 'Abdul Hassan al-Rukabi and the other victims were killed.⁶⁰

4.119 Ms Khan requested clarification of whether an investigation had been initiated into the circumstances of the deaths and for comments on the allegations that UK forces had acted unlawfully by indiscriminately firing at passers-by. I requested disclosure from Amnesty International regarding the source of the information contained within the above letter and /

⁵⁸ MOD-83-0000409. The appeal letter states that Mr Naser's father was notified of the MOD's rejection of his claim for compensation by email on 6th November 2007.

⁵⁹ MOD-83-0000437

⁶⁰ MOD-83-0000405

or any witness statements on which it was based. Amnesty International replied that they no longer held any documents or information to assist the Investigation.⁶¹

4.120 The Secretary of State for Defence responded on 18th July 2007 stating that a copy of the IPS report into the deaths had been requested and that a civil claim for compensation had been submitted to the Area Claims Officer by Mr Naser's father on 13th June 2007. That claim was being investigated in line with the BF's normal procedures.⁶²

4.121 A further letter was written by Nicola Duckworth, Director of Amnesty International's Europe and Central Asia Programme on 19th November 2007, requesting whether any further investigations had been or were being carried out on the basis of the IPS report.⁶³ A reply was sent on 6th January 2008 that there was nothing in the IPS investigation papers to suggest that any of the three deaths should be categorised as anything other than accidental, and it was not believed that there were any grounds for further investigation.⁶⁴

Document Sealed by Basra Governorate Council, Martyrs' Families Assistance Department

4.122 A document which is undated, but most likely was created soon after the incident, and sealed by the Basra Governorate Council, Martyrs' Families Assistance Dept, states that the '*causes of martyrdom*' were '*shot [sic] by a British tank on 10/4/2007 in Al Muhandiseen Neighbourhood, near AlJamaa Neighbourhood.*' The document gives the details of three witnesses: Sabah Yahya Nabeel (profession '*Allstabrak Elementary School Principal at AlJamaa Neighbourhood*'); AbdelAmeer Hamad Abbaas (profession '*Assistant Principal of AlMuhallab (illegible) Elementary School*'); and Sheikh As'ad AbdelRa'ouf AlDaksh (*imam of the mosque and hussayniyyeh of the podium martyr sheikh [sic] Ra'ouf AlDaksh located at AlJamaa Neighbourhood (AlBaladiyyaat) in AlQibla*), all of whom gave short statements to the effect that Mr Naser had died as a result of gunshots '*from a British tank*'.⁶⁵

4.123 I have not seen any other reference to these named witnesses, nor any further statements from them. It is unclear whether they claimed to be eye-witnesses to the incident. I note that there is no reference to them in the IPS documents.

Accounts given during the Course of Court Proceedings

4.124 As I have set out above, the death of Mr Naser was one of the test cases for the purpose of deciding the issue of jurisdiction in AS1. For that purpose, the agreed (or '*assumed*') facts

⁶¹ Emails from Amnesty International dated 28/11/16 and 21/12/16 (MOD-83-0000466)

⁶² MOD-83-0000429

⁶³ MOD-83-0000406

⁶⁴ MOD-83-0000407

⁶⁵ MOD-83-0000463

were that Mr Naser had been killed by shots fired from a British tank. The cause of death (i.e. the source of the shot which killed him) was not conceded nor was it the subject of any determination.

4.125 A witness statement dated 22nd April 2013 was made by Rafid Salam Abdulhasan Al-Rikabi in the context of a civil claim against the MOD for compensation for Mr Naser's death.⁶⁶ It is necessary to set out the excerpts of that statement which relate to the circumstances of Mr Naser's death:

On the 10th April 2007, at around 3.30pm, Ali was on his way to work from our home along with his friends Mohammad and Hisham. They have both told me the details of what happened that day. I exhibit videos of their statements as EXHIBIT RSAA/3. I understand that the three of them were on their way to work, when British tanks and military vehicles entered the neighbourhood. They could hear shots fired in the distance, and they became very scared. They were all young men and had not been in that situation before. Our uncle lived close to where they were so they decided to run there. Mohammad has told me that soldiers saw them, wave at them and say "go, go, go". They clearly realized that my brother and his friends were not part of the militia.

When they came to Mohandiseen Street, which is next to my uncle's home, British soldiers told them to cross the street and get inside the house. As they were crossing, about 15 metres from the house, firing commenced and the boys ran for cover. The shots were being fired by soldiers standing by a tank further down the street. It was only once the firing subsided that Mohammad and Hisham realized that Ali had been shot. There were no militia in the area and therefore no return fire. The two men were shocked and terrified but dragged Ali's body to the side of the dirt road to get him out of harm's way.

...

I had just returned from work and was at home when I got a call from my friend Jasim. He lived in the Gibla area and told me that there were British troops, tanks and armored vehicles everywhere...I was instantly worried about Ali. I threw my clothes on and rushed out the door. I did not tell anyone where I was going as I did not want anyone else to worry. Unbeknown to me, my younger brother Mohammad followed me.

⁶⁶ MOD-83-0000465

Ali did not have a mobile phone so I was unable to call him to make sure that he was alive and well. I ran the short distance between my home and that of my uncle. I ran past tanks and military vehicles that were leaving the area...On my way there, an acquaintance of mine, Mohammed, stopped me in the street and told me that Ali had been shot. He had witnessed the incident. His words shocked me, but I did not want to believe it. I ran even faster. I passed by a street where I saw a young girl lying in the street, her family gathered around her, crying and wailing. I had never seen such a thing before, and it terrified me.

It took me less than 10 minutes to get to the street where Ali was lying. I saw my brother on the ground. Someone had covered his body with a white sheet, and there were people from the neighbourhood gathered around him. I ran to him and lifted him in my arms. I shouted at his friend Mohammad that we had to get Ali to the hospital. I could see that there was a gunshot wound just above his left eyebrow, but it was small and somehow I believed that he was still alive and he could be saved.

When I pulled him to my body to cradle him I felt the large exit wound at the back of his skull. It looked like his skull had exploded. His jaw was open and frozen, as if he had been crying out when he was shot. In the back of my head I knew that he was dead, but I still refused to believe it in my heart.

Mohammad called his father who came with his car to take us to the hospital. I exhibit his statement as EXHIBIT RSA/4. I lifted my brother into the car and held him close to me. Mohammad and Hashim joined us. That day, traffic was especially bad and the journey to the hospital, which would normally take around 30 minutes, took almost an hour. At first, I was shouting at Mohammad, demanding that he explain what had happened to my brother. This is when he told me about the incident that I have detailed above.

...

At the hospital I learned that two other men had been killed by British troops in the area, a young policeman who had been standing outside the police station and a man who sold cigarettes in the street.

The medical staff took Ali's body and put him on a bed but quickly confirmed that he was dead and took his body to the morgue. They asked my permission to perform an autopsy and I refused. It was clear to me that it was the bullet that had killed Ali and so I did not consider this necessary...

As stated earlier, my younger brother Mohammad had followed me to the scene of the incident...

4.126 This statement contains a large amount of detailed information which was not recorded in the contemporaneous IPS report. Further, there are inconsistencies with the accounts which were recorded by the IPS, and with the account which was submitted in the appeal letter dated 17th January 2008, in particular as to whether shots were fired *from* a British tank, or from soldiers positioned *next to* a British tank. Much of the reported information is hearsay, that is, based on the accounts of 'Mohammad' and 'Hashim'. As set out above, the IPS report included a document which listed 'Mohammed' and 'Hisham' as witnesses, and the following information:

'Saleh Hussain Ali: The martyr was taken to Al-Jumhuriya Hospital in Basra while he was already dead.

Muhammed Saleh Hussain Ali: He is the son of the above witness.

Hisham Hamed Qasem: The incident took place in front of his house⁶⁷

4.127 I consider that 'Mohammed' and 'Hisham' are the same 'Mohammad' and 'Hashim' as referred to in Mr Al-Rikabi's 2013 statement. However, despite their identification as witnesses, no statement was taken from them in the course of the IPS investigation. Further, despite inquiries being made, PIL have been unable to provide the videos which were listed as Exhibits 3 and the statement of Saleh Ali Hussein which was listed as Exhibit 4 to Mr Al-Rikabi's 2013 statement. I was informed by the Government Legal Department ('GLD') that these Exhibits were never in fact filed in either the 2013 civil claim or the Judicial Review proceedings. QC Law obtained confirmation from Mr Al-Rikabi that neither he, nor the named witnesses, any longer hold copies of the videos or statements. It has therefore not been possible to obtain the original accounts on which the hearsay information in Mr Al-Rikabi's statement is based.

4.128 In a medical report dated 20th January 2014 which was submitted as evidence in AS2, the history of the incident as reported by Mr Al-Rikabi⁶⁸ is given as follows.⁶⁹

On April 10, 2007, at around 4PM, Mr Abdel Hassan was coming back from work when his friend called to tell him that British soldiers had surrounded the area where his brother has a small shop. Mr Abdel Hassan grew worried that something would happen to his brother, so he ran towards the area, but a child

⁶⁷ MOD-83-0000403

⁶⁸ In the medical report Mr Al-Rikabi is named as 'Mr Abdel Hassan'.

⁶⁹ MOD-83-0000461

named 'Mohamad' informed him that his brother had been killed. Mr Abdel Hassan reports that the British soldiers started shooting at anything that was moving and that they even killed an 8 year old girl. He found his brother on the floor with his mouth and one eye open. He thought his brother might not be dead so he took him in his arms, placed him in a car and took him to the hospital.

Mr Abdel Hassan reports that there were two tanks parked perpendicular to each other, and that one of them had told his brother to cross but then the other shot at him. When his father found out what had happened, he had a "stroke". For the first three days, Mr Abdel Hassan could not believe that his brother had died.

4.129 The entry from *The Iraq Abuse Handbook* relating to the death of Mr Naser records the 'Claimant' as 'Yousif Naser, uncle'.⁷⁰ It gives the following summary:

The deceased, Ali Salam Abdulhasan Al-Rikabi, was shot and killed by British forces on the 10 April 2007. At the time of the incident the deceased was 17 years old and living with his parents in Basra.

On the 10 April 2007 the deceased was walking to work and was accompanied by 2 of his friends. As they were walking they heard shots being fired. Fearing for their safety, the deceased and his 2 friends ran towards the home of the deceased's uncle, who lived close by. A British soldier was standing near to where the deceased was running. The British soldier told the deceased and his 2 friends to hurry and cross the street and get into the deceased's uncles house. While crossing the street more shots were fired from a British tank situated further down the same street. The deceased was shot in the head and died instantly.

The family of the deceased have suffered inconsolable grief at the deceased's death.⁷¹

4.130 There is no information concerning the provenance of this account, nor whether there exists any witness evidence to support it. I have not seen any other statements from Mr Naser's uncle, nor is he referred to in the contemporaneous IPS documents.

⁷⁰ The Iraq Abuse Handbook was submitted to the ICC by PIL on 10 June 2014. T Wood, *Detainee Abuse During Op TELIC: A Few Rotten Apples?*, Basingstoke: Palgrave Macmillan, 2016

⁷¹ MOD-83-0000464

SECTION 5: FINDINGS AND CONCLUSIONS

5.1 In addition to the judgment of Leggatt J in AS2 which I have referred extensively to above, I also have regard to the comments which I made in the course of my public statement dated 20th March 2015 regarding the appropriate format of my Investigations, which, for ease, I reproduce below:

...As I stated in the report, my course was set according to what I judged to be the demands of justice and fairness in these two cases. Other cases may require quite different treatment. The treatment given by me to these investigations may well be out of place or disproportionate in the other cases. I am not aware of the details of the other cases which may fall to be considered by the Iraq Fatalities Investigations. They would each, as I respectfully suggest, need to be considered on their own and in accordance with the issues that they raise. The legal objectives of an Article 2 investigation are set and established and they are binding. Those objectives amount to a solid framework of principle upon which an Inspector will be bound to steer his course. But as the Court recognised, and I would maintain as a matter of general principle and general judicial discretion, the procedures for achieving them must be for the discretion of the Inspector, and they are likely to vary as the circumstances of the cases will vary.⁷²

5.2 Having reviewed all of the existing evidence, there are three issues for me to consider: firstly, whether it is possible to determine the surrounding circumstances in which Mr Naser was killed, including therefore whether he was killed by a shot fired by the BF; and secondly, if so, whether the shot was fired in self-defence. Thirdly, if it were possible to determine the surrounding circumstances, whether all feasible precautions were taken in the planning and conduct of the Operation.

Not possible to determine by whom Mr Naser was shot

5.3 Mr Naser was killed on 10th April 2007. However, it was not until 24th May 2007, at the earliest, that the BF were informed of his death by letter from the Basra Governorate Police. By that date, Shooting Incident Reviews had already been carried out, and statements had been taken from the soldiers involved in Op AREZZO. It is clear that there were, from the beginning, inherent difficulties in following up the complaint. By the time the BF were informed of the suggestion that he had been killed by a shot fired by a member of the BF,

⁷² Public Statement dated 20th March 2015 on the publication of the Consolidated Report into the Deaths of Mr Nadheem Abdullah and Mr Hassan Abbas Said, available at <http://www.iraq-judicial-investigations.org/linkedfiles/latest/publicstatementdated20march2015.pdf>

some six weeks after his death, there was no clear starting point for an investigation into the allegation. No body was available; although it was recorded that the cause of death was a '*gunshot*', no bullet had been recovered nor had any ballistics examination been carried out to determine the type of bullet which caused the death; no statements were available from any eye witnesses to the event; and there was very limited information regarding the exact location where Mr Naser was shot.

5.4 Having considered the evidence now available to me:

1. It remains unclear where in the Hay Al Muhandiseen neighbourhood Mr Naser was when he was shot.
2. There is no evidence available to enable any conclusion to be reached about the origin of the shot which killed him. There is no evidence available to enable me to conclude that he was fired on by a member of the BF.
3. The soldiers' evidence is clear. There is no basis which leads me to question the overall accuracy and credibility of their various accounts.
4. Despite enquiries being made of PIL, the GLD, and QC Law, there is no existing account regarding the circumstances of the incident from any individual who was an eyewitness to it. If 'Hisham' and 'Mohammed' ever did make statements, they are not now available, nor do they appear to have been available in 2013, when Mr Al-Rikabi's statement was made for the purpose of civil proceedings. That said, taking the Iraqi accounts at their highest, they comprise an allegation (and no more) that he was killed by a shot fired by a member of the BF standing next to a tank, alternatively from a tank, whilst he was crossing the street near to his uncle's house in the Hay Al Muhandiseen area.
5. No post-mortem was conducted on the body to determine what kind of bullet killed Mr Naser. It is not now possible, nor would it be justifiable, to exhume the body in an attempt to determine the type of bullet which killed Mr Naser.
6. The evidence from the soldiers points to the conclusion that he was killed in cross-fire between the AIF and the BF. The BF had been under attack over the past five months, and were briefed prior to the Operation to expect multiple ambushes in which a variety of weapons could be used, including SAF and RPGs. The contemporaneous statements taken from soldiers, the account of Michael Yon, and Army documents compiled shortly after the Operation, reveal multiple ambushes and attacks between 1430 hrs and 1630 hrs, particularly in the Hay Al Muhandiseen neighbourhood. The general circumstances which prevailed that day clearly gave rise to a high risk of injury being sustained by a person not taking cover from the cross-fire.

7. Op AREZZO included A Coy and B Coy 2 Rifles mounted in BDs, Chindit Coy 2 Lancers mounted in WRs and an Armcd Sqn of Challenger II MBTs from the Force Reserve BG.⁷³ The WR was equipped with a 7.62mm machine gun plus 30mm Rarden Cannon, and the BD 432 was equipped with a 7.62mm machine gun plus smoke dischargers. The fatal wound suffered by Mr Naser, described as a '*gunshot*'⁷⁴ and, significantly, in Rafid Salam Abdulhasan Al-Rikabi's witness statement dated 22nd April 2013, as '*small*', is not consistent with an injury which would be caused from firing from the above weapons.
8. Since the evidence points to the conclusion that Mr Naser was killed during cross-fire, and there is no evidence that he was killed by a shot fired by the BF, the position is that the fatal shot may have been fired by someone else (see paragraph 2.8 sub-paragraph 2 above) and I should therefore address the issue as to whether there was a failure to take all reasonable precautions in the planning / conduct of the operation.

5.5 The available evidence suggests that all the soldiers who fired were acting in self-defence. Further:

1. There is no eyewitness evidence that the BF were firing indiscriminately. The only allegations are contained in newspaper reports which have been impossible to verify. Nor is there any evidence that any member of the BF fired purposefully at Mr Naser. No statements from eyewitnesses were taken at the time of the incident, nor has it been possible to locate any existing eyewitness statements which allege this.
2. All soldiers who gave statements following Op AREZZO reported shooting at clearly identified targets, and their accounts support each other in that regard.
3. The soldiers' witness statements establish that there were multiple army vehicles in the Hay Al Muhandiseen neighbourhood, travelling in convoy and / or waiting to rendezvous. Further, they establish that there was a significant militia presence in the area. To that extent, the BF account is consistent with the Iraqi accounts, taken at their highest, that there were multiple army vehicles in the area near to Mr Naser's uncle's house. It cannot be ruled out that an occupant of one of the vehicles did see Mr Naser and warned him to take care, but that he was nonetheless caught in cross-fire between the BF and AIF. I do not consider that there is inconsistency in the accounts given by the soldiers and the existing Iraqi accounts regarding the circumstances of Mr Naser's death.
4. The only circumstances surrounding the death which are capable of being identified are:
 - (i) Mr Naser was shot in the head by a single bullet which exited from the other side (see

⁷³ FRAGO 069/07 Amendment 1 MOD-83-0000370-A

⁷⁴ MOD-83-0000400; MOD-83-0000410; MOD-83-0000434

paragraph 4.2 sub-paragraph 2 above); (ii) that he was shot in the vicinity of the Hay Al Muhandiseen neighbourhood on the day in question at around 3.30pm; and (iii) that his body was recovered from the street. It is not possible to determine any of the remaining surrounding circumstances.

5. Since I cannot rule out that Mr Naser may have been shot by someone other than a member of the BF, I have asked myself whether there is any reasonable basis for entering upon an inquiry about whether all possible and feasible measures were taken in the planning and conduct of the operation. In the absence of any further identifiable circumstances surrounding his death, there is little or no prospect of being able to consider what precautions or planning might have either contributed to or avoided its occurrence. Thus I have concluded that there is no line of relevant inquiry I could adopt concerning the precautions taken in connection with the operation. To attempt to do so would involve significant time and expense which would in all probability be incurred in following an unfocussed and highly speculative investigation. I have concluded that it would not be reasonable or proportionate to attempt to establish, nearly 10 years after the event, whether there was a failure to take any precautions or carry out any planning which could be shown to have had an impact on the circumstances in which Mr Naser died. There is evidence about the conduct of the operation from the soldiers which point to it being an operation which was conducted responsibly and there is some evidence from an independent witness that it was conducted with professionalism.⁷⁵

5.6 It follows that there are no recommendations to be made.

⁷⁵ See MOD-83-0000398

Appendix 1: List of Persons Named in the Investigation

Military/ex-military personnel¹

Lt Col Justin Maciejewski	Basra South Battle Group ('BSBG') Commander who produced the Shooting Incident Review ('SIR') on 17 th April 2007
Capt J Harris	SO3 Legal Adviser MND (SE). Reviewed the SIR by Capt Wells and Lt Col Maciejewski and advised on 22 nd April 2007 that a formal disciplinary investigation was not necessary
Capt W Wells	Adjutant of 2 Rifles and conducted the SIR of the events of 10 th April 2007

Iraqi individuals²

Ali Salam Naser/Ali Salam Abd Al Hassan/Ali Salam Abdul Hassan al-Rukabi	The deceased ('Mr Naser')
Mahmoud Ahmed Waheeb/ Mahmoud Ahmad Wahib	Iraqi individual reported as being killed on 10 th April 2007 during Op AREZZO
Maher Jassim Ghadban/ Mahir Jasim Ghodband	Iraqi individual reported as being killed on 10 th April 2007 during Op AREZZO
Judge Mamoun Ahmed Yassin	Investigating judge who ordered Mr Naser's body to be released to his family without a post-mortem

¹ Ranks indicated are those in April 2007 and not the individual's current rank if still serving.

² The last name of Iraqi witnesses is often a tribal name and may not have been used in the text of the Report. Variations in spelling of surnames occur as a result of different translations from Arabic.

Lieutenant Shaya'a Salman	Investigating Officer of the Iraqi Police Service ('IPS')
Najm Aboud	IPS policeman
Rafed Salam Abdal Hassan Al-Rikabi	Mr Naser's brother
Salam Abdul Hassan Naser Hussein Al Rikabi/Salam Abdol Hassan Naser	Mr Naser's father
Widad Muhammed Shaker	Mr Naser's mother
Luai Aboud/Louayi Najm Abdullah	IPS policeman
Abu Muhammed Saleh	An individual who reportedly escorted Mr Naser to the hospital
Saleh Ali Hussein/Saleh Ali Hussain	Witness who informed the IPS that Mr Naser was taken to Al-Jumhuriya Hospital but was already dead
Muhammad Saleh Hussain Ali	Son of Saleh Ali Hussein
Hisham Hamed Kassem	According to IPS investigation papers, the shooting of Mr Naser took place in front of his house
Ali Jabbar Hussain	According to IPS investigation papers, the shooting of Mr Naser took place in front of his house
Muwaffaq Hameed Yaseen	Witness named in IPS investigation papers
Muhammad Kamel Jawal	Witness named in IPS investigation papers
Khaled Hameed AbdulKareem	Witness named in IPS investigation papers

Hamza Khaled AbdulRazzaaq Witness named in IPS investigation papers

Other individuals

Michael Yon American journalist who accompanied soldiers from 5 PI, 2 Rifles during Op AREZZO

Appendix 2: Chronology

Date	Event	Reference
2004		
28th June	Coalition Provisional Authority ('CPA') handed formal sovereignty over to an interim Iraq government and the UK ceases to be an occupying Power in Iraq.	
2006		
November	Op TELIC 9 begins	
2007		
April		
8th - 9th	Soldiers in Basra South Battle Group ('BSBG') were briefed for Op AREZZO.	Annex B to FRAGO 069-07 (MOD-83-0000371-A)
10th		
09.00	Soldiers in B Coy receive full set of orders for Op AREZZO	See para 4.57 of the report.
c.11.00	Soldiers from C Coy warned of Op AREZZO and receive full set of orders.	See para 4.102 of the report.
c.14.00	Op AREZZO launched	Op AREZZO SINCREP 1393C (MOD-83-0000372-A)
?	BG reserve begins to secure the insertion route	Op AREZZO SINCREP 1393C (MOD-83-0000372-A)
c.14.35	Call-signs D12 and D13 drop P20 off at 'the Post Office'. P20 move to more suitable position in place to provide overwatch.	See para. 4.45 of the report.
? (20 mins after moving to HAM)	Call-signs in B Coy come under SAF.	See para. 4.65 of the report.
14.36	Contacts begin between BF and AIF in Al-Quibla district	See para. 3.5 of the report.

15.30-16.00	Mr Naser shot.	MOD-83-0000425; MOD-83-0000435
c.16.15	BD vehicle (D11) comes under contact	See para. 4.105 of the report.
16.32	BF withdraw from the area.	See para. 3.5 of the report.
c.17.00	Op AREZZO completed	See para. 3.5 of the report.
c.17.20	Soldiers extracted to base.	See para.s 4.29 to 4.111 of the report.
?	IPS Investigation Officer carries out examination of Mr Naser's body.	MOD-83-0000434
?	Death certificate of Mr Naser issued	MOD-83-0000400
?	Judge Mamoun Ahmed Yassin orders that Mr Naser's body be released to his family without a post-mortem.	MOD-83-0000416
11 th April	BF produce summary of the events of Op AREZZO	See ' <i>Significant Incidents/Events</i> ' document (MOD-83-0000368)
16 th April	Lt Salman updates Investigation Judge of Al Ashar on the IPS investigation indicating that a statement was taken from Mr Naser's father, which stated that his son had been killed as a result of indiscriminate shooting by the BF. A small diagram of the scene was also created.	MOD-83-0000438; MOD-83-0000428
17 th April	Shooting Incident Review signed by Lt Col Maciejewski supporting Capt Wells' decision not to refer for investigation by Service Police	MOD-83-0000421
22nd April	Capt Harris, SO3 Legal Adviser MND (SE) reviews the SIR completed by Capt Wells and Lt Col Maciejewski and advises that the latter's proposal not to initiate a Service Police investigation should be supported.	MOD-83-0000422
23 rd April	Al Quibla Police Station forward the investigation papers to the Basra Governorate Police Department requesting them to inform Mr Naser's family of his death and make enquiries with the MNF.	MOD-83-0000404

24 th May	Deputy Governor of Basra notifies the Commander of the BF of Mr Naser's death, encloses the IPS investigation documents and requests compensation for Mr Naser's family.	MOD-83-0000402
29th May	Secretary General of Amnesty International writes to the Secretary of State for Defence regarding the death of Mr. Naser.	MOD-83-0000405
13th June	Civil claim for compensation submitted to Area Claims Officer by Mr Naser's father.	MOD-83-0000429
18th July	Secretary of State for Defence responds to Amnesty International's letter of 29th May stating that a copy of the IPS report into the deaths had been requested and that Mr Naser's father had submitted a claim for compensation on 13th June.	MOD-83-0000429
3rd October	MoD Claims Manager writes to Mr Naser's father informing him that the MoD are unable to offer compensation due to there being no evidence of negligence by the BF.	MOD-83-0000408
19th November	Further letter written by Amnesty to Secretary of State for Defence enquiring as to further investigations on the basis of the IPS report.	MOD-83-0000406
2008		
January		
6th January	Secretary of State for Defence replies to Amnesty International's letter of 19th November 2007 stating that nothing in the IPS report to indicate that Mr. Naser's death not an accident and that there did not appear to be grounds for further investigation.	MOD-83-0000407
17 th January	Additional account provided by legal representative of Mr Naser's father that the deceased was fired at by a British tank ' <i>injuring him on his head above the left eyebrow killing him immediately</i> '.	MOD-83-0000409
June	Op TELIC 9 ends	

2013		
22nd April	Rafid Salam Abdulhasan Al-Rikabi makes witness statement in relation to the civil claim for compensation against the MoD for Mr Naser's death.	MOD-83-0000465
2015		
17 th March	In his AS1 judgment, Leggatt J holds that the ECHR applies to individuals shot by British soldiers in Iraq even if they were not in the custody of British forces at the time of the shooting. Mr Naser's case is one of the test cases Leggatt J considers and, on the assumed facts, he concludes that Mr Naser fell within Article 1 ECHR jurisdiction of the UK.	[2015] EWHC 715 (Admin)
10 th August	Leggatt J grants Mr Naser's family permission to proceed with a judicial review of the SoS's decision not to hold an Article 2 ECHR compliant investigation into Mr Naser's death.	
3 rd -6 th November	Judicial review hearing regarding Mr Naser's case and four other test cases.	
2016		
7 th April	In his AS2 judgment, Leggatt J holds that the criteria for establishing an inquiry into the death of Mr Naser have been met. He orders an inquisitorial inquiry to be established without delay.	[2016] EWHC 773 (Admin)
6th June	Sir George Newman appointed as Inspector with conduct of the Investigation into the death of Mr Naser and provided with Terms of Reference	http://www.iraq-judicial-investigations.org/linkedfiles/latest/20160606-letterofappointment_alinaser.pdf
9 th September	Court of Appeal upholds Leggatt J's finding in AS1 (albeit on more limited grounds) that on the assumed facts of the case, Mr Naser fell within the jurisdiction of the UK for the purposes of Article 1 ECHR.	[2016] EWCA Civ 811

Appendix 3: Card Alpha – Guidance for Opening Fire for Service Personnel Authorised to Carry Arms and Ammunition on Duty

RESTRICTED

CARD A

GUIDANCE FOR OPENING FIRE FOR SERVICE PERSONNEL AUTHORISED TO CARRY ARMS AND AMMUNITION ON DUTY

GENERAL GUIDANCE

1. This guidance does not affect your inherent right to self - defence.
However, in all situations you are to use no more force than absolutely necessary

FIREARMS MUST ONLY BE USED AS A LAST RESORT

PROTECTION OF HUMAN LIFE

2. You may only open fire against a person if he/she is committing or about to commit an act likely to endanger human life and there is no other way to prevent the danger.
3. When guarding property, you must not use lethal force other than for the *protection of human life*.

CHALLENGING

4. A challenge **MUST** be given before opening fire unless:
 - a. To do this would increase the risk of death or grave injury to you or any other persons other than the attacker(s);
OR
 - b. You or others in the immediate vicinity are under armed attack.
5. You are to challenge by shouting:
**"NAVY, ARMY, AIR FORCE,
STOP OR I FIRE."** Or words to that effect.

OPENING FIRE

6. If you have to open fire you are to:
 - a. Fire only aimed shots;
AND
 - b. Fire no more rounds than are necessary;
AND
 - c. Take all reasonable precautions not to injure anyone other than your target.

JSP 398 (2004 Edition)

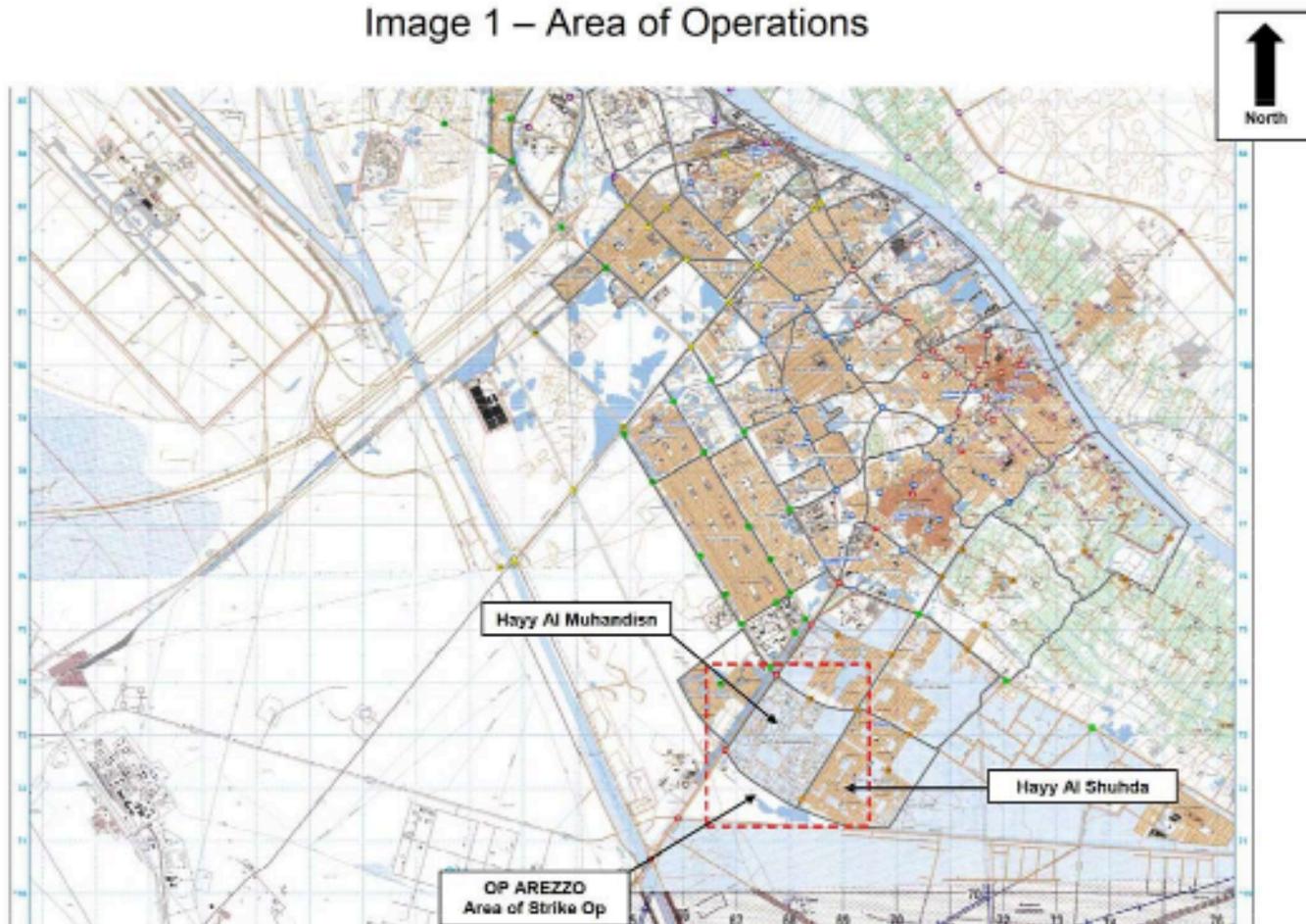
RESTRICTED

Appendix 4: Image Area of Op AREZZO

OFFICIAL – SENSITIVE
Handling conditions – Releasable to the IFI

OP AREZZO – 10 April 2007
1 Kings / 2 Lancs – Op TELIC 9

Image 1 – Area of Operations



Mapping supplied by Defence Graphics Centre (MoD) – Mapping chronologically accurate as at 17 May 07 - TELIC 9
Scale: 1:40,000
IHAT HOLMES Exhibit No: [REDACTED]

OFFICIAL – SENSITIVE
Handling conditions – Releasable to the IFI

Image 2 – Op AREZZO
(Image at x 125% magnification)



OFFICIAL – SENSITIVE

Appendix 5: Sketch Map

Al Kibla Police Station
16/4/2007

Inspection and plan of the location of the incident
(illegible) Ali Salaam

Police Station stamp
signed

- 1. The location of the incident is one and a half kilometre from the Station
- 2. The location of the incident is to the north of the Station
- 3. The location of the incident is on a main street and in a residential area. It is in Almuhandiseen neighbourhood (illegible street)
- 4. Blood stains have been detected in the location of the incident

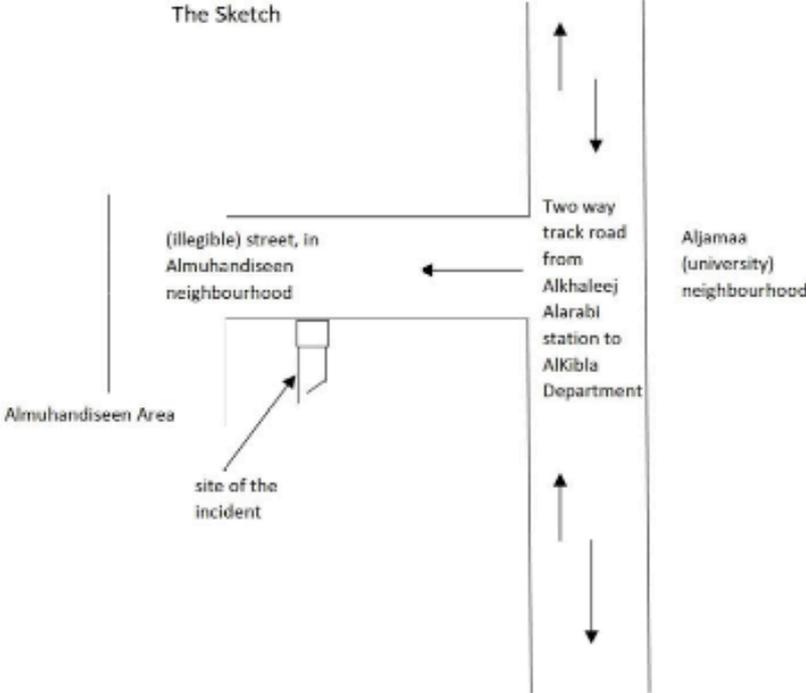
Lieutenant
Haydar (illegible)

Alhussain Police Department
of Basra

Almuhandiseen area

AlKibla Police Station

The Sketch



Appendix 6: Medical Report

11

Observations

1. The patient arrived dead
2. There is a gunshot entry in the left-side forehead accompanied by haemorrhage
3. Pupil (sic) expanded without (illegible) for light
4. No pulse and no breathing
5. Clinical examination showed skull bones unstable and moveable

Signed

Observation Chart

Date and time the patient left the emergency ward:

Patient's condition at the time of discharge:

Temperature Chart

Name and signature of the examining physician:

Name:

Signature:

Note: The patient cannot stay more than 24 hours in the emergency unit and in case their condition required medical attention for longer, then they would be referred to the specialised clinical unit in the hospital

2-2

Appendix 7: Death Certificate of Ali Naser

Republic of Iraq
Ministry of Health
Health and Life Statistics Section

Death Certificate

Date of issue 10/4/2007
Certificate No 280006t1/2006

1. Name and surname of the deceased: Ali
2. Gender: Male
3. Nationality: Iraqi
4. Religion: Muslim
5. Occupation: Freelance worker

6. Marital status: single
7. Date of birth: 14/12/1988
8. Place of birth: Governorate of Basra

9. Permanent domicile: Al Qailah, Governorate of Basra
10. Place of death: Al Qailah
11. Date of death: 10 April 2007 at 4 o'clock

12. Name of father of the deceased: Salam Abdulhussain
13. Name of mother of the deceased: Widaad Muhammad Shaker

14. Name of informant of the death: Raked Salam
15. Relationship to the deceased: his brother
16. Address: Al Qibla

17. Medical death certificate
 - (1) Disease or state immediately leading to the death, the disease (if any) that led to the above cause stating the original cause at the end:
 - (A) gunshot (caused by or resulting from what followed)
 - (B)
 - (C) Body to be handed over without autopsy(sic)

 - (2) Other significant conditions that contributed to the cause of death and is not linked to the disease or the condition that caused the death (illegible).

Al Qailah Police Station
10/4/2007
598

- If the deceased was a woman in fertility age (15-49), one of the following boxes must be ticked:

The death occurred during pregnancy; while giving birth; after giving birth

18. The death took place at home; the hospital; another place. At Al Qailah (sic)

19. I hereby certify that the death took place as a result of the reasons mentioned above.

Name of physician: (illegible)

Place where the doctor works: Al Jumhuri General Hospital

20. Forensic medicine certificate (to be filled and signed by the forensic physician.

I, the under-signed, doctor at..... have performed an autopsy on the body of the deceased sent to us byin accordance with the attached form dated and found that the cause of death was signature of the physician stamp of the forensic clinic

21. Information restricted to the department of Nationality and Civil Status (to be obtained from the identification card);

registry number: 156, page number 145; governorate: Basra; identification card number 56944 be attached to the certificate

Note: The mark (x) is to appear at (illegible)

1. Copy to Civil Status Department
2. Copy to related persons
3. Copy of the certificate organiser

Appendix 8: British Forces at War as Witnessed by an American

British Forces at War As Witnessed by an American

Posted By Administrator On April 12, 2007 @ 9:02 am In Dispatches | 184 Comments

Michael Yon : Online Magazine - <http://www.michaelyon-online.com/wp> -



[1] After the Battle:
"Squaddie" from 5 Platoon, 2nd Battalion, "The Rifles" Battle Group.

Basra, Iraq

The explosions from enemy rockets and mortar fire have been constant companions for the small contingent of Coalition forces based at the former Basra Palace, on the banks of Shatt al Arab River. In the past five months, more than a thousand bombs have been fired at this small base, all while these British combat troops, Romanian soldiers and a small contingent of Americans continue their attempts to stabilize Iraq. The nearby US Regional Embassy office also is frequently targeted.

A dramatic surge in IDF attacks (indirect fire: rockets and mortars) began here in September 2006, subsequent an increase in British troops. Locals cite Iranian influence behind the attacks, while British officers say this is the most IDF'd base in Iraq. The dozens of bombs that exploded on the base in the first five days of my embed with a British infantry platoon punctuated those claims.

The building where many British forces live is frequently hit. Recently a rocket slammed into the living quarters, creating a massive gape and much wreckage, while severely wounding one soldier from 5 Platoon. Just this week, a mortar bomb severely damaged a British armored vehicle parked outside, and another bomb explosively pruned a treetop, fragging the building where soldiers live, and leaving ears ringing. A 5 Platoon soldier videotaped the impact as it happened. Amazingly, despite the frequency of the IDF attacks, a combination of force protection measures and sheer luck have prevented the death of any British soldier, though combat forces have been seriously wounded from them. The risk of spending an hour outside the building might be equivalent to smoking a thousand cartons of unfiltered cigarettes. And Crossfit exercise might not help: the old gym was blasted a few days ago.

Earlier this week, when Moqtada al Sadr issued a call to violence against Coalition forces, multiple IDF strikes were launched against this base. Militias based in the al Quibla district of Basra, a notorious haven for Shia "JAM" militias who are loyal to or influenced by al Sadr, were believed responsible. Many of their shots miss the base, landing in civilian populations. According to the British commanders, JAM members will attack local journalists who report these mistakes.

Before al Sadr issued his provocation, the British Army was planning aggressive offensive actions against terrorists and militia members, and allowed this writer to join 5 Platoon, 2nd Battalion, "The Rifles" Battle Group for six days of missions. Those missions included Operation Arezzo, named for the Tuscan city that was the site of famous battles in the 14th century, and of an important victory for British troops in July 1944 as they drove the Axis forces north and out of Italy for good.



[2]

Surrounded by JAM: British Forces just before the shootout

Operation Arezzo

Lieutenant Colonel Justin Maciejewski MBE, the Battle Group Operations Commander (equivalent to an American Battalion Commander), allowed this writer unprecedented access to the planning details of Operation Arezzo, part of three simultaneous strike and arrest operations in the al Quibla district of Basra, designed in part to bait the enemy into attacking British forces.

In all, 13 platoons would partake, and I'd accompany 5 Platoon. LTC Maciejewski further permitted me to record both video and still camera images during the operation, and to get as close to the combat as I dare. 5 Platoon has seen a lot of fighting in recent months, and had already taken me on several minor missions. For Operation Arezzo, they adopted me as one of their own.

The plan for Operation Arezzo was cleverly contrived. While Americans count on helicopter support for deliberate high-intensity combat here, the Brits were going into extremely hostile terrain, outnumbered, without helicopter support, relying instead upon timing, terrain, maneuverability, firepower, and sheer audacity.

In combat, luck can be a decisive factor, but Murphy's Law remains in effect. For Operation Arezzo, the risks of something going catastrophically wrong were apparent at the outset. The soldiers in 5 Platoon had never conducted such an audacious operation—in broad daylight—but LTC Maciejewski intended to show the enemy that even in their strongest bastion, outnumbered British forces could strike into their heart and inflict heavy losses.

Shortly before the mission, as soldiers from 5 Platoon disassembled their weapons for cleaning (again), performed functions checks, the tone of the music coming out of their speakers changed. As with American combat forces, before embarking on a deliberate fight, the music became more rousing and to the bone. For Operation Arezzo, the pre-battle tune was *Gimme Shelter*, by the Rolling Stones:

War, Children, it's just a shot away

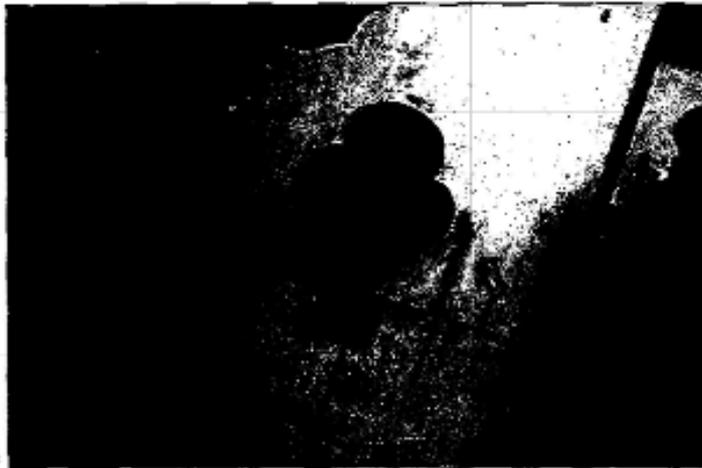
It's just a shot away

War, Children, it's just a shot away

It's just a shot away

With all the emphasis on timing, 5 Platoon and others (including me) conducted rehearsals just hours before the strike yesterday. Getting to the al Quibla district in one piece was far from certain as we loaded into vehicles and rumbled out into JAM country. Some IEDs (bombs) buried in roads here are so large they would completely destroy the Bulldog tracked vehicle in which we were riding. Just last week a formidable Challenger tank was destroyed by an explosion that also cost the driver his legs. Days before, four British soldiers and their Iraqi interpreter had been killed at the same place when a similar bomb detonated.

As we rumbled through the dry, desert heat, the smells of Iraq—nearly all of them bad—wafted down from the top hatch. Suddenly, the Bulldog was filled with a stench so awful that soldiers nearly gagged, as if everything that could rot in Iraq had gone rotten all at once. Where just moments before there was only dusty air in the compartment, in a flash it was filled with that horrendous, fetid stench and a swarm of flies. When, a few minutes later, the stench was suddenly replaced by smoke from outside, dozens of flies remained in the compartment.



[3] British Forces at War: "Squaddies" from 5 Platoon burst into first target house, part of a force of about 400 soldiers on an audacious daylight raid into an enemy stronghold.

The unilateral British operation began in mid-afternoon on 10 April, kicked off with rapid ground assaults on half a dozen target houses in the district, in an attempt to kill or capture key local militia leaders, including known terrorists such as "The Turban," who local British forces call "The Turbinator." The soldiers of 5 Platoon were combat proven after five months of fighting. Last week, they were engaged in a sharp firefight. One soldier captured the action with videocam on his helmet as six enemy were killed in the street fighting, including one enemy who suffered a direct hit from a 5 Platoon grenade launcher. There were no friendly casualties.

Now 5 Platoon was leading a key part of Operation Arezzo, their only effective close air support were the British snipers on rooftops. We approached the first target, and the Squaddies rushed out the back of the Bulldog with me in tow, crashing through gates and tossing flashbang grenades into doorways before bursting into houses while I made video of the strike.



[4] Surrounded by enemy forces, men appear on a roof. A British sniper can be seen on the roof in the background. Unfortunately, the primary ("alpha") targets were not home and escaped death or capture. Nearby, at about the same time, an Iraqi policeman was murdered.



[5] 5 Platoon on second entry.



[6] During the third entry, the terrorists were not home, but a woman and two small children were obviously present. 5 Platoon did not throw flashbangs, and their touch was so light that the small children did not cry.

But that light touch was reserved for women and children only, as "The Rifles" would soon demonstrate. With the raids on house targets completed, a new phase of the plan unfolded and the drama really began.



[7] Almost as if on cue, small-arms fire begins.

During planning, British commanders, including Major Quentin Naylor, had briefed that JAM likely would try to lure us into ambush in a certain area. Now, eerily according to plan, sporadic small arms began from the very direction British commanders had anticipated. If 5 Platoon had moved aggressively in that direction, casualties from our side might be severe, but instead, British forces in armored vehicles moved to other pre-planned areas, hoping to draw the enemy out of hiding and into tactical blunders. The enemy answered the challenge with great enthusiasm, and blundered.

They opened on us with massive small-arms fire from many directions, and RPGs. One RPG slammed into a British vehicle and exploded in the slot armor, but the vehicle took the hit, and the men inside continued to fight. The enemy pounded at one of the platoons with at least one large machine gun, possibly a 12.7 mm, which can blow a man in half and easily defeat British or American armor. But soldiers in that platoon responded with blistering fire, and silenced the gun.

The ensuing firefights were vigorous. As more enemy joined and the battle progressed, British elements maneuvered and fired, making adjustments to the plan to mold the fight. With no helicopters above to help develop ground awareness or to help shape the combat by engaging targets, British commanders directed their elements by map and ground-feel. Having no helicopters also left rooftops open to the enemy, adding another dimension to the combat. In addition to small arms, British soldiers used 7.62mm machineguns, grenades, and 30mm guns with deadly focus. As soldiers ran out of ammunition, they dropped back to reload, while other soldiers kept up the aimed shots.



[8] Reloading during one of the firefights.

The enemy was at times on both sides of us firing from many positions, on the ground and on rooftops. 5 Platoon and others continued answering heavy fire with accurate return fire. I saw a soldier fire his 40mm grenade launcher several times, arching explosive rounds into enemy positions. A British sniper fired four bullets. One 7.62 mm bullet struck an armed man on a rooftop in the chest. Another bullet stopped a gunman who was firing from a car.

Bullets popped into the walls of the vehicles. British planners had anticipated that JAM would by now have placed large IEDs on our egress routes, and the commanders' plan to defeat this threat so far was working. At least one IED was in fact placed to get us, but exploded at the wrong time and missed a Bulldog.

As the firing began to wane, the day's heat began to fade along with it. Dust wafted thick on the cooling air. The soldiers were still sweating when a light rain began to fall. Iraqi dust polluted the pure rain as it fell, forming mud drops that splattered onto man and machine.

In an operation that lasted over four hours, British forces killed 26-27 enemy and sustained no casualties. 5 Platoon fired more than 4,000 bullets before their guns began to cool, and about 15 of the enemy kills were accredited to 5 Platoon. Another platoon captured two enemy fighters, including one Iraqi policeman who might have been heeding al Sadr's call for Iraqi Police and Army forces to turn on their Coalition partners.



[9] Members of 5 Platoon after the battle.

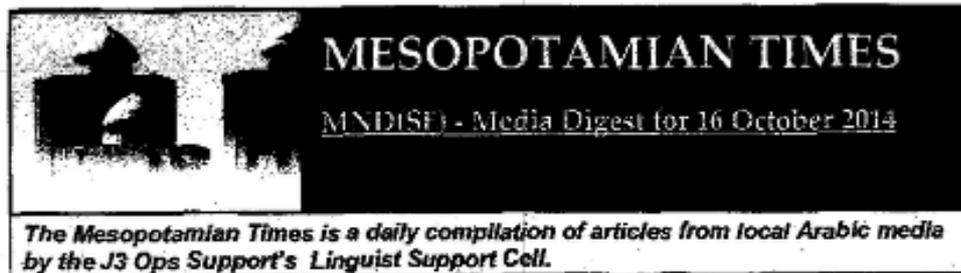
"Smoking Kills"

Later that evening, back on base, "squaddies" were outside the converted palace where we sleep, grabbing quick smokes. "Smoking kills" is the common joke. (British soldiers, like their American kin, are quick with dry combat humor.) But with all the IDF attacks, soldiers here truly are taking extreme risks to smoke outside. The palace had just been hit yesterday, and today more rain fell on its fractured façade. Sadr had just called for his militias to attack the Coalition, and "The Rifles" had just killed a couple dozen enemy fighters in JAM country, which was within easy rocket range of the base.

Rifleman Lee Hulbert, wearing his helmet and body armor, was smoking with his friends when Murphy's Law kicked in. There was no rocket attack, no lightning strike. About 15 meters (about 50 feet) above Lee's head, three heavy pieces of marble, each weighing perhaps 10 kg (more than 20 lbs), dislodged from the palace, and hurtled toward Lee Hulbert. One piece struck the back of his helmet, crashed off his body armor, and he fell quiet to the ground. Hulbert had fought well throughout his tour in Iraq; only to be felled by a piece of marble. He's been med-evac'd and is said to be in good condition.

The British are planning future operations. These soldiers are so good that I have requested from British commanders to be allowed to stay longer.

Appendix 9: Mesopotamian Times



RADIO

1. Maysan security meeting

Fahel Nea'mah Hussein, Deputy Chairman of the Maysan Security Committee announced that Maysan Provincial Council held a closed meeting to discuss the memorandum for the security handover from the British Forces. The memorandum is similar to those for Dhi Qar and Nasariya Provinces, but the Council said that Maysan is a different case because it is located near the Iranian border. A delegation from the Maysan Council met a delegation from the British Forces outside the province to amend the memorandum and to agree about changes.

2. Updates with killing a policeman, police statements

A policeman was killed and 13 civilians were wounded on Tuesday in cross-fire during clashes between British forces and gunmen in western Basra, a media source in Basra police department said.

"A British patrol was attacked by gunmen on Tuesday afternoon near to the police station in Al-Qibla region in eastern Basra," the source, who asked not to be named, told the independent news agency Voices of Iraq (VOI).

"The forces started a shootout with the attackers that left a policeman dead and 13 civilians with injuries," he added.

Two gunmen and a policeman were injured and two suspected armed men were arrested during clashes between British forces and gunmen in western Basra, the Multi-National forces had said earlier.

"British forces launched a crackdown operation on Tuesday afternoon in Al-Qibla region in western Basra to search for illegal weapons," the Multi-National forces in Basra said in a statement received by the independent news agency Voices of Iraq (VOI).

"Clashes flared up between British forces and gunmen, leaving two armed men and a policeman injured," the statement added.

"Two suspected gunmen were arrested in the operation after firing a Rocket Propelled Grenade (RPG) against British forces," it noted.

3. Nasariya, Apr 11, (VOI) - Under the slogan, 'For a creative Iraqi culture,' the events of the 3rd Al-Habobi Poetry Festival began on Tuesday in Dhi-Qar province. Co-organized by the University of Dhi-Qar and the Union of Writers and Authors, the festival is due to run for three days.

4. Nadhim Al Jabri Media Director for Basra Provincial Council requested that the people of Basra support the projects carried out by BPC. He urged

them to help solve the current surge in violence through speech and dialogue. People were also urged to report any problems or failures in workmanship in the construction and redevelopment projects.

Al Marbed

5. Maysan electricity directorate claimed that the storms of Tuesday had caused disruption of power supplies in Maysan. Pylons between Basra and Maysan had collapsed leaving large parts of the province without electricity.

Al Marbed

6. Press conference regarding the deaths in Al Qibla

Hakeem Al Mayaahi, the chief of the security committee for Basra Provincial Council said today, during a press conference held in the Basra governate this morning that, the total number of people killed in Al Qibla was three, 2 civilians and one IPS officer, when the British forces surrounded an area in Al Qibla with tanks and then carried out a strike on a house. He stated that the way the British forces carried out the strike was excessive and inhumane. They destroyed doors and windows and scared children and women, before randomly opening fire which resulted in 3 martyrs. He added that it was a very dangerous action from the British forces because this treatment has caused upset amongst the people of Basra. The British forces have now randomly opened fire two times.

Al Marbed

TELEVISION

NSTR

NEWSPAPERS

No newspapers today

INTERNET

7. Basra province stops work on construction projects due to the lack of correct specifications.

Head of the construction and development committee in the Basra council said on Thursday that, the province has stopped worked on some of the projects because of a lack of correct specifications. Civilians have been invited to observe the work in some of the projects which are being implemented in the province. Ghaali Najim, head of the committee added that, "Work has stopped on paving the roads of Al Basra – Al Zubayr. 10km long, also work has stopped in the paving projects in Al Raafideen in the centre of the town due to the lack of correct specifications.

Also, Basra Provincial Council issued a statement requesting all civilians to report any wrong doings of the local companies working on the construction, which is being carried out in the province. The government has allocated 246 billion dinar as a budget for developing the area through construction projects in Basra. The local government requested that the amount should be increased to 400 billion dinar because of the importance of these projects to

the civilians of Basra but the central government has not responded to the requests of the local government.

8. 8 million ID allocated to projects for cleaning Basra.

An official from Basra Provincial Council said today, Wednesday, that 8 million ID has been allocated to projects to clean specific locations and general areas in Basra Province from the Development and Reconstruction Budget for 2007. The Deputy Chairman of the Provincial Council, Naseef Jaasim Al'Abaadee, said to this independent news agency (VOI) that "this sum was allocated from the special budget to the Basra municipality sector."

The projects will be carried out in the following areas: Al-Aman Al-Saadeq, Hay Al-Husseïn, Al-Qibla, Hay Al-Jahaad, Al-Mufaquiya and Al-Jamhuriya..... in addition to the departments for the districts of Umm Qasr, Al-Faw, Al-Medina, Al-Nashoua, Al-Qurna, Shatt Al-Arab and Al-Deer.

9. Casualties from Basra fighting rises to three dead and nine injured.

A spokesman from Basra IPS said today, Wednesday, that the final total for the number of victims of the fighting which happened between a British patrol and gunmen west of the city last night rose to three dead from the gunmen and police and nine civilians injured.

The spokesman added to this independent news agency (VOI) today that "The fighting which happened yesterday evening, Tuesday, between a British patrol and gunmen took place close to the Al-Qibla Police Station, he revealed that one of the dead was from another police station, and nine civilians were injured in the random fire between the two parties."

He stated that "Two of the casualties were serious, and they were taken to hospital."

The spokesman did not make clear if there were any casualties amongst the British patrol.

A security source in Basra IPS said to VOI yesterday evening that a policeman died and 13 civilians were injured by random fire, caused by the fighting between British forces and gunmen near to the Al-Qibla Police Station, 8 km west of Basra city.

A press statement from MND (SE) yesterday said that confrontations happened on Tuesday afternoon between armed elements and a British patrol "Which was conducting a search operation in the Al-Qibla district to search for illegal weapons, and prevent criminal activities."

It confirmed that the fighting resulted in "Two gunmen injured and one policeman and two suspects were arrested" without mentioning the injured civilians.

10. Basra Provincial Council agrees to Water Projects for 2007.

The Chairman of the Water Sector in the Basra Provincial Council said that the Provincial Council agreed today, Wednesday, to a plan for a water project for 2007 from the Development and Reconstruction Budget.

Dr Hamad Al-Thaalmeel stated to this independent news agency (VOI) that "The cost of this project is 31.5 million ID and includes projects in the city centre and districts and the areas adjacent to them."

He added "The project includes developing the network in Shatt Al-Arab by 1000 m3 and a Shatt Al-Arab central water project, a water project near the west of Basra, a chlorine treatment facility in Abu Al-Khaseeb, improving the Al-Shaiba network by building four water centres with a capacity of a million gallons a day."

"In addition to materials and equipment to repair and maintain the entire water network and replace pumps of the Al-Mouafaqiya project and improve the Hay Al-Hussein projects with a pre-treatment water centre for the Al-Jubaila project and provide and install six units to provide a million gallons of water per day.

"The projects will include the establishing of additional stations for Al-Basra central and support for the projects in the centre of Basra and provide and run a network in the city centre and the other districts and boroughs."

He stated that "The Provincial Council will agree to all projects for 2007 during the next few days".

The Basra Provincial budget guaranteed 246 million ID to the Development and Reconstruction Budget for 2007.

11. Handing over of the security responsibility in Maysan

A media spokesman for the Iraqi Army in Basra said today, Thursday, that the coming week will see the handing over of the security file for Maysan Province from MNF to the Iraqi Army.

Brigadier Abbas Al-Timimi, media spokesman for the Iraqi Army in Basra, during a telephone call today with the independent news agency Aswaat Al-Iraq, said "on the 18th April, 2007, the security file will be handed over completely from MNF to the Iraqi Army."

Al-Timimi stated that the Iraqi forces "Are fully ready to receive the security responsibility from the MNF, and also ready to do their duty to ensure the security."

He clarified that the Iraqi forces "Iraqi forces will receive Shaiba base, 40 km west of Basra, from MNF on 24th April 2007."

The Governor of Maysan, A'adel Muhudur Rathee, has said that the Prime Minister Nouri Al-Maliki, and the Ministers of the Interior and Defence and senior Iraqi officials will attend the ceremonies for receiving the security responsibility from the British forces, which is anticipated to be at the end of this month.

Rathee indicated that there will be "a parade and celebrations" on the day of the receipt of the security responsibility.

He added "We also have contacts with the British forces regarding this ceremony on the day of the receipt of the security responsibility, in clarifying the extent of British forces movement within the province and the extent of cooperation between the two parties, as well as a robust security plan being implemented in the province on the day of the parade."

The Prime Minister of Iraqi has announced recently that Maysan Province will receive the duty of the security responsibility soon from the British forces and by then there will be three provinces which have received the security responsibility, after Al-Muthanna and Dhi Qar provinces.

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