

Witness Name: Daoud Mousa
Statement No.: 1
Exhibits: 1
Dated: 5 June 2009

THE BAHA MOUSA PUBLIC INQUIRY

**WITNESS STATEMENT OF
DAOUD MOUSA**

I, Daoud Mousa, will say as follows:-

1. I am making this statement for the purposes of the Inquiry into the death and ill-treatment of my son, Baha Mousa, and the ill-treatment of nine others while in the custody of the British Army. I make it in the knowledge that there is a current process by which documents and witness statements relevant to the events under consideration are being made available to my lawyers. This process is not complete, nor have my lawyers and I yet had the opportunity to digest all the material disclosed to date. I would therefore like to make it plain that I am not going to comment in this statement on any of the disclosure except my own previous statements. I will, of course, make a further statement in the future if either my lawyers or the Inquiry indicate to me that it is necessary.
2. I was born on [REDACTED] I am the father of Baha Mousa, who was only 26 years old when he died in the custody of the British Army on 15 September 2003.
3. I was a Major in the Basra Police Force at the time when Saddam Hussein was in power. I had served in the police force for 24 years. In 1991, I was forced to retire due to a number of reasons. Firstly, I am a shi'ite from the south (Basra) and Saddam did not like shi'ites from the south in particular. Secondly, I was not a member of the Baath party.

Thirdly, there was an '*intifada*' or local uprising in Basra in 1991 and I was accused at the time of not fighting against the people who participated in the '*intifada*'; for these reasons I was forced to retire early at the age of 45. After the fall of the regime I applied to return to the police force and in mid October, a month after my son Baha's death, I resumed my work as a police officer.

4. My son, Baha Mousa, married Yasseh Samir in 1996 and they had two sons together, Hussein who was born on [REDACTED] and Hassan who was born [REDACTED]. Baha, Yasseh, Hussein and Hassan were a striking family. There was always so much excitement around the house when Baha was there. Whenever the family returned home from one of their many outings they were always exuberant and happy. My grandchildren would be bursting to tell me what they had seen and played. Baha had a very good sense of humour and used to joke with his brothers and sisters, but in particular he loved to tease his mother.
5. As for me, Baha was not just my son, he was my friend. We had a deep bond between us. Baha looked up to me because he respected and valued my judgment. I on the other hand admired him for his acute business mind. Baha ran a car trade business with two other men, importing new and used cars from the Emirates to be sold in Iraq. He was very successful. He was a peaceful man of impeccable character and a law abiding citizen. He never had any problem with the police or the courts in any way whatsoever.
6. Sometime towards the end of 2002, my son Wallâ had to undergo an operation. Sadly this operation was not successful and Wallâ died. This was a big blow to the entire family and Wallâ left behind a wife and four children. After Wallâ died, although the entire family took care of his family, in accordance with Arab custom, the children became Baha's responsibility.

7. Quite soon after losing Wallâ, another tragedy awaited us. Baha's wife Yasseh was taken ill and died on 26 February 2003. Baha was heart broken and inconsolable. He had lost the love of his life. Yasseh and Baha had a whole life to look forward to but the cruel hand of fate denied this. The family had lost Wallâ and Yasseh in a very short period and the grief was sometimes unbearable.
8. Baha's wife died just before the war in Iraq and the fall of Saddam Hussein. At the time Baha was still managing the car trading business. Given that Iraq was in a state of war, there were frequent power cuts and blackouts, with some days where there was no electricity. On most days, power would be available for only an hour in between blackouts that lasted for five hours or so. It was extremely uncomfortable to be without electricity for long periods in a day, particularly during the summer months.
9. The Ibn Al Haitham Hotel is located near to where we live. This was a well-known, luxurious four-star hotel. At the time in 2003, the Hotel had electricity and a generator in the event of a power cut so it had continual air-conditioning. Baha found out that the hotel employers were looking to recruit staff at the time. Baha thought it might be a good idea to work at the Hotel, particularly in the evenings. This would allow him to concentrate on his main car trading business most of the day, spend some quality time with his sons afterwards and once they were asleep, he could work at the Hotel, which meant he could take advantage of the hotel amenities and enjoy the air conditioning. Baha started working at the Hotel as a receptionist. He worked the night shift, which was also quite an easy shift as the Hotel was usually not that busy at night. Baha only intended this job to be very temporary.

RAID AT HOTEL IBN AL HAITHAM

10. Baha had started working at the Ibn Al Haitham hotel about 6 months after his wife's death. The raid by the British Army took place within the

first two weeks of his employment at the Hotel. On the night of 13 September 2003, Baha was working on the night shift, which was between 6pm and 8am the following morning. I would often go and pick up Baha from work after a shift to save him transport costs. On the morning of the raid, I arrived at the Hotel somewhere between 7am and 8am. I went to the Hotel alone and was not accompanied by anyone else. On arriving I noticed that a British military unit had surrounded the Hotel. I recognised the vehicles parked outside the hotel as belonging to the British Army. British flags were prominently displayed on the vehicles. I could also hear soldiers speaking in English and I recognised the uniforms the men were wearing.

11. I was somewhat surprised to see British military vehicles at the Hotel but I understood later that British soldiers had inspected a number of hotels before arriving at the Ibn Al Haitham Hotel. At the time following the fall of Saddam Hussein, it was not uncommon for coalition forces to search premises. Soldiers usually searched or raided a place in large groups but this was the first time I had seen such a small group of soldiers searching somewhere.
12. I saw one soldier guarding the entrance of the Hotel. As I approached the Hotel, from the outside I could see a safe from through a large window. I do not know whether this was the hotel safe or the safe in the communications centre, all I noticed was it was a safe. I was shocked by what I saw next. About four to five British soldiers stood surrounding the safe and I could see that the soldiers had a metal tool, which looked like a hammer. They used the metal tool to break open the safe. They made a big hole in the safe. The soldiers had a plastic bag into which they put the various items that they had found in the safe. The soldiers then proceeded to take large amounts of money from the safe and stuff it into their pockets. I saw one soldier stuff the money into his shirt. I could not believe my eyes, these soldiers were blatantly stealing money. They were behaving like mercenaries, not like soldiers representing the British

nation. I am unable to describe any of these soldiers given the passage of the time.

13. I felt I had to report what I had witnessed as I believed what the soldiers were doing was wrong. I decided to alert the British officer in charge. I told the soldier standing guard at the entrance that I wanted to enter the Hotel as I had some important information about a crime that had been committed. I was allowed in. Some of the soldiers were asking the guests to leave.
14. I asked one of the soldiers in the Hotel for permission to speak to the officer in charge. I was pointed to someone. I went to speak to this officer and explained what I had seen. This officer then sent for another soldier who was referred to as "Lieutenant Mike" and he briefed him about what I had reported. I would describe Lt Mike as a chubby, white, blonde soldier of average height. Lt Mike asked me to point out the soldier who I had seen stealing the money. Although I caught a small group of soldiers stealing, I could only clearly identify the face of the soldier who stuffed the money into his shirt. I pointed this soldier out to Lt Mike. Lt Mike then ordered the soldier to come over. He checked the soldier's pockets and saw that they were full of money from the safe. Lt Mike reprimanded the soldier. He pushed the soldier with the end of his rifle and told him to get out of the Hotel through the main entrance. I cannot describe any of the other soldiers present.
15. Lt Mike gave me a red pen and some paper and asked me to sit in the lobby area and write down what I witnessed. I did so, writing my account in Arabic. I gave my note in Arabic to Lt Mike, who signed it. Whilst all this was going on, I noticed that my son, Baha Mousa, and six other hotel employees who I recognised, were lying on the floor of the lobby/reception with their hands on their heads. Although I did not see any of the soldiers assault my son or the hotel staff, I was alarmed that they were on the floor. There were about eight soldiers who were not

saying anything but each soldier had a rifle which was pointed at the heads of my son and his colleagues.

16. I felt that the officer in charge had been thankful to me for pointing out that his men were trying to steal money. I approached the officer in charge again. I said that it would be a good thing if the British Army was seen as being just and fair. I said that I had done the right thing by telling the officer in charge what I had witnessed. It is only fair if he co-operates with me and returns my son to me. At this point I pointed out my son so that the officer in charge was aware who he was. I pointed to Baha in front of the soldiers. The officer in charge assured me that my son would be released in two hours. I asked him to look after my son and he assured me that I was not to worry and my son would be returned to me in a couple of hours.
17. Lt Mike wrote down a telephone number, which he gave me. He said that he could be contacted at that number. I gave the piece of paper back to the Royal Military Police. I understood that Lt Mike stayed in the area of Hassan Al Majeed's house (also known as "Chemical Ali").
18. I then went outside the Hotel through the main entrance. I think by now it must have been about 8.30am to 9am. I saw a lorry had backed up on the driveway and was close to the entrance of the Hotel. I saw soldiers take the hotel employees, including my son, and put them into the lorry. The detainees' hands were tied with plasti-cuffs. As far as I recall their hands were tied to the rear and the detainees were also wearing hoods. One by one they were being loaded onto the back of the lorry. I saw my son come out of the Hotel and get into the lorry. I told him not to worry and that he would be freed in a couple of hours.
19. After a couple of hours I called to speak to Lt Mike at the number he provided. I tried several times but I could not speak to him so I decided to go to Hassan Al Majeed's house. I tried to enter the premises but I was refused entry by the guards. I explained I had to see Lt Mike but I was not

allowed in nor was I told of Lt Mike's whereabouts. I waited outside the premises. I waited there the whole day in the hope of getting to speak to Lt Mike but I could not. I went back home and returned the next day to see if I could speak to Lt Mike but again I was refused entry and was not given any information regarding Lt Mike's whereabouts.

20. After waiting for hours, I decided to try and locate Lt Mike at another British base camp that I was aware of. During Saddam's time this place was referred to as the 'hospitality area' which is in the Al-Hakimiya area in central Basra. Again I was refused entry into the premises by the guards. When I explained that I had come to see Lt Mike, I was not given any information about his whereabouts. I was told to go away. By then I got increasingly worried about Baha's condition and whereabouts. Little did I know at the time that Baha was held in the 'hospitality house'; I only found this out later from Baha's colleagues when they were released. The soldiers did not even have the decency to tell me where my son was when I was just outside the correct premises.
21. I returned home quite despondent, as I had hoped to speak with Lt Mike to establish where Baha was and bring him home. This did not happen. I had a sleepless night thinking about Baha and praying that he was alright.

BAHA'S DEATH

22. The following day, on 16 September 2003, the family was very concerned and we were discussing what should be done. Suddenly, at around 11 am, a number of military vehicles came to the area and parked outside my house. An officer arrived at the door of my house. This officer introduced himself as an officer from the British Royal Military Police (RMP). He said that he had come to tell me about the death of my son, Baha Mousa who died as a result of torture. He said that he was going to investigate Baha's death. The RMP officer said that he needed me to come with him to a British camp in Al Shuaiba, which was 15 km outside Basra, to identify my son's body.

23. I was in a state of shock when I heard this. I had seen my son only 48 hours ago and now I was being told he was dead. How was I to accept this? I told the family, who were all there in the room hearing what the officer had said to me anyway. Baha's children were there and also Walla's children. It was catastrophic and completely unexpected. We really thought Baha was safe and we expected him back. Despite their young age, the children understood what was going on.

IDENTIFYING BAHA'S BODY

24. I went with the RMP officer in his vehicle to what I understood was the RMP Investigation Office in Al Shuaiba. As far as I recall no one else from the family accompanied me. I was taken to the mortuary. Someone opened the door to a huge fridge. I saw my son's corpse covered with a white sheet. I burst into tears when I saw Baha's body. I still cannot bear to think about what I saw. Every time I relive the memory, I break down. No one could have prepared me for what I saw. I was horrified to see that my son had been severely beaten and his body was literally covered in blood and bruises.
25. Baha's body was fully uncovered to allow me to see all of it. He was naked. He had a badly broken nose, which was crooked and bent to the right side, there was blood coming from his nose and mouth. The top layer of the skin on one side of his face near his nose had been torn away to reveal the flesh beneath. There were several severe patches of bruising and blue back marks all over his body. The bruises all over his body were of different colours. The outer skin on his wrists had also been torn off. His face was bruised and the skin under his eyes bruised and marked. There was bruising and marks around the ankles of his feet, which indicated that his feet might have been tied. I literally could not bear to look at him. I could hardly recognise my son. I could not believe my eyes.

26. I wanted to take Baha's body straight away but I was not allowed to do this. The officer said that the body must remain for four days at this place as it had been arranged for a pathologist doctor to arrive from the United Kingdom to examine the body for the purposes of conducting a post-mortem. I demanded that an Iraqi doctor also be present with the British pathologist when he conducted the examination and said that I wanted to see the doctor before and after he examined my son's body.

SUBSEQUENT INTERACTION WITH BRITISH FORCES

27. Three days after I had seen Baha's body the RMP called me and invited me to see the British doctor who had arrived by then. I met the British doctor, a Dr Hill. I told him that I wanted to talk to him after he finished his examination of my son's body. When I spoke to Dr Hill, an Iraqi doctor by the name of Dr Riyadh Abbas was also present. I cannot recall whether Alâ accompanied me to this meeting.
28. I recall that Baha's body had to be taken out of the freezer and thawed for almost four hours before it could be examined by the doctors. I waited whilst the doctors completed their examination. After a while, both doctors came out of the examination room and sat next to me. There was an RMP investigating officer and a female lieutenant/sergeant in the same room as well. Dr Hill informed me that my son had died of strangulation by a cloth which was tied around his neck. The female lieutenant/sergeant present in the room heard what I was told.
29. The Iraqi doctor said that Baha's ribs 7, 8 and 9 were broken at the back. He explained that if this type of fracture had occurred in front of the body, it is possible to say that they may have been broken as a result of using CPR or resuscitation technique. As the fractures occurred at the back, it was most likely to have been caused by hits and kicks to the back. I do

not know how I was expected to take this news that my son had been tortured to death.

30. The female lieutenant/sergeant asked me to come the following day to take the body and to receive the post-mortem report. The British doctor asked my permission to take a tissue sample from underneath Baha's fingernails as he required it for further investigation. I gave my permission. By this time I was numb with pain and grief.
31. When I returned the next day to the RMP office, I brought with me a few TV and satellite channel representatives as I wanted them to see what had happened to Baha. I wanted the world to see the horrific nature of this crime. The female lieutenant/sergeant handed me the death certificate for my signature. I asked an interpreter present to read out in Arabic the cause of death reflected on the death certificate. The interpreter said the cause of death reflected was heart failure. I was appalled by this. I told him that was not the reason given to me yesterday by the pathologist. The female lieutenant/sergeant wanted me to take the body. I reminded the lieutenant/sergeant that she was present yesterday and that she must have heard Dr Hill saying to me that Baha died because of strangulation. I refused to sign the paper until the cause of death was made clear to me.
32. The lieutenant/sergeant asked another doctor present in the room to find Dr Hill. The doctor said Dr Hill had returned to England the previous day. I insisted that I would not sign for the death certificate as it was and pressed the lieutenant/sergeant to truthfully accept that she too heard Dr Hill saying to me strangulation was the cause of death. Initially I was told there was nothing that could be done about it but I stood my ground. Finally the female lieutenant/sergeant had to yield and she agreed to write the word "asphyxia" as a main cause next to the first cause of death. She then signed next to it. Only after this had occurred did I sign for the death certificate and take Baha's body.

33. I took Baha's body back home. The funeral was conducted at home. The news came as a thunderbolt for all the family members who burst into endless tears. They could not believe their eyes. It is a tragedy in the full sense of the word, but all words in all dictionaries cannot convey the sadness of my family.
34. After the funeral, the entire family, close relatives and friends went on a peaceful march to the former presidential palace where the British civil/political attaché resided. We arrived at his doorstep. The attaché sent a member of staff to see us. This person told us to return after the three-day mourning period according to Islamic practice was over.
35. I recall that following this I received a visit from Colonel Jorge Mendonca (then a Lieutenant Colonel) at home. My solicitors made me aware of a note from Colonel Mendonca regarding a meeting on 23 September 2003 and I think this must have been the correct date of the visit although I do not recall it myself. In this visit Colonel Mendonca expressed his apologies and sympathy for the death of my son and said that an investigation was ongoing and anyone found responsible would be punished under UK law. I asked Colonel Mendonca to hold a press conference and make a public apology for Baha's death. I said that Baha was just an innocent man. I asked to be kept fully informed about the investigation.
36. On 25 September my son, Alà and I went again to meet with British soldiers at Basra Palace. We were received by Brigadier William Moore who introduced himself as head of the British Army in Basra and Amarah. We entered a conference room, which had a long table. There were three or four high-ranking officers present and other high-ranking officials with interpreters.
37. Brigadier Moore apologised for Baha's death in the detention facility. He said that evidence needed to be gathered and, if a crime had been committed, then the perpetrators would be tried under UK law. He said

that the family would be kept informed of each stage of the investigation into Baha's death.

38. I said to Brigadier Moore that we had welcomed the British as they had liberated us from Saddam. I told them that the other workers at the Hotel may be able to identify the soldiers responsible. I said that I wanted the criminals brought to justice. I said that my son was healthy yet had died within two days of being in their custody – how could this not be a crime?
39. Brigadier Moore said that the pathologist's report had suggested a crime had been committed and that they would find the perpetrators. He then asked me and Alà what we wanted. We replied that we wanted the criminals brought to justice and that we wanted them to announce in the papers that Baha had died in their custody and there was to be an investigation into this. I told Brigadier Moore that we wanted this announcement because Baha was being described as a 'terrorist' in the community and this was causing shame to our tribe.
40. Following this meeting a number of people came to visit me at home. I cannot recall exactly who visited me and when because I was distressed at the time and this occurred over five years ago. My solicitor has made me aware of a note by Robert Harkins regarding a meeting between Colonel Mendonca and myself at home on 4 October 2003. During this meeting I was apparently informed that the investigation was ongoing and that one person had been arrested in the UK. I was given a letter of apology and told that they had distributed a statement to the press. I asked again to attend any court proceedings in the UK. Although I cannot recall this exact meeting I do recall these events happening.
41. During his visits Colonel Jorge Mendonca would sit with Baha's orphaned children. He even bought them some toys during one of his visits. It was clear to me that Colonel Mendonca felt regret, possibly even some form of guilt. I could see it in his face.

42. During one visit, I told Colonel Mendonca about the treatment Baha received and the torture he suffered at the hands of British soldiers at the detention facility. A number of Baha's colleagues had been held at the same time as Baha and they had witnessed his abuse and had told me what had happened. I asked him why the soldiers had tortured Baha to death. Col Mendonca replied that he was not aware of it. I told him that a good leader is always aware of what happens within the sphere of his authority and, if he does not, then he has fallen short of his duty. I told Colonel Mendonca that I was an investigating officer in the police force and I too commanded men under me, so I was fully aware as to how far a leader commands and controls his soldiers.
43. Later, in 2006 I was informed by the RMP that seven soldiers were going to be charged in relation to my son's death and a Court Martial was to be held in the United Kingdom to try the soldiers. I was not told of their identities.
44. I was shown a video film by British officials who were in uniform about the torture of Baha and his colleagues at the hands of some British soldiers. This footage showed Baha in a half-sitting half standing position with his arms stretched out in front of him. He was hooded. Other members of the hotel staff were in the room in a similar position to Baha. There was no sound on the footage. I recall there was a soldier on the footage who was pushing the detainees into position. I did not see the soldier beat my son on the footage.
45. I also recall that I was interviewed by Mazin Younis but I cannot remember the precise date. I think it was a short time after the incident, perhaps around 6 months after. I have never seen a transcript of the interview so I am unable to say if it is accurate.

BAHA'S TREATMENT AT THE TEMPORARY DETENTION FACILITY

46. I do not have first hand evidence, for obvious reasons, as to what happened to my son whilst he was detained by British troops. However, the other hotel employees and other witnesses who were detained along with Baha personally told me some of the harrowing details of Baha's treatment at the hands of British troops.
47. I recall that soon after the incident my son Alà visited Kifah Taha Al-Mutairi in hospital to try and find out what had happened to Baha. Alà told me that, although Kifah was under guard at the hospital, one of the doctors let him in to see him. Alà told me that Kifah had been badly beaten and, at times, was barely conscious. Later I also spoke with Kifah's brother, Ahmad Taha Musa Matairi who was also detained and able to tell me some details about what had occurred. Unfortunately, Kifah died on 4 February 2006.
48. From speaking to the other detainees I understood that once the prisoners arrived at the detention facility, all the detained men were forced to wear hoods over their heads, some of them wearing up to three hoods. The prisoners were then kicked and punched mercilessly in the abdomen, shoulders, backs, thighs and other areas of the body by the soldiers. They were also hit on their heads forcefully. They were forced to crouch for hours with their arms outstretched straight in front of them with knees bent in stress positions. At the same time the beatings continued relentlessly. Alà was told by Kifah that Baha had suffered most, out of all those detained. This could be because I had alerted the officer in charge of the attempted theft from the safe by some British soldiers.
49. I am also told by the detainees, who were held at the Detention Facility at the same time as Baha that, on the second night, Baha was taken to a separate room. His friends could hear him moaning through the walls. Apparently, he was saying that he was bleeding from his nose and he

was going to die. He also shouted "Mercy, mercy" and "I am dying...blood". At other times he was heard to say "I need some air".

COURT MARTIAL

50. I was informed that a court martial was to be held into the incident in the UK. I think I was informed about the Court Martial in early 2006. I understood that several soldiers were charged with various offences committed by them whilst they were guarding the detainees at the detention facility when my son, Baha was there. I also understand that one of the soldiers was charged with manslaughter for the death of my son. As far as I was concerned, the Court Martial was supposed to show the whole world how the British justice system operates.
51. I was not invited to attend the Court Martial and I was not updated at any time by the British Army as to the proceedings. There was clear photographic evidence of the various injuries caused to my son and I could not believe when I heard the Court had acquitted everyone of manslaughter and only punished one soldier who had pleaded guilty to inhuman treatment of the detainees. What about the death of my son? Someone has to be held responsible for his death, which occurred whilst in British Army custody. He was beaten, treated cruelly, kicked and punched repeatedly, sustained fractures to his ribs and had a broken nose and yet the doctors who examined him at the time did not see any of these injuries on him. Were they blind? Then to acquit the soldiers of manslaughter was the worst insult. It was as if his death did not matter. The whole court martial process was a travesty of justice. Baha's family was sorely disappointed with the outcome of the Court Martial, which showed that the British justice system was simply not interested in finding out the truth and punishing the perpetrators who killed my son in such an inhuman manner.

COMPENSATION

52. I was offered approximately US\$3,000 (£1,600) by the British Army as compensation. As far as I recall this was in 2004. I accepted it for a reason – to my mind it was evidence to show the Army did agree to pay some compensation. Why would the Army pay if it did not feel responsible for what happened to my son? I accepted the sum on behalf of Baha's family on the basis that this was part settlement only. Subsequently I was offered US\$5,000 without an admission of responsibility which I rejected. Later I was offered \$8,000 but I refused this offer as well. The family felt that it was an insult to our dignity.
53. A few months after the death of my son a meeting was called of tribal elders. The D006 & D005 family was held responsible because C001 had run away and as a result the British Army had taken my son instead. It was decided that the D006 & D005 family had to pay a lump sum of compensation to the Mousa family. I think the Mousa family was paid about 3 million Iraqi Dinars by D006 in compensation, which at the time was about US\$1,500.
54. The Inquiry is aware that we brought a compensation claim on behalf of Baha, his dependent children and myself. The Ministry of Defence served a defence admitting that my son's rights were breached under Article 2 and 3 of the European Convention of Human Rights. In due course I, with the other victims, accepted that the matter could go to mediation. I did this because I wanted to make sure that Baha's children were given sufficient compensation. At the same time, this meant that the full facts of this case were not properly heard in a public hearing. I am told, however, that in admitting liability, albeit only for the purposes of the compensation claim, the Ministry of Defence said as follows:

"...The Defendant admits for the purposes of this action and none other that the deceased was exposed to inhuman and degrading treatment. The precise nature and extent of the treatment is not admitted, although for the avoidance of doubt

the Defendant admits that in general terms the deceased was subjected to and suffered the forms of physical and psychological abuse pleaded..."

Clearly, this admits what cannot be denied. However, I still want more details. I want justice, I want to know the truth and to have a complete and accurate account of how this was allowed to happen and who was responsible.

IMPACT OF BAHA'S DEATH

55. Baha's children found his sudden and tragic death very difficult to accept. Baha's death came at a time when his children were still coming to terms with the death of their mother. Losing both their parents in the space of a year was simply too much for them at their age. Baha was such a loving affectionate father who was always concerned about his children's wellbeing and spent a lot of time with them, particularly after Yasseh's death. Baha's death has left a large void in his children's lives that cannot be filled, no matter how hard we try as grandparents and their uncles and aunts.
56. The children miss their father now just as much as they missed him five years ago when they heard of his death. Their grief, as ours, has not diminished over time. The boys were old enough to know their father and experience what a wonderful, caring and loving person he was but they did not have the opportunity to get to know all of him, the different facets, his thoughts, hopes and dreams for them, or to be able to share their own dreams of life with him.
57. I noticed that Hassan, Baha's youngest son was very deeply affected and traumatised by his father's death. He became more obstinate and there were times when he refused to go to school. Even now he will not listen to me or to other family members. There have been recent incidents where he has broken furniture or other items such as the telephone receiver or television. If we buy him toys, he would ask for it and the moment he gets

it, he breaks it. It is difficult to cope with his temper tantrums but we just try to be patient with him.

58. Baha's older son, Hussein is doing very well in his school and is one of the brightest boys in his class. He is quite independent, takes care of his own toys and plays on his own. He is also obstinate like his brother, but not as bad. Hussein knew his father longer, and was influenced by Baha. In Hussein's eyes his father is his hero and he wants to aspire to his father's wishes. He frequently says he wants to be a doctor as this is what his father wanted for him.
59. As parents, my wife and I miss Baha terribly, our pain has not diminished over the years, it is still as fresh and as deep as it was when he died in 2003. I find that I do not handle stress well and I get angry very easily. My anger and irritable attitude makes it very uncomfortable for family members and friends to interact with me. They find my attitude very difficult to tolerate and I end up isolating myself as much as possible. I get upset very easily and the smallest thing sometimes triggers my irritability. I often appear moody and distracted and I have lost interest in taking care of my physical appearance.
60. Not a day goes by when I don't think of Baha. His image is always in front of my eyes, especially when I see his children. Hassan is the picture of Baha, his mannerisms are exactly like his father, like the way he crosses his leg and puts his hands behind his head when watching television. Sometimes I am caught off guard by some of Hassan's mannerism, which is carbon copy of his father. There are moments when I can take it but there are moments when I am unable to control my emotions and cry because I miss Baha terribly.
61. As well as suffering from flashbacks during the day I also have a lot of problems sleeping at night. Even now I continue to have disturbed sleep. My thoughts are always preoccupied with Baha, the horrific state of his

body, the injuries I saw on him and what had happened to him at the detention facility.

62. My life has completely changed since the incident. I used to be a sociable person but now my social life is practically non-existent. I feel better being isolated and alone. I initially thought that this may be a phase that I was going through following the incident, but I now realise that it has become part of my personality and that things will remain this way for quite a while, if not permanently.
63. As part of the civil proceedings, I was medically assessed by a psychiatric expert, Dr M A Essali in June 2007. Dr Essali concluded that I was suffering from a Severe Depressive Episode and Morbid Grief Reaction. I exhibit a copy of Dr Essali's report dated 23 September 2007 as Doc 1:

64. I had been forced into retirement as police officer in 1991. However, I resumed my old job in October 2003 because I had to support my family since I was now responsible for providing for Baha's children. Around early 2007, I received a letter from my superior officer requesting that I retire. No official reason was given for recommending my retirement apart from this being in "the public interest". I believe that my personality change following my son's death was the triggering factor. Since my son's death I have become isolated, nervous and easily irritable. I also have difficulty controlling my temper. I appealed against the decision of my superior officers to recommend me for early retirement. The appeal was successful and I would like to carry on working for the next five years but I may be put forward for retirement again before then since I am now [REDACTED] years old.
65. Baha's grave is in Najaf, which is 400 km away from Basra. Despite the distance, my wife and I visit Baha's tomb regularly. In fact Hussein has expressed his wish that the family visit his father's tomb regularly.

According to our religion and custom, we visit Baha's grave on his death anniversary and other religious festivals.

MY HOPES FOR THE INQUIRY

66. I would like to see justice done at the Public Inquiry. I believe that my son may have been treated worse than other people because I had made a complaint to Lt Mike that money was being stolen from the hotel safe. This is certainly the view that was reached by other men who were detained with Baha. In the civil action the Ministry of Defence, suggested that the money had been removed but was not stolen:

"It is admitted that British soldiers removed a quantity of money (the precise amount of which is not relevant to any issue arising in these proceedings) from the hotel safe....It is however denied that the soldiers were stealing the money in the sense of intending permanently to deprive the true owner thereof".

This is not what I or others saw, and this is not the way that Lt Mike responded to the matter when I pointed it out to him.

67. In addition, there are various features of the way my son was treated which I find particularly appalling and which I want to make sure are given proper public recognition. In particular, my son was tortured to death in front of his colleagues, he was subjected to repeated taunts of a sexual nature, he was hooded and put into "stress positions" in extremely hot temperatures and it is clear that the soldiers responsible gained sadistic pleasure by laughing continually while my son was being abused. I also understand that the British Army's medical officers who were called to resuscitate my son deliberately failed to accurately report that he had suffered the countless injuries he did.
68. Having worked in the police force for decades as an officer and having lead many teams of men, I find it unbelievable that such abuse could go

on in a military brigade. I do not for a moment accept that the officers knew nothing of the abuse their soldiers were carrying out. I sense that it might be convenient to blame everything on a few rogue soldiers. I would like to see whether that is really the case, or whether some of the practices that went on with my son also went on elsewhere. I understand that there is evidence that the torture techniques which are referred to as 'conditioning' techniques were sanctioned at a level beyond this Brigade and, in fact, taught. I want to know how high up this went, and if Ministers knew. If they did not know, why did they not know?

69. I want those responsible for this horrendous crime to be held to account. I want to understand what happened and who authorised this treatment of my son and the other victims. To date I do not feel that I have any understanding of who authorised this abuse and why the army of an apparently civilised country should behave in such a barbaric manner. God willing, I expect the Inquiry to do its work well and I am expecting that the truth will finally emerge. Once I know the truth and once those who are responsible have been punished I will have some of my dignity restored. At the moment I do not know who is responsible, those who are guilty have not been adequately punished and so I have no peace. In short, my family needs justice so that they can begin to come to terms with Baba's killing.

Statement of Truth

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

Signature

Daoud Mousa

Dated: 1st June 2009

This statement was read to and approved by Daoud Mousa on 5 June 2009.