



MOD-83-0000360-A

STAFF - INVESTIGATION
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MOD Form 266A/B
(Introduced 12/03)
Case No: 64872/04

SERVICE POLICE
WITNESS STATEMENT

(CJ Act 1967, S.9; MC Act 1980, ss5A (3a) and MC Rules 1981, r70)

Statement of: SO29

Rank/Status: Sgt

Age if under 18: Over 18 (if over 18 insert 'over 18')

Occupation: HM Forces (RM)

This statement (consisting of 11 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Signature: SO29

Dated 18th December 2004

I am Sgt SO29. I am a member of 40 Cdo RM, Norton Manor Camp, Taunton, Somerset. I am currently deployed on an operational tour in Iraq. I am currently based at Az Zubayr Port (AZP) with Comd Coy. I have had my R&R and I am due to return to my parent unit on 28 Jan 05.

I joined my unit in Iraq half way through the unit's tour, therefore I did not attend any pre-deployment training. However upon my arrival in theatre I attended a RSOI course held at Shaibah Logistics Base (SLB). During this course I received theatre specific briefs, which included the Rules of Engagement (ROE) and the use of force. I consider myself to be fully conversant with the use of force and I carry the 'White Card' with me at all times.

My personal weapon is an A2 rifle. I do not know the serial number, however the butt no. is 204. This weapon was zeroed during the RSOI package and has been zeroed on a monthly basis since my arrival on 13 Oct 04.

My responsibilities within theatre in the main are to provide force protection within our AOR. This includes escorting personnel from location to location.

On 17 Dec 04, I was tasked along with 7 members of my unit to escort a member of BFBS radio to SLB. The tasking was due to commence about 1730 hrs. Prior to deploying on the tasking the patrol received an Int Brief from Capt SO36 the Intelligence Officer (IO). During the brief we were informed that the threat from SVBIED was high and that there was particular intelligence to suggest that a particular make and model of car was to be used as a SVBIED.

We were briefed that the type of vehicle that may be used was a 4 door saloon type vehicle.

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The brief that I gave to the patrol prior to deploying on the tasking, should they encounter a vehicle they believe to be a SVBIED was as follows:

The vehicle should be warned by the use of a hand signal to get it to slow down or stop. If this fails the vehicle is then given the opportunity to cross over and pass on the other side of the road. If this fails and the patrol member(s) feel that lives are in danger then weapons can be raised and pointed at the vehicle in question following which if the vehicle still poses a threat, a single warning shot may be fired into bonnet of the vehicle.

If this fails to stop the vehicle and it is still believed to be a threat to life then further aimed shots may be fired into the bonnet of the vehicle in order to immobilize the vehicle. If this fails then aimed shots may be fired at the driver of the vehicle in order to incapacitate the driver.

As stated, I was tasked to escort a member of BFBS radio to SLB about 1730 hrs. I believe his name was Mr Steel. The patrol consisted of the following:

Vehicle 1: (Pinzgauer) Comd - Myself
VRN 79 KL 72 Dvr - Mne SO34
Top Cover - Mne SO28
Top Cover - Mne SO32

Vehicle 2: (Land Rover GS) Comd - Cp SO30
VRN PE 20 AA Dvr - Mne SO35
Top Cover - Mne SO31
Top Cover - Mne SO33

Our allocated callsign (C/S) was PE10B. All members of the patrol were wearing full desert combats, combat body armour, chest rig/cot vest/PLCE and carrying personal weapons which were A2 rifles or Minimi. Some of the patrol members were carrying Personal Role Radio (PRR) in order to communicate with each other.

Prior to departing our base at AZP, all 4 top covers made ready their weapons. I recall that we left our base and joined Route Maui. At this time it was dark, however the weather was clear. Traffic was fairly light, however once we passed a location known as 'Two Mosques' traffic was building up. I'm not sure of the name of this route, however by this time we had been on the road for approximately 30 minutes.

Once we had passed 'Two Mosques' we continued down the road for approximately 2km before crossing over the central reservation to come back down the route. This is a routine route that is taken in order to get beyond the road that leads to SLB. The road that leads to SLB is a fork road on the right.

The traffic around this area was reasonably busy, however normal for that time of day and location.

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As far as I can recall we were just about to take the right fork road off towards Shaibah when I heard what I believed to be a single high velocity shot being fired. At this time vehicle 2 was approximately 50 metres behind, however I did not know where the single shot was coming from although it did sound as if it was coming from behind my vehicle. I immediately asked Mne SO34 if he knew where the shot had come from and he said he didn't know.

Everything from then onwards started to happen really quickly and I cannot state for definite what happened next or in what order, however, immediately following this, about 1 – 2 seconds later, I heard a further 2 or 3 shots being fired from behind. At this time I didn't know who was firing.

The patrol continued to move forwards as all of this was happening. This is procedure. Immediately following this I then heard a burst of what I recognized to be automatic fire coming from one of the top covers on my vehicle. Simultaneously, I heard Cpl SO30, the comd of vehicle 2, say over the PRR 'contact left'.

I looked over to the left and I saw passing my vehicle about 30 metres away, a white saloon type vehicle. At this time it was adjacent to my vehicle, however travelling along the dual carriageway, whereas my vehicle had just forked off to the right. The vehicle was only in my sight for a few seconds, therefore I did not see how many people were in the vehicle nor am I able to identify the driver, however, the vehicle was driving erratically as if it was out of control. I assumed this was the vehicle that had contacted the patrol.

At this time my main concern was to get the patrol out of the danger zone/killing area and send a contact report to my Ops Room. I was confident that the top covers could deal with the contact, therefore I concentrated on my task of sending a contact report and getting out of the danger zone. Simultaneously, I believed shots were still being fired by both top covers but I can't state how many shots.

I then used my mobile phone to send a contact report to the Ops Room. I told the driver of my vehicle to put his foot down and move fast out of the danger area. I then confirmed that all members of the patrol were okay, which they were, following which I commanded that we slowed down to move out of the danger zone having regard for the fact we were escorting a civilian.

At this time I heard Cpl SO30 shout over the PRR 'stop, stop, stop'. I knew that this meant that we were out of the danger zone, therefore there was no need to continue firing.

From then onwards the patrol continued at speed for a further 500 - 600 metres to a safe location. I can't recall if there was any further communication over the PRR during this time.

The whole incident lasted no longer than 20 seconds.

Whilst we continued towards SLB, I then sent a full contact report to the Ops Room via mobile phone. I informed the Ops Room that we had been engaged by small arms fire at Grid: 648682 and that the patrol had returned fire in response. I stated there were no CF casualties and that we were

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continuing with our tasking. I stated I would give a full SITREP when I arrived at Shaibah. At no time did we stop to see whether or not the vehicle that had contacted us had also stopped or whether the occupant(s) were killed or injured. This is standard operating procedure.

It then took approximately 5 - 6 minutes to get to SLB. Once there I sent a full SITREP to my Ops Room. I realized that I had initially sent the wrong grid and therefore gave the correct grid as being 638683. We remained at Shaibah for approximately 15 minutes before being re-tasked to the scene of the incident.

During the time at Shaibah, the patrol did unload weapons, however I did not physically check how many rounds had been expended. I was briefed that all top covers had opened fire and approximately 40 rounds had been fired in total.

Following being re-tasked we returned to the scene about 1900 hrs. We were accompanied by a QRF patrol from SLB. At this time there were about 12 IPS policemen stood near a white saloon vehicle that was similar in all respects to the vehicle that had passed to my left. The vehicle was on the central reservation at an angle. The details of the vehicle are: White 4 door saloon, Make: Prince, VRN: 48741, Basrah Iraqi Plate.

We didn't immediately stop, however, once I was happy that there was no danger to my patrol or the QRF, 4 of us, myself, Cpl SO30, Mnes SO32 and SO31 approached the IPS and the vehicle.

Upon looking at the vehicle I could see that there were bullet holes in the windscreen. I believe it was 6 in total. There were five bullet holes in the bonnet and both side windows on the driver's side were smashed. The rear window was also smashed. There was no one inside the vehicle but I could see what I believed to be blood on the inside of the driver's door (left side), I think there was also some on the footwell behind the driver's seat and on the ground just beside the driver's door.

It was difficult to communicate with the IPS, therefore I was not able to establish who the driver had been or where he/she had gone. I subsequently briefed an Ops Room of the situation. I don't know if it was my Ops Room or the RDG Ops Room as there was a bit happening at that time with regards to people telephoning me and vice versa.

I was then informed that we were to remain at the scene until the arrival of the SIB.

There were attempts to communicate with the IPS, however, this was no good as none of them spoke English therefore although the IPS remained there was no real contact with them.

The only other thing I can add is that when the patrol got to Shaibah I asked them what had happened. Everyone added something to the conversation, however, I basically established that the rear vehicle had been approached by a vehicle that had failed to stop or slow down. The top covers of the rear vehicle stated that they honestly believed that the vehicle could be a SVBIED, therefore

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a warning shot was fired in order to get it to stop. This did not work, therefore a further warning shot/shots were fired.

At this point the patrol were engaged by small arms fire (automatic) following which all top covers returned fire. Upon return to my base location, I physically checked the ammunition holdings of the patrol and established the following:

Mne **SO33** fired 9 x 5.56mm from a Minimi
Mne **SO28** fired 20 x 5.56mm from a Minimi
Mne **SO31** fired 3 x 5.56mm from a A2 rifle
Mne **SO32** fired 10 x 5.56mm from a A2 rifle

I can add nothing further than to say that I did not physically see what led to my patrol opening fire, I only heard shots being fired, therefore cannot personally comment on what the threat was to my patrol.

Signed: **SO29**

Signed: REID P
SSgt
RMP (SIB)

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