



MOD-83-0000366-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: **SO33**

Rank/Status: Mne

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

Occupation: HM Forces (RM)

This statement (consisting of 8 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: **SO33**

Dated 18th December 2004

I am **SO33** Mne **SO33**, presently serving with C Coy, 40 Cdo RM, Az Zubayr Port (AZP), BFPO 643. I arrived in Iraq on 1 Dec 04 and I will return with 40 Cdo RM on 22 Jan 05 to Norton Manor Camp, Taunton, Somerset.

Prior to deploying to Iraq in Dec 04, I attended OPTAG training at my unit. This was a 1-week or 2 week package, I cannot recall the exact length or the date, but it was few weeks prior to deployment.

During the OPTAG training, I was taught the Rules of Engagement (ROE) for Iraq, which I fully understand. I also attended a further training package at Bucca Ranges on arrival in Iraq, where I was given further training in relation to the ROE. I zeroed my personal weapon system, the Minimi 5.56mm light machine gun, about a week ago.

The Minimi light machine gun is a belt fed weapon with bipod legs and an extendable stock. It has an effective range of 400m and my weapon has a butt number of 'weapon 5'. I do not know the serial number of my weapon. The last time I zeroed my weapon was sometime in the past 7 days. I am not sure of the exact date but it was recently and was completed at Bucca ranges and the Range Conducting Officer was Sgt Eaton of my unit.

When I patrol with my unit, I normally carry 600 x 5.56mm rounds on my person. 200 are loaded onto my weapon and I carry 400 in my daysack. When I patrol, my weapon is always loaded and made ready because as a machine gun carrier, I am always on top cover. This means I can react quickly to any threat by changing my safety catch and opening fire without having to cock the weapon. I am fully confident with my weapon system.

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MOD Form 266E (Continuation Sheet)

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Continuation of statement of: **SO33**

Whenever I patrol, I also carry my ROE White Card. This card is issued to all soldiers in my unit and I carry it at all times. Due to the training I have had within my unit in relation to the ROE and the fact I carry the White Card at all times, I am fully conversant with the present ROE.

About 1730 hrs on Fri 17 Dec 04, my patrol left AZP to convoy a BFBS DJ from AZP to SLB. The patrol consisted of a 110 Land Rover and a Pinzgauer troop carrier. The Pinzgauer was the lead vehicle and was manned as follows:

Comd - Sgt **SO29** (Multiple Comd)

Dvr - Mne **SO34**

Dvr's side Top Cover - Mne **SO32**

Comd's side Top Cover - Mne **SO28**

The 110 Land Rover was the second vehicle manned as follows:

Comd - Cpl **SO30** (Multiple's 2IC)

Dvr - Mne **SO35**

Dvr's side Top Cover - Mne **SO31**

Comd's side Top Cover - Myself

The top covers in the 2 vehicles provide 360 degree cover around the 2 vehicles. This is achieved by the arc around the vehicles being divided into 4 areas which we call arcs of fire. The Driver's side top cover in the front vehicle covers the arc of fire to the front and right of the multiple. The Comd's side top cover in the front vehicle covers the arc of fire to the front and left of the multiple.

The driver's side top cover of the rear vehicle covers the arcs of fire to the rear and right of the multiple. The comd's side top cover of the rear vehicle covers the arc of fire to the rear and left of the multiple.

Last night, I was covering the rear and left side of the multiple.

When we left AZP, it was beginning to get dark but the weather was dry and reasonably clear. We travelled out of AZP to route Maui, along route Maui to 'Two Mosques' roundabout and then onto SLB. During the journey, the BFBS DJ was being carried in the Pinzgauer.

We negotiated the roundabout at 'Two Mosques' roundabout and proceeded on to the dual carriageway towards SLB. By now it was dark however, the road was reasonably illuminated by other vehicles on the road which had their headlights on.

We drove up the dual carriageway for about 15 minutes at which point we completed a U turn to meet with a further turn to the right that leads to the SLB. I am not sure of the route's name or the grid reference however, it is the usual route between the two camps.

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Continuation of statement of: SO33

We completed the U turn and began travelling down the road towards the right turn. We were travelling about 60 - 80 km/h and the front vehicle was travelling in the left lane, towards the middle of the road and our vehicle was in the right side of the road.

There were 2 or 3 vehicles behind us and they were all maintaining a distance of about 60m. This was due to myself and Mne SO31 warning the vehicles to stay back by giving warning signals with our hands to either slow down or stay back. We give signals by holding our hands out, palms flat and facing the driver. This usually causes them to slow down and stay back from us.

We travelled down the road for about 5 minutes in this manner. I saw in the distance a car travelling faster than the other traffic towards our multiple. I wasn't overly bothered because Iraqi people drive erratically so I just kept an eye on it.

His speed increased and he was closing on us quite quickly. I became concerned it was closing rapidly so I gestured for the vehicle to slow down and stay back as I described earlier. Mne SO31 also gave a similar gesture. The car continued and by now it was about 50m behind us. At this point we were both pointing our weapons at the car but it still continued towards us. I am absolutely sure he could see us even though it was dark because his lights and the lights of other road users were lighting our vehicle significantly.

By now, I was very worried because the vehicle was not responding to our signals or our aggressive pointing with our weapons. I suspected the vehicle was a SVBIED and the driver was attempting to close with us in order to detonate. I still wasn't completely sure though and I did not want to open fire with my Minimi because it is a burst fire weapon and it is difficult to fire aimed shots.

Mne SO31 therefore opened fire on the vehicle after we both agreed that a warning shot into the vehicle's bonnet was required. Mne SO31 fired one shot with his SA80 A2 rifle.

By now, I could see that the vehicle was a white saloon car, however I could not see the number plates or the number of occupants. I did not see a round strike the vehicle's bonnet.

Despite the shot being fired, the vehicle continued to approach us at the same speed and course, so Mne SO31 fired 2 more shots towards the car and again, I did not see the rounds strike the car. At this stage, the car was about 10m from us, on the left side of the road, in my arc of fire. By now, I was aiming my weapon towards the driver because the vehicle was not responding to warning shots.

I was now fearing for the safety of my multiple and was convinced that the car was a SVBIED. The car continued and I am sure I heard a shot being fired from the car. Although I heard a shot being fired, I could not tell whether it was a high or low velocity shot. I did not see a flash nor did I see a weapon being pointed from the car. When I heard the shot, I opened fire into the driver's side of the windscreen which by now was 6m from me.

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MOD Form 266E (Continuation Sheet)

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I fired 2 quick bursts of rounds into the windscreen and stopped firing. I saw my rounds strike the windscreen and the car went out of control and moved into the central reservation and moved into the arcs of fire of the Pinzgauer, comd's side top cover. I therefore did not fire any more rounds.

By now, the multiple had reached the right turn that leads to SLB and the multiple continued on its planned route without stopping. The whole incident lasted for about one minute, from the first hand signal to the right turn to SLB.

We arrived in SLB about 5 minutes later where we dropped off our passenger and unloaded our weapons.

We returned to the scene of the incident later that night, however, I was deployed on top cover providing protection to my multiple and stayed in the vehicle. I did not see anybody in the car that by now was stationary in the central reservation and was surrounded by several IPS vehicles.

About 0030 hrs today, my ammunition was checked by Sgt SO29 and I expended 9 x 5.56mm rounds during the contact.

Signed: SO33

Signed: MJH BATTEN
SSgt
RMP (SIB)

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