



MOD-83-0000384-A

Case Ref No: 64872/04



**SERVICE POLICE
WITNESS STATEMENT**

(CJ Act 1967, S.9;MC Act 1980, SS.5A(3a) and 5B;MC Rules 1981, r70)

Statement of: SO37

Rank/Status: Maj

Age if under 18: Over 18 (if over 18 insert "over 18") Occupation: HM Forces (RM)

This statement (consisting of 3 pages 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: SO37

Dated the 28th day of February 2005.

I am Maj SO37 () currently serving as the Adjt of 40 Cdo since May 04. This included an operational tour of Iraq (Op TELIC 4 and 5) Jul 04 – Jan 05.

I have today been asked by Cpl Quartermaine B, RM Police (att SIB), a number of questions relating to a shooting incident involving 40 Cdo ranks on 17 Dec 04.

Concerning the rules of engagement card A (ROE), the card that the whole of 40 Cdo were using on the date in question was JSP 398 (2004 Edition). These were issued by Multi National Division South East (MND) SE under cover of HQ Land letter ref LAND/CTS/INT/SY/4008 dated 23 Sep 04. Each man carried a laminated copy of this card A. This included all ranks of 40 Cdo and all ranks of 40 Cdo received training from myself on rules of engagement before conducting any operational duties.

About 1400 hrs on Mon 28 Feb 05, at my office, 40 Cdo RM, Norton Manor Camp, Taunton, TA2 6PF, I handed to Cpl Quartermaine B, RM Police (att SIB), the following item in which he attached an exhibit label that he marked as indicated:

SO37 3 - Card A JSP 398 (2004 Edition)

I have signed the label.

Exhibit SO37 3 is card A, guidance for opening fire for service personnel authorised to carry arms and ammunition on duty.

Regarding the query why the unit thought it was necessary to implement further guidance (MJC/2). This was because warning shots were being used de facto due to operational circumstances in Baghdad.

Further guidance was deemed necessary to support 40 Cdo ranks on patrol. The document was sent to SO3 Legal at MND (SE) who redrafted and approved the wording of the letter. The guidance was not specifically stated for Baghdad as we were advised by SO3 Legal not to issue a specific set of SOPs

Signature: SO37

Signature Witnessed by: B Quartermaine

STAFF - INVESTIGATION

(Continuation Sheet)

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Continuation of statement of:	SO37		

(Standing Operating Procedure) when warning shots could be used. The approved guidance allowed individuals to determine the threat and take appropriate action to save life.

Copies of e-mails relating to this advice and a copy of guidance have been previously handed over to 61 Sect SIB in Iraq.

Signed: SO37

Signed: B Quartermaine
Cpl
RM Police (att SIB)