



MOD-83-000049-A

ser/22

R. v. S009

PREPARED STATEMENT

I have been brought here today in relation to matters arising from the 2nd. August 2003, now over a year ago. Those events occurred while I was performing my legitimate duty as a serving soldier. I was informed after the event by my Commanding Officer in the field that in accordance with the rules of engagement I had not done anything wrong and the matter did not even merit investigation. He had before him evidence taken from both myself and others at the scene.

The rules of engagement were clear to me. The threat was also all too clear and I acted according to those rules of engagement. I did not do anything which contravened those rules.

I was subsequently interviewed by the Army Police who sent all the papers and their reports to the Army Legal Service for full and independent consideration.

I was then brought before my own Commanding Officer towards the end of 2003 when I was told that there was no case against me.

I knew that I had acted properly within the rules of engagement and this was re-affirmed by that decision.

I have subsequently learnt that the Commanding Officer did this on legal advice from senior members of the Army Legal Service.

I am now told that the Army Prosecution Authority have sent this matter to the Attorney-General. The Army Prosecution Authority are overseen by the Attorney-General and come from the same Army Legal Service that gave legal advice to my Commanding Officer that there was no case to answer.

I have been told that the civilian Police ~~have been advised that I cannot be interviewed again by them~~ as I have previously been interviewed by the Army Police.

do not propose to interview me KL.

I wish to state categorically that my actions that day were in order to protect the life of another serving soldier and myself. This was fully in accordance with the rules of engagement. I have been led to believe that I had done nothing worthy of blame by the Army after a full and independent enquiry, which included legal advice by obviously very senior lawyers who at any time could have sought legal advice from outside including from the Attorney-General.

I and all my fellow soldiers were informed by the Government and Senior Army Officers that we would be backed fully in all the actions we took in a highly dangerous and unstable situation - a situation which remains the case for my brother soldiers who have so bravely given their lives in the past few months.

I cannot understand why, given all these assurances, and after a very long, extensive and full enquiry when my actions were held to be correct, I have now been brought before this police station. We have always been told that the system of military justice is fair and impartial and is there to deal with all actions of servicemen. That includes matters of discipline and behaviour that are imposed on us by Parliament by the Army Act. I was found not to have contravened any of these matters. That system has been administered fairly and I have been found not to be at fault.

It appears to me that others have no faith in this system of justice that Parliament has specifically provided to protect both servicemen and those who we are there to protect and serve.

S009

Sign

7th. September 2004.

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