

STAFF - INVESTIGATION
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Continuation of record of Tape recorded Interview

MOD Form 952B
Introduced 6/90

Investigation No. **DMB/3** Case Reference No. **64658/03** Page **2** of **11**
Investigator **S002** Name of Suspect **S002**
Reference **S002**
Time (s) and Date

SSgt Bates: Right, when you assisted **S001** where was the person?

S002 He was, I think, I think **S001** was telling him to lie down on the floor and he was trying to get him to lie down, he wouldn't lie down so then I walked over and assisted to help him.

SSgt Bates: How did he get, how did **S001** get the civilian out of the vehicle?

S002 I don't even know if he got him out of the vehicle, I can't remember if he got them out of the vehicle, I just remember walking over to **S001**

SSgt Bates: And what was **S001** doing at this time then that led you to believe that he needed help?

S002 I just remember him struggling, like struggling to you know, restrain this person to lie him down flat, you know, on the floor.

SSgt Bates: Right.

S002 That's what I remember him, just struggling so you know, went to aid the situation, make things go a bit quicker, go to help him, like that, someone can check him you know, what about the surroundings no, we can't afford, that was my main concern really is other people in the village because I knew that there was you know, rifles.

SSgt Bates: Right.

S002 Well I don't know for a fact there was rifles but worried, that's what I was worried about, I just went to assist.

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Continuation of record of Tape recorded Interview

MOD Form 952B
Introduced 6/90

Investigator	DMB/3	Case Reference No.	64658/03	Page 2 of 406
Unit No.	25092173	Rank/Grade	Pte	Signature
Investigator	S002			S002
Investigator				
Investigator				

SSgt Bates: So S001 was struggling, how was he struggling with him?

S002: You see I can't, I can't remember exactly how he was struggling him, I just remember he was struggling so I can't, I honestly can't sit there and say right, he had, he was doing this, he was doing that, he wasn't doing this and that. I just remember he wouldn't lie down on the floor and he was struggling to physically get him on the floor.

SSgt Bates: Right. So you put him in an arm lock, did you have any trouble doing that?

S002: I, yeah because he was basically, I remember him waving his arm I think, I can't remember if he was, if he was pulling his arm away or he was, it's quite hard to remember this.

SSgt Bates: Yeah.

S002: And it's like six months ago.

SSgt Bates: Yep, okay.

S002: We were restraining quite a few people.

SSgt Bates: I can appreciate that but you're really clear on some points and then very vague on others.

S002: Yeah, but I mean, I'm telling you, if I remember something specific, then yeah I'm telling you exactly, this is exactly what I remember doing.

SSgt Bates: Okay. So you...

S002: I do remember holding his arm in a lock.

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Continuation of record of Tape recorded Interview

MOD Form 952B
Introduced 6/90

Division No.	DMB/3	Case Reference No.	64658/03	Page 7 of 106
Number		Rank/Station	S002	
For address	S002			
Type (S) and				
Type Code				

SSgt Bates: So somehow you got him in an arm lock?

S002: Yeah.

SSgt Bates: And then you mentioned that S001 was hitting him with his helmet?

S002: I remember he had a helmet in his hand, can't remember if he hit him or just used his helmet to, to restrain him or if he hit him on the back of the leg or on the arm or whatever with the helmet. I can't honestly remember, I do know he had a helmet in his hand though.

SSgt Bates: Right.

SSgt Tolmie: How was he holding that helmet?

S002: Just from the inside, cupped round the rim.

SSgt Bates: Right.

S002: I don't know quite how to explain that.

SSgt Bates: Can you imagine, sorry, can you remember which hand he held it in?

S002: No.

SSgt Bates: Right. Okay, but then you got the suspect on the floor?

S002: Yeah basically.

SSgt Bates: A civilian on the floor?

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Continuation of record of Tape recorded Interview

MOD Form 952B
Introduced 6/90

Exhibit No.	DMB/3	Case No.	64658/03	Page No.	
Officer		Station	S002		
Officer	S002				
Time (Start)					
Time (End)					

S002: Yeah, both managed to get the civilian on the floor.

SSgt Bates: Right.

S002: And then what I remember is saying to him, you know, alright, I'm going back to the vehicle, I'm going to stay by the vehicle and I walked back over to the vehicle.

SSgt Bates: So why was the civilian struggling so much at one point when you were trying to get him on the floor and then once you'd got him on the floor he's not moving, he's not struggling?

S002: I don't know, maybe he's tired or he's had enough of struggling.

SSgt Bates: Was he unconscious?

S002: I don't remember seeing him unconscious, I don't know, he wasn't unconscious, I'd never seen him unconscious.

SSgt Bates: How can you be so sure about that part then?

S002: Well I don't, I'm not. As I said I don't remember him being unconscious.

SSgt Bates: Right.

S002: I didn't have any reason to believe that he was unconscious.

SSgt Bates: Okay, but you don't know whether he was conscious or not?

S002: No.

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Continuation of record of Tape recorded Interview

MOD Form 952B
Introduced 6/90

Investigation No. **DMB/3** Case Reference No. **64658/03** Page 10 of 10
Investigator **S002**
Participant **S002**
Date of Interview
Time of Interview

SSgt Bates:

Okay, when...

S002

I don't really think he would have been unconscious because it was just like, got him to lie on the floor, physically got him to lie on the floor, unless he's, he fainted because I don't see what reason why he would be unconscious.

SSgt Bates:

So when you've done other VCP's and you've got other people out of vehicles and you've restrained them, has a helmet been used to hit them before?

S002

No, not that I remember.

SSgt Bates:

So this isn't normal practice then?

S002

No. Not, no you wouldn't, you wouldn't get your helmet out and say alright, lets hit him with a helmet to get him on the floor if he was struggling, I don't know, you just used the best way you could to restrain someone.

SSgt Bates:

So what did you think about **S001** using his then?

S002

I thought well, I don't know what I thought actually, I just thought there's no need to use that I suppose.

SSgt Bates:

But you weren't bothered by it?

S002

I wasn't bothered by it, no.

SSgt Bates:

Right. Okay, so you've got him on the floor. How do you put him on the floor?

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Sgt. [Redacted]
Police Officer

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Continuation of record of Tape recorded Interview

MOD Form 952B
Introduced 6/90

Identification No.	DMB/3	Case Reference No.	64658/03	Page 79 (of) 106
Investigator		Rank/Station	S002	
Witness	S002			
Date (MM/DD/YY)				
Tape Label				

S002

I think, can't remember, I just seem to think, I can't remember, just managing to get him to go on the floor.

SSgt Bates:

Right.

S002

I can't, it's quite hard for me to remember exactly how you know, you restrain someone to get down, you know. They go down, you know, I think he went on his knees and then just tried to push him down more.

SSgt Bates:

Did you push him down into the, face down into the floor?

S002

I didn't, I don't remember doing that. Don't remember.

SSgt Bates:

Right, okay.

SSgt Tolmie:

Did you fall on him?

S002

Did I fall on him? No I don't, I'd say no because I don't actually remember falling on him.

SSgt Bates:

Were there any other people around at that time apart from these two and the patrol?

S002

Around?

SSgt Bates:

Around where you were, were there any other people, were there any other civilians?

S002

I think there were people in the houses.

SSgt Bates:

But what about actually there where you were?

Signature of
Sgt
Investigator

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Continuation of record of Tape recorded Interview

MOD Form 952B
Introduced 6/90

Exhibit No.	DMB/3	Case Reference No.	64658/03	Page No. of total	
Investigator		Case Status	S002	Page No. of this	
Prosecutor	S002				
Witness					
Time					

S002

Oh, I remember a woman being there.

SSgt Bates:

Right.

S002

A woman, I remember she was wearing a black outfit, a woman standing there.

SSgt Bates:

And what was she doing?

S002

I don't know, she was shouting something from her house.

SSgt Bates:

So she wasn't actually with you with the two civilians on the floor?

S002

Oh, no she wasn't with them, she was obviously from the village I suppose because she was standing by her little hut shouting something.

SSgt Bates:

Right. Any points Rod?

SSgt Tolmie:

Did anyone try and intervene when you were to detain, restrain these people?

S001

Did anyone...?

SSgt Tolmie:

Try to intervene, try to come to their help, try to stop you doing what you were doing?

S002

I'm, do you know what, I remember the woman coming over saying something to S001 but...

SSgt Tolmie:

Who's that, S001

S002

Yeah, sorry, S001

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Service
Participant

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Continuation of record of Tape recorded Interview

MOD Form 952B
Introduced 6/90

Patrol No.	DMB/3	Case Number	64658/03	Page # of #
Investigator		Station	S002	
Patrol No.	S002			
Date & Time				
Tape Copy				

SSgt Tolmie:

Mmm and what did he do?

S002

I think he was just shouting at her, telling her to go back or something, I don't know, he was saying something to her, like go away or something.

SSgt Tolmie:

Was there any physical contact between them?

S002

I don't know but I was, I remember someone saying something about her being, she got hit.

SSgt Tolmie:

Who said that?

S002

Can't remember now. This is like amongst you know, talk, but I just can't remember.

SSgt Tolmie:

When was this discussed?

S002

When we got back I think.

SSgt Tolmie:

Before or after your kit was taken?

S002

Before.

SSgt Tolmie:

Before, so now we're, you're saying that you discussed the incident and the events of that before the RMP came and took your kit.

S002

I didn't say we discussed the incident, I'm saying that I remember hearing someone saying that you know, someone got hit but that could have been at any time, that could have been on another patrol, that could have been.

SSgt Tolmie:

Okay.

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Continuation of record of Tape recorded Interview

MOD Form 952B
Introduced 6/90

DMB/3 64658/03 S002
S002

S002 This is, I'm just saying, when we get off everyone comes back off a patrol, someone will say, oh this happened, you know, you're asking people what happened, did you find anything, why have you brought them back, you know, how come, where did you get them weapons from, people just talk, I can't remember exactly.

SSgt Tolmie: How many times did you see S001 use a helmet to hit the civilian?

S002 : How many times did I see him use it to hit the civilian?

SSgt Tolmie: Mmm.

S002 Just when we were struggling.

SSgt Tolmie: And how many times, did he hit him several times with the helmet, during the struggle?

S002 I can't remember.

SSgt Tolmie: Was it...

S002 I wouldn't say, I wouldn't say, I wouldn't say several times.

SSgt Tolmie: Was it more than once?

S002 I can't, this is, this is a shady area, I can't remember, I could say roughly once or twice. I can't you know, for definitely know for sure, you know, if, if he...

SSgt Tolmie: I'm not asking you to say it was ten times, was it more than once?

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Continuation of record of Tape recorded Interview

MOD Form 952B
Introduced 6/90

Investigator:	DMB/3	Case Number:	64658/03	Page(s):	1 of 1
Interviewee:		Officer:	S002		
Witness:	S002				
Investigator:					
Investigator:					

S002

I think so.

SSgt Bates:

To the best of your recollection.

S002

Yeah, to the best of my recollection I think so.

SSgt Tolmie:

Was that the only piece of equipment used to hit the civilian?

S002

I don't know. You're telling me, well you know, you're telling me that he's been or allegedly been hit with a butt of a rifle but I didn't, I didn't see that happen. So to that answer I suppose no because I didn't see it.

SSgt Tolmie:

Right. I'll take you back to when you stopped your vehicle by this vehicle, yeah?

S002

Yeah.

SSgt Tolmie:

On whose authority did that happen?

S002

What, that I stopped my vehicle?

SSgt Tolmie:

Mmm. Who ordered you to stop?

S002

Exact commands, you know, you just use your initiative if, I can't remember if I was told or not to stop there. I just stopped where I deemed safe.

SSgt Tolmie:

No, no, who chose, who said that you were going to stop that vehicle?

Investigator:
Officer:
Witness:

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Continuation of record of Tape recorded Interview

MOD Form 952B
Introduced 6/90

Exhibit No: DMB/3

64658/03

Number

S002

Forensic: S002

Time

Here

S002

Oh, that particular vehicle driving off, I suppose no-one really, just drive someone, trying to think...I can't remember if I was told to or just to go, to go and follow the vehicle because it had turned around from a VCP.

SSgt Tolmie:

Right, what I'm saying is, you're driving down the road?

S002

Mmm.

15 mins
30 secs

SSgt Tolmie:

At some point you stop driving and you stop your vehicle, yeah?

S002

Yeah.

SSgt Tolmie:

Who told you to stop?

S002

I told myself, you've got to stop somewhere didn't you. If someone says to me...

SSgt Tolmie:

So why that vehicle and not the one that was driving down the road?

S002

Because that's nowhere to be seen. Like I was saying we were following two vehicles at first, one disappeared and one stopped by a village, you know, so I can't remember if I was told to go in the village and you know, stop by that vehicle or what if I thought to myself, ah, there's a vehicle there, is that where I'm supposed to be going. This is, you're asking me to be particular about something and I'm, I can't remember, this is six months ago, I've been told so many different things for the past month that I was there, do this, do that, don't do this, don't do that, drive here, drive there and it just comes as natural if the vehicle turns around, you're going to want to intervene the vehicle why it's turned round. Half the time I can't remember if I've been told that vehicle's turned round, go and chase it or if I think to myself, that vehicle's turned round automatically go and do it.

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Police Officer

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Continuation of record of Tape recorded Interview

MOD Form 952B
Introduced 6/90

File Number	DMB/3	Case Reference No.	64658/03	Page 25 of 106
Name		Section	S002	
Investigator	S002			
Date				
Tape No.				

SSgt Tolmie: Right, earlier on in the interview you said that whenever you did VCP's you stayed with your vehicle?

S002 Mmm.

SSgt Tolmie: You've also said during the interview that it was, you have on a number of occasions been involved in the restraint of civilians.

S002 Yeah.

SSgt Tolmie: Which one is it?

S002 Because we've parked next to the vehicle.

SSgt Tolmie: What did you do, leave your vehicle or stay with your vehicle?

S002 Well, define leaving and staying with your vehicle, is it either...?

SSgt Tolmie: Well leaving your vehicle means leaving your vehicle.

S002 Getting out of the vehicle, oh right well when I mean leaving the vehicle I mean don't leave it a hundred metres down the road. It's always in the vicinity of the vehicle, when I stay with the vehicle as in I don't have to be sitting in my vehicle to stay with it, as long as I've got eyes on my vehicle and I'm within the close proximity, you understand what I'm saying, not like leave it fifty metres or twenty metres down the road. Stay with the vehicle means that you don't have to sit there like a muppet obviously, you know, if the ground dictates you might have to get out, you know, to, you know...I don't want to be...

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Officer	
Police No.	

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Continuation of record of Tape recorded Interview

MOD Form 952B
Introduced 6/90

Location: DMB/3 Date: 6/6/03 Page 86 of 103
Name: S002
Rank: S002
Time (S):
Time (C):

SSgt Tolmie: Okay. Were you ever, because you moved from machine gun Platoon into C, C Company didn't you. When you joined S001 Section, did he ever give you any formal briefings or orders on what to do when they were on patrol if something should happen?

S002: Yeah I remember a few times even other Section Commanders saying, you know, if a vehicle turns away at a VCP point just go and, go and intervene, if the vehicle's turned round, it's obviously suspicious, it doesn't want to be stopped. Go and, go and, you know, chase the vehicle.

SSgt Tolmie: Right.

S002: But I can't remember every single time...

SSgt Tolmie: No, but did he give you any, were you given any specific order or any specific tasking when that happened, ie. if we chase a vehicle and it stops and we stop, you will do something?

S002: Yeah, just you know search the vehicle and search the people who are in the vehicle.

SSgt Tolmie: So that would be your role?

S002: Wouldn't be my specific role, no.

SSgt Tolmie: So what would your specific role be?

S002: To drive and assist.

SSgt Tolmie: And assist.

Signature of
Sgt Tolmie
Investigator

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Continuation of record of Tape recorded Interview

MOD Form 952B
Introduced 6/90

Exhibition No.	DMB/3	Investigation No.	64658/03
Number		Reference	S002
Exhibitions	S002		
Place and Date			

S002

And like if whatever if I need to help them for any reason, you know, help them, but however at the same time don't leave the vehicle unattended. If someone's in the vehicle, I remember a few occasions where someone's been on top cover on the vehicle and because someone's with the vehicle, I've actually you know, left the vehicle because someone's in the vehicle. It's deemed safe then because it's being guarded. I won't, if no-one's on my vehicle then I won't just ever walk away from my vehicle unless it's within ten metres or so or something. You know, just common sense, just don't leave your vehicle by itself. If you know there's no-one around and you're in the middle of the desert, you'll be alright to walk twenty metres away from your vehicle, just common sense, you say don't leave your vehicle. If someone's in my vehicle I'm not going to worry too much because someone's in my vehicle.

SSgt Tolmie:

Okay. Excuse me. You mentioned that having restrained or assisted S001 to restrain this man, after a couple of minutes you then said to him that you were going back to the vehicle. How far from your vehicle were you?

S002

Between thirty to fifty metres away from the vehicle.

SSgt Tolmie:

So when you returned to your vehicle, was anyone else in it?

S002

Can't remember, could possibly have had top cover in there, I honestly can't remember if I had someone in the vehicle or not because sometimes you do. I remember going on patrols where people you know, stop, you know, got someone on the top cover and I'm still sat in the vehicle not doing nothing and I think to myself, well if someone needs a hand or assist, or you know, it's not professional to just sit in the vehicle, you know, not doing nothing. You keep your wits about you.

SSgt Bates:

This civilian you helped restrain, did you hit him?

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Continuation of record of Tape recorded Interview

MOD Form 952B
Introduced 6/90

Exhibit No.	DMB/3	Case File Number	64658/03	Page 3 of 10
Name		Room No.	S002	
Exhibit	S002			
Time (s) and Tape Count				

S002

Did I hit him?

SSgt Bates:

Yeah.

0 mins
0 secs

S002

I think I remember just sort of like giving him a dig in the back, I think.

SSgt Tolmie:

What do you mean a dig?

S002

Just sort of like a clenched fist, a knock in the back, nothing too hard, just to sort of like say to him look you know, don't, don't restrain here, we're trying to restrain you, just stop it, like a little, little, sort of like kick to say, you know, why are you restraining, just you know. I suppose it's...

SSgt Tolmie:

How many times did you do that?

S002

Just the once.

SSgt Bates:

With what?

0 mins
0 secs

S002

With, with my hand.

SSgt Bates:

And how did you do that if you were restraining him with both your arms, you said before you had him in an arm lock?

S002

He was waving his...

SSgt Bates:

If you had him in an arm lock what...

S002

He was waving his, obviously, you know, it's quite hard to get him in an arm lock because he's struggling, that's what I mean by struggling. One

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Continuation of record of Tape recorded Interview

MOD Form 952B
Introduced 6/90

Officer No.	DMB/3	Case No.	64658/03	Page No.	100
Investigator		Subject No.	S002		
Interviewer	S002				
Time (Start)					
Time (End)					

minute I've got him in an arm lock, the next minute he's out of my arm lock, the next minute I'm trying to hold him again, so you know, I haven't got hands on him all the time, it's like a fumble because he's struggling because he doesn't want to go down to the ground. It's, it's like, it's a blurry situation to be honest, I can't remember six months ago, you know, considering.

SSgt Bates:

But there's two of you on this guy, you're one side and S001 is the other. S001 has got his helmet in his hand and you've just admitted to punching him in the back, and you couldn't get him to the floor without striking him?

S002

I couldn't get him to the floor, no. I couldn't, I couldn't physically, S001 couldn't physically get him to the floor, then both of us couldn't physically get him to the floor because he was kicking up such a fuss. You know, you don't know how much force to use at the time, you just in a struggle, you know, just.

SSgt Bates:

But earlier on you said that you were told you could use whatever force you considered necessary. So you considered it necessary to strike him in the back with a clenched fist to get him on the floor. You considered that reasonable force?

S002

Well considering it wasn't a hard, hard punch, it was just a sort of like, nudge.

SSgt Bates:

Did you punch him?

S002

Yeah I did punch him.

SSgt Bates:

But not...

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Officer
Investigator

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Continuation of record of Tape recorded Interview.

MOD Form 952B
Introduced 6/90

Exhibit No.	DMB/3	Case Reference No.	64658/03	Page 20 of 1076
Subject		Station	S002	
Officer	S002			
Printed Name				
Tape Code				

S002: I remember doing that slowly, slowly, as we're talking about things I'm starting to remember things but I'm just trying my best to everything I can. I'm not going to lie. I'll tell you what I can remember.

SSgt Bates: Right.

S002: You see like, the more we talk about it, the more it will bring back memories.

SSgt Bates: Okay. It's helping at the moment so we'll continue talking about it.

S002: Okay.

SSgt Bates: So you've got him in an arm lock and you've punched him once?

S002: Yep.

SSgt Bates: Did that stop him struggling?

S002: Nope.

SSgt Bates: So did you punch him again?

S002: No.

SSgt Bates: Why not?

S002: Because it hasn't affected him in any way to, the, I think the whole idea of me striking him in the back was to say, you know, look, you know, just, just don't struggle.

SSgt Bates: Did S001, you say he had his helmet, did he punch him as well?

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Continuation of record of Tape recorded Interview

MOD Form 952B
Introduced 6/90

Officer No.	DMB/3	Case No.	64658/03	Page	1 of 1
Officer		Officer	S002		
Officer	S002				
Officer					
Officer					

S002

I can't remember. I can't remember, I can't remember what someone else's actions were because you know, I just remember me just well, bits of what I can remember of me trying to restrain him. I can't quite see what everyone else is doing around me because I just, even if I was looking I honestly can't remember, it's like a fumble, it's like a two minute thing, you're just trying to get him on the floor. I can't remember all my actions what I did.

SSgt Tolmie:

Did you punch him before or after you've seen S001 hit him with the helmet?

S002

See that I can't even remember either. It's, it's, I'm trying to describe to you the best I can, it is a blur, fumble, it's like a two minute fumble trying to get him to the floor, you know, you, I don't, I honestly can't remember my actual actions. If you'd probably asked me the day after or five minutes after, I would say I done this and that but six months down the line I can't remember exactly what I did.

SSgt Bates:

Did you see anybody else strike him?

S002

I saw, all I saw was S001 pressing him to the ground because I think after, after I think, after he was on the floor he tried to get up again.

SSgt Bates:

What happened then?

S002

I don't know because I was already walking off to the vehicle.

SSgt Bates:

Didn't you go back and help? I mean it's taken two of you two minutes to get this man on the floor. If he's starting to get up again then didn't you consider that you needed to go back and help him?

Signature of Officer	
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Continuation of record of Tape recorded Interview

MOD Form 952B
Introduced 6/90

Identification No.	DMB/3	Case Reference No.	64658/03	Page 5 of 10
Section		Sub-section	S002	
Officer	S002			
Time (start)				
Time (end)				

S002

No I was actually quite tired. I just thought do you know what, just if he wasn't going to lie down, then just let him stand. I don't know what I was thinking, I just thought I'm just walking back to the vehicle.

SSgt Bates:

So you'd had enough?

S002

Well, had enough and also I was worried about my surroundings. I didn't want to be standing there fumbling for half an hour over someone when possibly a rifle pointing at me.

25 mins

SSgt Tolmie:

Was nobody else, was nobody else doing all round cover for you?

S002

They, they probably were but they were probably facing in the opposite direction to where my vehicle was. At the time, if I went back to my vehicle then I obviously deemed it necessary for me to go back to my vehicle at the time.

SSgt Bates:

Your Section that your in doesn't sound very organised at all.

S002

Well you can't, you can always plan for something but the eventuality when something happens you know, it doesn't always work out to plan does it. I mean, you can always plan for something happening but then you know, it's the way things go.

SSgt Bates:

Well you said before you know, that you felt threatened, you felt threatened by being in this village.

S002

Mmm.

SSgt Bates:

Did you feel threatened by this person?

Signature of Service Personnel		
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Continuation of record of Tape recorded Interview

MOD Form 952B
Introduced 6/90

DMB/3 64658/03 S002 S002

S002

At first I did yes, because I was wondering why he was struggling so much to get to the floor.

SSgt Bates:

If you felt so threatened, why did you leave your vehicle and go and tackle him with no protection for yourself and you didn't know if you had any cover?

S002

Because at first, because he was struggling to get to the floor, what I was thinking at the time I suppose was, well you know, we need to get this bloke on the floor, the two blokes on the floor, search them then everything's safe, now let's get out of this village as soon as we can. We don't want to be in this village.

SSgt Bates:

Okay, I can appreciate that but then you just said well he started to get up so I thought well, I'll just let him stand up.

S002

Well, because S001 was standing with him, so I went back to my vehicle.

SSgt Bates:

But that then negates what you said before about the necessity to put him on the ground in the first place, doesn't it? Why put him, why spend all that effort putting him on the ground in the first place if he goes to get up, you're just going to let him stand up anyway, why not just let him stand up in the first place. What need was there to restrain him and put him on the floor?

S002

When he, because when you try to do something and it doesn't work in the end, what, you know, what can I do, there's nothing I can do, you know.

SSgt Bates:

Did you say anything to him, did you call him any names?

S002

Maybe, I'm just trying to think, I could have, we could have possibly said are you Ali Baba, Ferhadin, because we usually ask them when they're on

Signature of [redacted] Service [redacted] [redacted]

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Continuation of record of Tape recorded Interview

MOD Form 952B
Introduced 6/90

Identification No. **DMB/3** Case No. **64658/03** Page 24 of 44
Narration Date/Time **S002**
Investigator **S002**
Officer **S002**

the floor, you know, are you ex-Army, are a thief, are you, you know, why are you turning away from a VCP.

SSgt Bates:

Did you search the vehicle then after he's been like wrestled to the floor?

S002

I can't remember searching the vehicle. I think someone else was search, I think someone else was searching the vehicle while we were, I can't, I honestly cannot remember.

SSgt Bates:

So when you finished and you've all got in the cars and drove away?

S002

Yeah.

SSgt Bates:

You said you went further back up the road to stop the two people who got out the vehicle?

S002

Yeah, or how many people there were.

SSgt Bates:

Two to three, however many there were. Initially you said there were two but when you drove back up the road to talk to these people the two civilians, were they still lying on the ground?

S002

Well I don't know because these people were quite far down the road, walking.

SSgt Bates:

As you drove off?

S002

As I drove off, yeah, I remember because the vehicle, as the vehicle was facing that way might have been just roughly parked like that in front of it but further, further away, so we drove by because they were by the vehicle, you know, just and they were both lying on the floor.

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Continuation of record of Tape recorded Interview

MOD Form 952B
Introduced 6/90

DMB/3 64658/03 S002 S002

SSgt Bates:

They were both still lying on the floor?

S002

Yeah and I didn't think anything of it. So I just thought maybe they were scared to get up because we were still there.

SSgt Tolmie:

Yeah, you said earlier on that you know, some little, someone had a nick on their eye and you had to go and give them an elastoplast.

Mr Irvine:

No, that was a separate incident.

SSgt Tolmie:

No I'm not, I know what I'm trying to get at here, is, is that was an incident that you decided this was, this person needed help. You've now wrestled somebody to the ground.

S002

Yeah.

SSgt Tolmie:

You've seen someone been hit by yourself.

S002

Well why would I think he needs help?

SSgt Tolmie:

Being hit by a helmet. You've been at the scene now for ten minutes, you drive off and these two men are still lying on the ground motionless.

S002

Well why would I think they need help if I think they're scared to get up for whatever the reason is. Loads of times we've stopped people, put them on the floor. We've told them they can get up and they're lying there so we just, oh let's go and...

SSgt Bates:

I'm sorry but what you're saying is making no sense. You're relating an incident to us where you have to help S001 to restrain somebody and wrestle them to the floor. As you've walked away they've started to get up again and you've thought well, if they want to stand up I'll let them

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Sergeant
Police Officer

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Continuation of record of Tape recorded Interview

MOD Form 952B
Introduced 6/90

Investigator: **DMB/3** Case Number: **64658/03** Page 90 of 100
Interviewee: **S002**
Interviewer: **S002**
Date: [Redacted]
Time: [Redacted]

stand up. So you've got back in your vehicle, then when you've driven off ten minutes later they're still lying on the ground.

S002

But I didn't say that I physically saw him get up, did I. I said I think, I said I think, this is what I can't remember, I think he was starting to try and get up again. Because he was down on the floor again okay, I thought, well he's had enough, he's laid down on the floor, he's tired, he doesn't want to struggle no more so I'm thinking okay, well he's obviously tired. Obviously if he's that tired he wants to lie down on the floor, you know, maybe he doesn't need my help, I just was, just really didn't want to stand in the situation in the scuffle between, you know, when I've got other things in the back of my mind, other problems, like you know, could be ambushed from somewhere, that's what I'm saying. I didn't say I physically saw him get up, I'm saying I can't remember.

SSgt Tolmie:

When you walked back to vehicle, where was everybody else, where was **S001**

30 mins

S002

S001 was still with the person.

SSgt Tolmie:

Doing what, what was he doing?

S002

Talking to him, searching him, I can't remember. I'm not being funny, I honestly can't remember what he's doing. I can't say he was standing there talking to him because what if he wasn't talking to him, he could have been searching him. You know, I can't remember what he was doing at that time. This is six months ago. I can't, you're asking me to tell exactly what happened but I can't say to you, you know, yeah, I saw him searching him because I can't, I can't remember him searching him. You're saying was he standing there talking to him, I can't remember when I walked off if he was standing there talking to him. I can't give you something that I can't remember.

Signature of [Redacted]
Date: [Redacted]
Police Officer: [Redacted]

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Continuation of record of Tape recorded Interview

MOD Form 952B
Introduced 6/90

File No: **DMB/3** Case No: **64658/03** Page 4 of 4
S002
S002

SSgt Bates: Okay.

S002 That's six months ago.

SSgt Tolmie: What we're saying to you is, is this is an incident as you're relating it.

S002 It doesn't stick out in my mind.

SSgt Tolmie: You're sitting, you're saying that it's not common practice for someone to use a helmet, you have punched this person by your own admission.

S002 Yeah.

SSgt Tolmie: This is an incident that I would put to you would stick in your mind?

SSgt Bates: You were also saying that as we're going over it that it's, you're remembering more and more.

S002 Yeah.

SSgt Bates: That's not actually the case because you seem to be forgetting more and more, but anyway..

S002 No, because you're asking me new questions.

SSgt Tolmie: You can't answer, you can't answer the question, that's the statement of opinion.

SSgt Bates: Okay, when you parked up, before you actually got out of your vehicles, when you parked up by this other one, what was to stop it driving off, before you got out your vehicle?

Signature of
Service
Police

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Continuation of record of Tape recorded Interview

MOD Form 952B
Introduced 6/90

Station	DMB/3	Case Reference No	64658/03	Page 20 of 20
Number			S002	
Investigator	S002			
Date (S) and Time (M)				

S002

My vehicle.

SSgt Bates:

You know that you said you were chasing one and you saw the other one stop to let people out, so you went for the one that had stopped.

S002

Yeah.

SSgt Bates:

And you're saying you were parking, you parked thirty to fifty metres by it, away from it, yeah, so what's to stop it driving off?

Mr Irvine:

Yet again you can't answer that question because that would have been the responsibility of the driver of the other vehicle and I think the facts speak for themselves on that one.

SSgt Bates:

Well no, what I'm just trying to get at is that you said before...

Mr Irvine:

Well no, I think actually, actually I think at this stage we're getting to the stage where we're actually cross-examining the suspect in relation to this matter and that's clearly not a question he could give any proper answer to

SSgt Bates:

I'm just seeking clarification on where he parked his vehicle because as he said before their practice was, if they were chasing vehicles and they stopped them, they would park one at the front and one at the back to box them, to stop them driving away. So with this vehicle that's parked up on the side of the road to drop off passengers, as related, I was just wondering where...

S002

This vehicle wasn't parked on the side of the road, this vehicle was parked in the village.

SSgt Bates:

In the village, so you didn't park your vehicle to stop it driving away?

Signature	
Date	
Print Name	

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Continuation of record of Tape recorded Interview

MOD Form 952B
Introduced 6/90

Exhibit: **DMB/3** Page: **64658/03** Page 29 of 100
Subject: **S002**
Investigator: **S002**
Title: **S002**
Date: **S002**

S002

I, I didn't, my vehicle, but I know there was a vehicle behind me so I don't know where he positioned his vehicle.

SSgt Bates:

Okay.

S002

All I know is that, you know, I drove my vehicle in okay, near, round abouts the front so if he did try to drive off, I suppose I could, you know, I was there so he couldn't go, he couldn't go anywhere.

SSgt Bates:

So, that's what I was getting at Mister Irvine, is the fact that you're now saying that your vehicle stops his, if he was to drive away, your vehicle blocked his exit?

S002

No because it was fifty metres away, thirty to fifty metres away. If it was fifty metres away it's not exactly going to block his exit unless it's right in front of his vehicle is it.

SSgt Bates:

But you were in a position where you could have stopped his exit had he driven off?

S002

I suppose so, given the area that it was in.

SSgt Bates:

Okay. Anything else?

SSgt Tolmie:

No nothing else.

SSgt Bates:

Obviously about the disclosure we've given to Mister Irvine, it says that **S004** has blood of the deceased on his rifle butt. I'm just asking you because you were there at the time, do you know how that got on there?

Signature of **S002**
Date: **S002**

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Continuation of record of Tape recorded Interview

MOD Form 952B
Introduced 6/90

Identification No. **DMB/3** Case Reference No. **64658/03** Page 3 of 3
Date of Interview **S002**
Interviewer **S002**
Tape No. **S002**

S002

I, I don't have a clue how that got on there because I, what I remember is what...

SSgt Bates:

What you've said.

S002

Yeah, if I would have remembered something like that then I'd say I saw this, I saw that.

SSgt Bates:

Okay.

S002

But all I remember is like I said, me and **S001** trying to restrain this person so **S004**, I don't know where he was.

SSgt Bates:

Okay.

SSgt Tolmie:

When your equipment was taken from you by the SIB in Iraq, did you relate any of this to them at the time?

S002

What this incident that you're talking about?

SSgt Tolmie:

This incident.

S002

No, because I didn't know what incident they were referring to because so many different incidents had happened every day, every other day.

SSgt Tolmie:

Have you related this incident to anyone within Three PARA, outside of the seven in the patrol?

S002

Have I spoke to anyone about it?

SSgt Tolmie:

Yeah.

Signature of
Service
Participant

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Continuation of record of Tape recorded Interview

MOD Form 952B
Introduced 6/90

Patrol No.	DMB/3	Case No.	64658/03
Platoon		Subject	S002
Investigator	S002		
Place(s) and Date			

S002

Yeah, I remember speaking to a few people in my Platoon, for obviously the words got round. I can't think, I know I, because I remember getting out of my vehicle, going back to my Platoon, people saying oh, what's, why are the SIB taking your clothes.

SSgt Tolmie:

Is this your Platoon, in C Company or your...?

S002

This is my Platoon in machine guns.

SSgt Tolmie:

Did you, have you told this story to C Company Platoon Commander, the Platoon Commander for C Company?

S002

Have I told him?

SSgt Bates:

Have you discussed it with the Platoon Commander or the Platoon Sergeant?

S002

I don't, I don't remember talking to them about it.

SSgt Bates:

Okay, you mentioned before about patrol reports that there had been patrol reports, but I appreciate that you weren't responsible for filling them in, I accept that, that it was the Section Commanders job, but from your own knowledge, do you know who these were handed to or where they were stored?

S002

I know they were stored in, oh yeah, see another job that I did as well, as well as being a driver I would stag on the radio.

SSgt Bates:

Right.

Signature of
Service
Participant

[Redacted Signature]

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Continuation of record of Tape recorded Interview

MOD Form 952B
Introduced 6/90

Exhibit No.	DMB/3	Case No.	64658/03	Page	10 of 10
Number		Serial	S002		
Reference	S002				
Date (S) (S)					
Tape Case					

S002

In the Ops Office, that's another job and they, I know the patrol reports would either be put in there on the desk or kept in maybe the Platoon Sergeants room, I don't know where they were kept.

SSgt Bates:

Do you know who the patrol reports were handed to once they were completed?

S002

They were either, I don't know who but I know they would probably be either handed to the Platoon Sergeant or the Officer who's there, the Officer who's in charge of that equipment.

SSgt Bates:

In the Parachute Regiment, is the Platoon Commander an Officer?

S002

Yeah, no, can't remember. Platoon Commander, yeah, sorry, the Platoon Commander would be, yeah. The Platoon Commander is the Officer, Platoon Sergeant yeah, Platoon Commander, yeah.

SSgt Bates:

Yeah. And you say obviously Section patrol reports would have been completed for every incident?

S002

Yeah.

SSgt Bates:

Okay.

SSgt Tolmie:

Have you discussed this incident with anyone from that patrol since this investigation started?

S002

No.

SSgt Tolmie:

Has anyone contacted you about this since you left Three PARA?

S002

No.

Signature of
Sgt
Position

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Continuation of record of Tape recorded Interview

MOD Form 952B
Introduced 6/90

Exhibit No.	DMB/3	Case Reference No.	64658/03	Page No.	1006
Name		Rank	S002		
Postname	S002				
Date (s) held					
Tape Count					

SSgt Bates: Right, I don't know if Mister Irvine explained to you but I'd like to take a sample of DNA off you.

S002 Yeah.

SSgt Bates: For, well we're go through the form and I'll tell you exactly what it's being taken for. Okay, we've got obviously a form we've got to go through. It's got to be done on tape. Okay as you know I'm Staff Sergeant Bates of 34 Section SIB, I must remind you that you do not have to say anything but it may harm your defence if you do not mention when questioned something which you later rely on in court, anything you do say may be given in evidence, do you understand?

S002 Yeah.

SSgt Bates: Okay, the rights I explained to you at the beginning of the interview and which are set out in the Notice to Suspect I gave you still apply, do you understand?

S002 Yes.

SSgt Bates: Okay, authority has been granted for the following non-intimate sample Buccal swab, do you know what that is?

S002 No.

SSgt Bates: It's a swab from inside the mouth. To be taken from you with or without your consent. If you do not consent, I am authorised to obtain the required sample by force if necessary. The authority has been given to me on the basis that there are reasonable grounds in suspecting your involvement in the following serious service offence, murder, and for believing that the

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Personnel

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Continuation of record of Tape recorded Interview

MOD Form 952B
Introduced 6/90

Division No. **DMB/3** Charge Registration No. **64658/03** Precinct, District, Unit, Table
Reference: Report Serial: S002
Investigator: **S002** [Redacted]
Time & Date: [Redacted]
Tape Count: [Redacted]

sample impression will confirm or disprove your involvement in the offence because it's to assist in the elimination, oblique, identification of blood stains currently subject to forensic examination. Do you understand that?

S002

I understand.

SSgt Bates:

I must inform you that any sample provided may be the subject of a speculative search in that a check may be made against other samples and information derived from other samples contained in records or held by or on behalf of the Police, or held in connection with or as a result of an investigation of an offence, do you understand that?

S002

I understand.

SSgt Bates:

Okay, do you consent to provide the aforementioned sample?

S002

Yes.

SSgt Bates:

Okay, if you can, if you can sign there please, put in today's date and the time of the interview room clock.

S002

First.

SSgt Bates:

First.

S002

And fourteen, fifteen something.

SSgt Bates:

Okay, thanks very much. Okay, that was the request to provide, this is the certificate of consent. Okay, basically it's I, your name, consent to DNA sample, one from either side of my mouth being taken from me for forensic analysis and acknowledge that information derived from the

Signature of
Service
Personnel

[Redacted Signature]

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Continuation of record of Tape recorded Interview

MOD Form 952B
Introduced 6/90

Investigation No.	DMB/3	Case Reference No.	64658/03	Page	103 of 103
Investigator		Rank	S002	Signature	
Interviewee	S002	Rank		Signature	
Interview Date		Interview Time		Location	

sample will be required and used to confirm or disprove my involvement in suspected murder and for purposes relating to the prevention and detection, investigation of an offence or the conduct of a prosecution, okay and then, that's obviously what you've been informed of all down there, free legal advice, the grounds itself has been taken, the fact that it may be used for speculative search and to be made aware that you understand that if you refuse your consent for the sample to be taken, retained and used, reasonable force may be used to take the sample without your consent, okay. Now you consent to provide me a sample. If you're happy with that fill in the boxes please, number, rank, name, signature, obviously your ex-unit although you're still under command of them, date and time please. You done, sorry.

S002

Yep.

SSgt Bates:

Thank you very much. Okay, just sign that. That's the tape telling me that we've got two minutes left. Okay, right is there anything else we want to say there. Mister Irvine is there anything you'd like to expand on? Okay, do you wish to clarify anything you have said?

S002

Clarify?

SSgt Bates:

Yeah, anything you have said, do you want to expand on it, make it clearer. If there's anything you feel we have misunderstood.

S002

No, nothing I can remember really.

SSgt Bates:

Okay do you wish to add anything?

S002

No.

Signature of
Service
Officer

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Continuation of record of Tape recorded Interview

MOD Form 952B
Introduced 6/90

Exhibit No.	DMB/3	Case No.	64658/03	Page	6 of 10
Reference		Subject	S002		
Forename	S002				
Time (by and)					
Tape Count					

1528 hrs Interview. Concluded. S002 was informed that he may be seen again at a later date. He was handed a notice explaining his rights of access to the interview tapes.

1530 hrs Interview terminated.



DM BATES
SSgt
RMP (SIB)

Signature of Service Police Officer	
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