



MOD-83-0000387-A

RESTRICTED - INVESTIGATIONS

Commanding Officer
40 Commando Royal Marines
Az Zubayr Port
Op TELIC V
BFPO 643



Synergy Red / Blue 964 3102
SMA: 40 CDORM

40RM/25072

SO2 J1 (Disc)
HQ (UK) NSE

19 Dec 04

SHOOTING INCIDENT REVIEW - 40 CDO RM SHOOTING INCIDENT 171757C DEC04

References:

- A. D/PJHQ/1/1610/1/1 (RESTRICTED / Op TELIC: Policy for the reporting, recording, review and investigation of shooting incidents) dated 8 Nov 04.
- B. 40 Cdo RM SINCREP 005 (SECRET - REL MCFI) dated 171757C Dec 04.
- C. Service Police Interviews dated 18 Dec 04.
- D. 40 Cdo RM Watchkeeper Log Sheet (RESTRICTED) dated 17 Dec 04.
- E. 40 Cdo RM Radio Log Sheet dated 17 Dec 04.
- F. 40 Cdo RM Booking Out Sheet dated 17 Dec 04.

INTRODUCTION

1. In accordance with Reference A, 40 Cdo RM have completed this Shooting Incident Review (SIR) for a contact involving 8 x 40 Cdo ranks on 17 Dec 04. Information following this incident indicates that a Iraqi male may have been killed as a result of the contact, although this has yet to be confirmed. An investigation by 61 Sect SIB was initiated by 4 Armd Bde on 17 Dec, prior to this SIR and any decision by CO of 40 Cdo RM. Recommendations are made at the end of the SIR concerning further action.

OFFICER CONDUCTING THE REVIEW

2. [REDACTED] Maj SO37 [REDACTED] RM, the Adjt of 40 Cdo RM has conducted the SIR. The Adjt was not directly involved in the shooting incident.

TIME AND LOCATIONS OF INCIDENT

3. The DTG of the incident was 171757C Dec 04.
4. The location of the incident was GR QU 638683 at the junction of Route TOPEKA and Route HEART, in the area of AZ ZUBAYR, SW of BASRAH, Southern IRAQ.
5. Reference B refers to the incident. The SINCREP was sent to MND(SE) following the contact, as directed at Reference A. Reference B has been copied to SIB on 18 Dec

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04 and is classified SECRET, it is therefore not included as an enclosure to this document.

UNIT DETAILS

6. 8 ranks from the Armed Escort Service (AES), 40 Cdo RM were involved in the incident. The AES are based at Az Zubayr Port (AZP). The Unit will remain in theatre on Op TELIC V until a TOA date of 17 Jan 05. On return to the UK, the Unit can be contacted via the Adjt on 93780 4210, or by military email: 40CDORM-ADJT.

UK SERVICE PERSONNEL INVOLVED

7. The following 8 AES ranks (c/s PE10B) from 40 Cdo were involved in the shooting incident. For clarity job descriptions, vehicle details and the number of rounds fired are also included.

1	Sgt	SO29	PINZ (Front)	Comd	SA80	0
2	Mne	SO34	PINZ (Front)	Driver	SA80	0
3	Mne	SO28	PINZ (Front)	Top Cover	Minimi	20
4	Mne	SO32	PINZ (Front)	Top Cover	SA80	10
5	Cpl	SO30	L/R (Rear)	2IC	SA80	0
6	Mne	SO35	L/R (Rear)	Driver	SA80	0
7	Mne	SO33	L/R (Rear)	Top Cover	Minimi	9
8	Mne	SO31	L/R (Rear)	Top Cover	SA80	3

OTHER PERSONNEL INVOLVED

8. MND(SE). After the contact occurred, PE10B moved to SHAIBAH LOGISTIC BASE (SLB). 4 Armd Bde then tasked their QRF (RDG c/s HB44A) to return to the incident location along with PE10B. 61 Sect SIB moved to the incident site to start an investigation on request of 4 Armd Bde and later accompanied PE10B back to AZP in order to conduct interviews.

9. Civilians. Mr Steel is a BFBS radio presenter and was travelling in the front PINZ vehicle on route to his permanent base location at SLB.

10. IPS. A number of IPS personnel were present at the incident site after the contact. The IPS Commander in attendance was [REDACTED], ID number [REDACTED] based at INT HQ, BASRAH.

BACKGROUND

11. Operational overview. Since taking over the HQ at AZP, 40 Cdo AES have been tasked on a regular basis to conduct administrative movements across the AO, such as the movement of pax to the APOD and collection of mail and materiel. At approximately 1715 on 17 Dec 04, the AES were tasked to return a BFBS presenter to SLB following an interview at AZP.

12. Threat assessment. Before departing AZP, all PE10B personnel received an intelligence update from the IO. Details of this brief are at Reference C and classified SECRET. One particular area highlighted was the threat of SVBIEDs (Suicide Vehicle

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Borne Improvised Explosive Devices) operating in and around BASRAH. To counter this threat, PE10B were briefed to ensure civilian vehicles kept their distance from the AES.

13. ROE. All ranks had conducted recent ROE training and were in possession of the 2004 Edition of JSP398 Card A. They were also in date for WHT and APWT. Personal weapons had been zeroed.

CIRCUMSTANCES OF INCIDENT

14. Nature of patrol. On the 17 Dec 04, PE10B consisted of 8 military pax as detailed above and the civilian passenger. 2 vehicles were used to travel to SLB, 1 x PINZ (VRN 79KL92) as the front lead vehicle and 1 x L/R (VRN PE20AA) as the rear vehicle.

15. Timings (Dec 04).

- | | | |
|----|----------|--|
| a. | 17 1715C | PE10B left AZP. |
| b. | 17 1757C | Contact occurred at GR QU 638683. PE10B moved to SLB. |
| c. | 17 1802C | Contact report sent to 40 Cdo RM Watchkeeper. |
| d. | 17 1804C | DANBAT informed. |
| e. | 17 1806C | MND(SE) J3 Watchkeeper informed. |
| f. | 17 1936C | PE10B and QRF returned to incident site, IPS at scene. |
| g. | 17 2230C | SIB and ATO at scene. |
| h. | 17 2330C | PE10B arrive back at AZP with SIB to conduct interviews. |

16. Environmental conditions. When the contact occurred the weather was dry and the temperature was cold. Darkness had set and the only illumination was provided by vehicle lights.

17. Description of incident. The SIB conducted interviews, at Reference C, of all 40 Cdo personnel involved immediately after the incident. As these are now potential evidence of an ongoing SIB investigation, they are not included as an enclosure. A summary of the incident follows. PE10B was on route to SLB to drop off a civilian radio presenter. Near the junction of Route TOPEKA and Route HEART (GR QU 638683) the rear vehicle saw a white 4-door saloon car approaching them at suspiciously high speed. The rear top cover were concerned of the threat of a SVBIED and signalled for the car to slow down. The vehicle continued to close with the rear vehicle of PE10B, alarming the top cover sentries. One of the top cover, considering the vehicles to be under direct threat, decided to fire 3 warning shots into the bonnet of the vehicle in order to deter a possible SVBIED contact. He was concerned for his life and the safety of the remainder of the c/s. The suspicious vehicle did not slow down as a result of the warning shots, but engaged PE10B with a reported burst of automatic fire from the left hand drivers side. Believing they were under contact and the c/s was under enemy fire, the remaining 3 top cover sentries opened fire with aimed shots at the suspect vehicle. All firing stopped once the suspect vehicle came to a halt near the central reservation and PE10B were no longer under fire. The whole incident is reported as taking no longer than 20 seconds and a total of 42 rounds of 5.56mm ammunition were fired at the suspect vehicle. Given the flow of civilian traffic, the limited capacity of the c/s to manage crowd-control and the presence of a civilian passenger, PE10B then made the decision to move immediately to SLB. Contact reports were sent to 40 Cdo RM and subsequently to DANBAT and MND(SE). PE10B then met with the QRF c/s HB44A before returning to the incident site to conduct follow-up action.

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18. Identity of UK personnel believed to have opened fire.

a. Mne SO31 From the information contained at Reference C, it is believed that SO31 (rear vehicle top cover sentry) fired the first warning shots at the suspect vehicle. He aimed at the vehicle bonnet in an attempt to slow it down, because at that time SO31 feared that it would hit his vehicle and endanger his life. He fired a total of 3 rounds from an SA80 rifle, all aimed at the bonnet.

b. Mne SO33 As a top cover sentry, SO33 was located in the same rear vehicle as SO31. Following the firing of the warning shots, SO33 states that he heard shots being fired from the suspect vehicle. Fearing for his life, SO33 then fired 2 quick bursts from his Minimi weapon at the windscreen of the vehicle. He fired a total of 9 rounds, all aimed at the windscreen.

c. Mne SO28 SO28 was one of the top cover sentries in the front vehicle. He heard the fire coming from the top cover sentries of the rear vehicle and also saw muzzle flashes coming from the suspect vehicle. Believing that the lives of those in the vehicle behind him were in danger, SO28 fired a burst from his Minimi weapon, aiming at the white suspect car. The suspect car then veered towards the front vehicle and SO28 thought that it was a SBVIED trying to detonate. SO28 then fired a further two bursts at the suspect vehicle, halting his fire when the car came to a stop in the central reservation. In total SO28 fired 20 aimed rounds.

d. Mne SO32 As the second top cover sentry in the front vehicle, SO32 reports hearing a burst of small arms fire behind him. He turned around and saw the suspect vehicle very close to the rear vehicle. He also saw muzzle flashes and heard the sound of gunfire aimed in the direction of his vehicle. SO32 fired 1 round at the bonnet from his SA80 rifle in an attempt to bring it to a halt. This did not work and he reports that the suspect vehicle increased speed and continued to fire from the left hand side of the car. SO32 returned fire with aimed shots at the white car, firing a total of 10 rounds before halting fire when the car came to a stop.

19. Nature of injuries. No injuries were sustained by any members of PE10B or the civilian passenger. It was not known at the time of the incident what had happened to the occupant of the white car. Due to the darkness, a description of the driver was not obtained. On return to the incident with the QRF, blood was visible on the drivers door side of the white car, indicating that injury had been received, although no further evidence was available at that time.

20. IPS / SIB involvement. PE10B returned to the scene of the incident along with HB44A, the QRF. IPS were in attendance at the scene. The suspect vehicle was confirmed as a white sedan with a VRN of BASRAH 48741; no occupants were visible. The IPS Commander's details were taken and both c/s remained at the scene until SIB arrived to conduct an investigation on request of 4 Armd Bde.

21. Post-incident procedures followed. The incident was immediately reported to MND(SE) at Reference B. SIB returned to AZP and conducted interviews with all 40 Cdo ranks involved in the incident. SIB also obtained copies of References D, E and F; they will therefore not be included as an enclosure to this document.

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ADVICE SOUGHT BY THE OFFICER CONDUCTING THE REVIEW

22. In accordance with Reference A, legal advice was requested from SO3 Legal, MND(SE). The SINCREP at Reference B was also copied to the SIB for information. It was agreed that this SIR would be completed and forwarded to HQ (UK) NSE. SO3 Legal also agreed to speak to 4 Armd Bde regarding the shooting reporting policy.

MATTER REFERRED ON COMPLETION OF THE SIR

23. This SIR was sent to HQ (UK) NSE within 48 hours of the incident at 191500 Dec 04, copied to SO3 Legal MND(SE) and OC 61 Sect SIB.

COURSE OF ACTION

24. Immediate service police investigation. It is the finding of this SIR that all 40 Cdo ranks involved in this shooting incident conducted themselves in accordance with the current ROE, JSP398 (2004 Edition) Card A. There is no evidence of any breach of ROE and there are no grounds to suspect that a criminal act was committed by any Service personnel. In accordance with Reference A, a Service Police investigation is not necessarily required. Nonetheless, given the potential sensitivity of the case and to ensure transparency, it is recommended that the SIB investigation already initiated by 4 Armd Bde be followed through to conclusion.

SUPPORTING DOCUMENTATION

25. All supporting documentation referred to in the SIR has been copied to the SIB for use in their investigation. The Adjt will provide further documentation on request if required.

Signed on original

D C M KING
Lt Col RM
CO

Copy to:

SO3 Legal (Disc) MND(SE)
OC 61 Sect SIB