

MOD-83-0000430-A

Witness Name: SO29

Statement No.: 1

Exhibits: SO29/1; SO29/2; SO29/3

Dated: 12/01/2017

**In the matter of an investigation into the death of  
Captain Abdul Hussan Taleb Hassan**

---

**WITNESS STATEMENT OF  
SO29**

---

I, SO29, will say as follows:-

1. I am Captain SO29, currently serving with the Royal Marines Commando Helicopter Force based in Devon.
2. I have been asked to provide a statement setting out what I can remember about an incident that occurred on 17 December 2004 in Basrah Province, Iraq. At the time of the incident on 17 December 2004 I was a junior Sergeant, having recently passed the Senior Command Course ('SCC'). I progressed to the rank of Colour Sergeant in 2009 and was commissioned as an officer in 2012.
3. I have read my witness statement for the RMP dated 18 December 2004 (Exhibit SO29/1) and confirm that it is true to the best of my knowledge and belief. The only change I would wish to make to it is the minor correction to paragraph 4 on page 1 and paragraph 1 on page 2 where the references to 'SVBIED' should be to 'suspected VBIED'.
4. By way of background, as noted in my statement to the RMP dated 18 December 2004, I arrived in Iraq on 13 October 2004, which was approximately halfway through my unit's tour. I did not deploy with my unit due to my having been posted to attend the SCC. I was promoted following its conclusion in approximately mid-September 2004.

5. As I had not been present when my unit received its pre-deployment training I attended a reception staging and onward integration ('RSOI') course on my arrival in theatre. The course was held at Shaibah Logistics Base ('SLB') and would have lasted only a few days. I believe I would have received instruction on how to deal with vehicle-borne improvised explosive devices ('VBIEDs') during the RSOI.
6. The Inspector has asked me regarding the brief I gave to the patrol prior to deploying on the tasking on 17 December 2004. That briefing, which I describe on page 2 of my statement, was the standard briefing I would give to my patrol before it deployed on a task. These briefings would be task-specific. They would take place in the units Ops Room when all members of the patrol taking part would be present. The briefing would include looking at the route for the tasking on the wall-map and outlining any relevant intelligence briefing that could impact on the task.
7. Given that on this occasion intelligence briefing regarding a specific threat from a suspected VBIED had been received, I believe my briefing would have included how to respond a threat of that nature, as further detailed below.
8. The Inspector has asked me whether, at the time of the briefing on 17 December 2004, I had seen a document dated 8 December 2004 and headed 'Guidance for the use of warning shots on OP TELIC IV' (Exhibit SO37/1). I have no specific recollection of having previously seen this document. However, the content of paragraphs 3 to 5 of that guidance accords with my understanding at the time regarding the requirement to use warning shots unless the resultant delay would increase the risk of death or grave injury to myself and/or friendly forces.
9. I can confirm that the content of my briefing as described in paragraphs 2 and 3 on page 2 of my RMP statement was the standard briefing I would give to my patrol regarding how they should deal with a suspected VBIED.
10. I have been asked regarding how much time the patrol had spent on the road travelling from Az Zubayr Port ('AZP') to SLB when the shooting incident took place. The journey from AZP to SLB was a routine one. I do not have any specific recollection today as to how long we had spent on the road since leaving AZP before the incident occurred, but on page 2 of my RMP statement I indicated that it was about 30 minutes. Having noted on page 1 that the tasking was due to commence at 1730 hrs, the incident would thus have occurred at about 1800 hrs.

11. The Inspector has asked me what the approximate distance was between the Land Rover and the Pinzgauer when the patrol was travelling in convoy. When travelling in convoy, the leading and following vehicle comprising the patrol would each straddle the road so as to dominate it and block any vehicles approaching from behind getting alongside either vehicle. To achieve this, the second vehicle would generally try to maintain a position not more than 50 metres behind the first. However, the actual distance at any one time could vary considerably depending on considerations such as traffic conditions, the light level and any vulnerable points such as a tight corner or likely trouble spots.
12. At page 2 of my RMP statement, I describe how our convoy crossed over the central reservation of the road in order to come back down the route and take a right turn for the road to SLB. At this remove in time I cannot recall compass bearings and the precise road layout at the point where military convoys travelling between AZP and SLB would habitually change direction by leaving the carriageway on one side to cross the central reservation (which in reality was simply a stretch of sand) and re-join it on the other side. On re-joining the carriageway, account would have had to be taken of traffic already on it, but I have no recollection as to the density of that traffic on 17 December 2004 or how fast it was travelling. There is nothing that stands out in my mind before the incident occurred, as until then the journey had been entirely uneventful as far as I am concerned.
13. The Inspector has asked me whether the Pinzgauer was cutting in front of oncoming traffic as it crossed the reservation onto the southbound lane. As noted above, I would expect there to have been traffic on the carriageway the Pinzgauer was joining after crossing the central reservation, but I do not remember anything untoward occurring as we did so.
14. I am sure that any other vehicles on the road at the time would have been aware of the fact that there was a British military convoy on the road. Although it was dark at the time, the Pinzgauer and Wolf Land Rover are fairly distinctive military vehicles that were commonly used by the British Forces in Iraq at the time. Further, the presence of two 'top covers' on each vehicle and our tactic of dominating the road as described above would also have drawn attention to our being a military convoy.
15. I have been asked how long it took the convoy to travel from the point at which we completed the U-turn across the central reservation to the point at which we turned off onto the right fork road to SLB. All I can say in response at this remove in time is that I do not think it was any significant distance from the point where the convoy joined the carriageway after cutting across the central reservation.

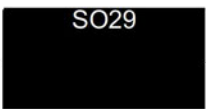
16. On page 3 of my RMP statement, I state that Pinzgauer was just about to take the right fork road off towards SLB when I heard what I believed to be a single high velocity shot being fired. I have no specific recollection regarding the speed of the Pinzgauer at that moment. All I can say is that I have no recollection of there being anything unusual about it immediately before I heard the single high velocity shot being fired. I therefore believe that it was travelling at the speed normally to be expected when undertaking a patrol of this nature, bearing in mind the prevailing road and traffic conditions at the time.
17. I do not know where the white saloon car was when I first heard the sound of gunfire. I subsequently learned that it had been travelling along the carriageway in the same direction as ourselves. However, I believe that my view of it would have been obscured at that point in any event by the Land Rover following diagonally behind the Pinzgauer in which I was travelling.
18. As noted in my RMP statement, I first became aware of the white saloon as it was passing my vehicle about 30 meters away on my left-hand side. At this point the Pinzgauer had taken the right-hand fork whereas the white saloon still appeared to be travelling along the carriageway, although seemingly out of control by then.
19. I have been shown a sketch plan included at p.7 of a translated report of the incident which the Inspector informs me was prepared by the Iraqi Police (**Exhibit SO292**). The depiction of 'the location of the British Force patrol' as shown in that sketch plan certainly accords with my recollection, at least so far as the Pinzgauer's position is concerned, at the point in time when I first became aware of the white saloon. Its depiction of the dual carriageway, the direction of travel of traffic on it, the fork to SLB and the position where the white saloon ended up also all accord with my recollection. I am accordingly content to accept the sketch plan as fair and accurate in those respects. Whilst I cannot vouch from my own observation for the accuracy of the 'lines showing the direction of the shooting by the patrol on the car', as depicted on the sketch-plan, I note that they appear to be consistent with the bullet entry points described on page 6 of the police report and depicted by the sketch on page 8.
20. The Inspector has also shown me photographs of the white saloon car after the shooting incident took place. I understand that these photographs were taken by the Royal Military Police (RMP), and I exhibit these photographs here as **Exhibit SO293**. I observe that the damage sustained by Captain Hassan's vehicle is consistent with what I would expect from the escalation of warnings described on page 2 of my RMP statement in the event of the driver of a suspected VBIED failing to respond to hand signals to slow down or stop. In my view, the

pattern of bullet entry points to the bonnet and windscreen of the vehicle is highly distinctive. The five spaced bullet entry points to the bonnet suggest a sequence of single aimed shots intended to immobilise the vehicle. The 'beaten zone' of six bullet entries to the left-hand side of the windscreen, on the other hand, suggests a very short burst of automatic machine-gun fire intended by that stage to incapacitate the driver.

21. The Inspector has asked me whether there was a light mounted at the rear of the Pinzgauer which we could shine towards a vehicle travelling behind us. I am not aware of any such light.
22. I wish to add that, even if it is assumed that Captain Hassan did not see the warnings that the patrol gave him, my recollection of a single shot being fired followed by 2 or 3 more shots is consistent with the warning shots being fired into the bonnet of the vehicle before the driver was targeted. This is as per the escalation measures briefed to the patrol in the event of a VBIED approaching a friendly patrol. This is further evidenced by the damage to the vehicle. The marks on the bonnet demonstrate capacity for the single warning shot and further warning shots into the engine block. Failure to take evasive action at this point forced the gunners to target the driver.
23. I further wish to add that, even if Captain Hassan's widow did not see a warning, it does not mean that no warning was given.
24. I believe that, having been briefed, the Marines in the rear of the rear Land Rover would not have fired had they not suspected that we were collectively in grave danger. I cannot second guess what they saw, or why they interpreted it in that manner. As the patrol commander I was facing forward and, having not received anything over the radio, was unaware of the situation until it was almost over.

**Statement of Truth**

I believe the facts stated in this witness statement are true.

Signed .  .....

Dated 10.1.17. .....