



MOD-83-0000352-A

STAFF – INVESTIGATION
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MOD Form 266A/B
(Introduced 12/03)
Case No: 64872/04

SERVICE POLICE
WITNESS STATEMENT

(CJ Act 1967, S.9; MC Act 1980, ss5A (3a) and MC Rules 1981, r70)

Statement of: SO28

Rank/Status: Mne

Age if under 18: Over 18 (if over 18 insert 'over 18')

Occupation: HM Forces (RM)

This statement (consisting of 6 page(s) 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: SO28

Dated 18th December 2004

I am Mne SO28, 40 Cdo RM, BFPO 643, my parent unit is 40 Cdo RM, Norton Manor Camp, Taunton, Somerset. I am on Op TELIC and am due to leave on 17 Jan 05.

I deployed to Op TELIC on 2 Dec 04. Prior to deploying I did not attend OPTAG training, however when I arrived in theatre I attended a 3 to 4 day training package which was carried out by my unit. Part of this training was the Rules of Engagement (ROE) and the White Card. I know and understand the ROE and I always carry the White Card.

I am issued a Minimi machine gun, 600 rounds of 5.56mm, 1 phosphorous (red) grenade, 1 HE grenade and 4 magazines containing 30 additional rounds of 5.56mm. I have zeroed this weapon to me, attended and passed the relevant Weapon Handling Test and the APWT.

I am a member of C/S PE10B which has Sgt SO29, Cpl SO30, Mnes SO31, SO32, SO33, SO34, SO35 and myself. We patrol in 2 vehicles (the type of these vehicles change, according to our task), but during the following incident the front vehicle was a Pinzgauer with Sgt SO29 as the commander, Mne SO34 driving and Mne SO32 and myself as top covers.

The second vehicle was a Land Rover, Cpl SO30 was the commander, Mne SO35 driving and Mnes SO31 and SO33 as its top cover. To talk amongst ourselves we are issued a Personal Role Radio (PRR).

About 1720 hrs on Fri 17 Dec 04, our call sign left Az Zubayr Port (AZP) to go to Shaibah Log Base (SLB) to take a BFBS presenter there. I don't know his name but he was in the back of the Pinz. Prior to leaving AZP we were given a briefing by the unit Int Officer (I don't know his name). We were briefed as to the latest threat, which we were told were vehicle borne IED's and we were told to watch out for a maroon coloured car due to a specific threat assessment.

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MOD Form 266E (Continuation Sheet)

Sheet No: 2

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Following this we received a brief from Sgt SO29 which involved all the SOPs for the task, including vehicle breakdown and the ROE. We were also told not to let any vehicles pass us due to the latest threat. We were also briefed on morphine, medical treatment for any casualties, actions on for any contact situation and communication.

Before we left AZP, we all loaded our weapons and myself and the other top covers made our weapons ready to fire. My rounds are set up on the belt as 4 ball rounds and 1 tracer round; this is all the way through the belt.

We travelled from AZP and through a big roundabout, commonly known as 'Two Mosques' roundabout. We carried out a U turn and went to turn right onto Route HEART.

We were about 50 metres from this junction. Our vehicle was at the front and I was facing to the front left. At this point it was dark and I don't recall there being any form of lighting. As we carried out the U turn, I did not notice any vehicle that was out of ordinary.

At this point I heard a single shot being fired and I heard someone say over the PRR 'contact left'. I turned around and I could see a white saloon car in line with our second vehicle and possibly just in front of it. It was about 20 metres behind me and it was travelling at speed towards my C/S.

I saw one of the top covers from the second vehicle fire at the white car and could see a weapon of some sort being fired from the white car. I could tell this as I could clearly see muzzle flashes. I did not see the vehicle occupant or how many there were.

The white car was no more that 10 metres from our second vehicle and I honestly believed their lives were in danger as I thought the person was firing at our second vehicle.

I did not hear or see how many rounds were fired and I believe that the weapon was being fired from the driver's side. I don't know how he or she was firing. Due to me thinking my friends' lives were in danger.

I turned myself around and aimed my weapon at the white car, released the safety catch and fired a single burst at the car, I think this was about 8 rounds.

The car veered off to the left into the central reservation and our vehicle turned right onto Heart. The white car then turned sharply right and began to drive straight towards the left side of my vehicle. It appeared to be driving fast and was about 30 metres away from us. I believed that it was going to ram our vehicle and I honestly believed that the vehicle may have been a VBIED and therefore I believed our lives were in danger and I therefore fired 2 bursts (about 4 to 6 rounds).

As I finished shooting the white car turned to the left and stopped and was in the central reservation. At this point I heard Cpl SO30 say over the PRR 'stop, stop, stop, cease firing.'

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MOD Form 266E (Continuation Sheet)

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I do not recall any other radio messages during this incident other than what I have described. I believe the incident lasted about 40 seconds. After the incident, I checked the BFBS presenter, who was OK and we dropped him off at SLB.

From SLB we went with a QRF from there to the scene of this incident to secure it. When we got there, there were lots of IPS at it. I believe that there was about 50 of them. I also recall seeing a civilian recovery track towing the white car from the central reservation onto the road (which is in the direction of Basrah). Sgt SO29 ran over and stopped them doing this. Therefore the car was in a different position from when the incident had finished.

After we returned to AZP, Sgt SO29 checked my rounds and found that I had fired 20 rounds. All rounds I fired were aimed and although I don't know if I shot the driver, I recall seeing my tracer rounds were hitting the bonnet of the white car, I don't know if any of my other rounds hit the car or the man.

Signed: SO28

Signed: JR SHERER
SSgt
RMP (SIB)

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