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Received

Witness Name: SO30

Statement No.: 1

Exhibits: SO30/1

Dated:

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

WITNESS STATEMENT OF
SO30

I, SO30, will say as follows:-

1. I am SO30. I am serving with 40 Cdo Royal Marines based at Norton Manor Camp, Taunton, Somerset. I currently have 16 months left to serve.
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. I believe the tour during which the subject incident occurred was Op TELIC 4, at which time I held the rank of Corporal.
3. That tour was not my first tour of Iraq. I had previously been deployed as part of the invasion of Iraq in 2003 on Op TELIC 1.
4. I have read my witness statement for the RMP dated 18 December 2004 (**Exhibit SO30/1**) and confirm that it is true to the best of my knowledge and belief. However, there are some corrections and clarifications I would wish to make to that statement.
5. There is a typographical error in paragraph 4 on page 1 of my statement where I have identified Marine SO35 as both the driver and one of the two top covers in the Wolf

Land Rover I was commanding. The same person would not, and indeed could not, undertake those two roles simultaneously. I should have identified that person as Marine SO33, as I have subsequently identified him at paragraphs 2 and 3 on page 2 of my statement.

6. I mentioned in my statement that the incident occurred during the course of my call-sign taking a British Forces Broadcasting Service ('BFBS') presenter from Az Zubayr Port ('AZP') to Shaibah Log Base ('SLB'). In my statement I did not specify in which of the two vehicles comprising the convoy he was travelling and I have no recollection today as to which it was.
7. Where I state at page 2, paragraph 2 of my RMP statement that 'I tried to turn round but I couldn't see the car...' I was referring to the obstructed view I would have had because of the two top covers standing at their positions in the back of the Land Rover. I would only have seen their legs.
8. Where I state in the same paragraph, 'but I could see some lights in the left wing mirror and I would guess the car was about 10 metres away', I meant by this that I looked downwards and to my left into the Land Rover's rear-view wing mirror which would have given me a better (but still limited) view of what might have been going on behind. The lights I refer to are what appeared to be a set of car headlights coming up on the left-hand side of the Land Rover. My impression was that they were approaching rapidly, as if it was a vehicle going into an overtaking position. This was exactly the sort of situation we would try to avoid when travelling in convoy.
9. On page 2, paragraphs 4 and 5 of my RMP statement, I state that 'I told my driver to pull over to the right as I knew the car was close... Our vehicle went to the right'. I was using the words 'pull over' here in the sense of the vehicle changing its position on the road by moving to the right, but not coming to a stop. However, I am unable to say whether that manoeuvre was executed while we were still on the dual carriageway or after we had taken the right-hand fork.
10. At page 2, paragraph 5, I state that 'the front vehicle also pulled over to the right'. Again, I was using the words 'pulled over' as meaning a change in road position rather

than stopping. But I do not remember whether the front vehicle, the Pinzgauer, did so whilst still on the dual carriageway or after taking the right-hand fork.

11. At page 2, paragraph 6, I state that 'I saw the car go past us and I could see that it was a white saloon car and it went left onto the central reservation'. This was not a controlled manoeuvre. I have a vivid recollection of the car skidding off into the sand forming the central reservation and throwing up a cloud of dust as it spun 180 degrees and came to a halt there. The convoy continued to move as the car spun out of control.
12. The Inspector has asked me approximately how much time we had spent on the road travelling from AZP to SLB when the shooting incident took place. During that tour my call-sign undertook many routine escorting tasks such as the one in question, and I really cannot remember how long we had been on the road on this particular tasking before the incident took place.
13. I have also been asked regarding the approximate distance between the Land Rover and the Pinzgauer when we were travelling in convoy. As a general rule, we would try to maintain a distance of not more than two or three vehicle lengths between the two vehicles comprising the convoy in order to achieve our objective of dominating the road by travelling in off-set formation and prevent vehicles approaching from behind coming alongside either of our vehicles. However, the distance between them would vary at times depending on traffic conditions and other considerations. I prefer not to speculate in relation to the shooting incident at this remove in time, as maintaining the Land Rover's position in relation to the Pinzgauer leading the convoy was the driver's responsibility and not the focus of my attention. However, so far as I can remember, on this occasion there was nothing different to what I would have expected the position of the two vehicles relative to each other to have been.
14. At page 2 of my RMP statement, I state that the convoy travelled along Route TOPEKA and then 'turned around' because we intended to turn right to SLB. I have been asked whether this involved crossing the central reservation in a 'U turn' manoeuvre. Unfortunately, I cannot remember the nature of the manoeuvre undertaken by the convoy which I describe as it 'turning around'. All I can remember is that at some point before the right-hand fork to SLB we were travelling along the dual

carriageway in the opposite direction to which we had been travelling previously. That would have happened either by our following round the natural route of the dual carriageway round or by taking a short-cut across the central reservation and joining the carriageway on the opposite side. If others say we did the latter, I have no reason to disagree with them.

15. The Inspector has asked me regarding whether there was any oncoming traffic travelling towards my vehicle as the vehicle turned. As mentioned above, I have no recollection today as to whether we did cross the central reservation. If we did, the driver of my Land Rover would have had to take account of any traffic already on the opposite carriageway. I also have no recollection today about the traffic conditions on any part of that journey. As mentioned before, the journey was entirely uneventful until the shooting incident occurred and nothing stands out in my mind about it.
16. I believe 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. The Pinzgauer and Land Rover vehicles comprising the convoy were typical of those used by the British military forces in Iraq at the time. They are very obviously military vehicles in themselves, not least because of the presence of two top covers in each of them. Our technique of positioning the vehicles so as to dominate the road when under way would also have identified us as a military convoy.
17. I have been shown a sketch plan included in a report of the incident subsequently prepared by the Iraqi Police (**Exhibit SO29/2**). Its depiction of the dual carriageway, the direction of travel of traffic on it, the fork to SLB and the position where Captain Hassan's car ended up all accord with my recollection. I am accordingly content to accept the sketch plan as fair and accurate in those respects.
18. The sketch plan's depiction of 'the location of the British Force patrol' more or less accords with my recollection of the approximate position of the two vehicles comprising the convoy, but I am uncertain as to whether the Land Rover I was travelling in had taken the right-hand fork by the time the incident ended.

19. 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, as I was in the front left-hand passenger seat looking forward when the incident began, but see my further comments in this regard below.
20. In addition, the Inspector has shown me photographs of the damage sustained by Captain Hassan's vehicle (**Exhibit SO29/3**), as well as the description of the damage in the Iraqi Police report. I note that the spread of the bullet entry points as depicted by the photographs and the report appears to be consistent with the 'lines showing the direction of the shooting by the patrol on the car' shown in the sketch-plan.
21. I also note that the five spaced bullet entry points to the bonnet of the car are consistent with 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, is what I would expect to see from the single press of a Minimi machine gun. Being directed to the windscreen suggests to me that it was intended to incapacitate the driver.
22. The Inspector has asked me approximately how fast the convoy was travelling when I first heard a shot being fired. Unfortunately, I am unable to remember owing to there not having been anything out of ordinary from a routine patrol up until that point.
23. I have also been asked whether there was a light mounted at the rear of the Land Rover which we could shine towards a vehicle travelling behind. I am not aware that there was one.
24. I would like to conclude by saying that I perceived Captain Hassan's car to be a threat even though I cannot be certain from my own observation as to whether it ever opened fire on the convoy. I genuinely felt that my crew and I were in immediate danger and that we responded to the perceived threat in accordance with our Rules of Engagement.

Statement of Truth

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

SO30

Signed .. 

Dated 23/12/16