



MOD-83-0000358-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 **SO31**

Rank/Status: Mne

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

Occupation: HM Forces (RM)

This statement (consisting of 9 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: **SO31**

Dated 18<sup>th</sup> December 2004

I am **MneSO31** currently serving with my parent unit, A Coy, 40 Cdo RM, on Op TELIC based at Az Zubayr Port (AZP), BFPO 643. I arrived in theatre on 2 Dec 04 and I am due to return to UK in Jan 05.

Prior to deploying on Op TELIC, I conducted OPTAG training during which I was taught about the Rules of Engagement (ROE) in Iraq. I was also shown the White Card which these rules are detailed on. I always carry this White Card when on duty in Iraq. I understand from the White Card that I may only open fire with my rifle if I fear my life or one of my colleagues is in danger.

Throughout OPTAG training and whilst serving in Iraq, I have been using the same SA80 rifle. Its serial number is A351636 and it has the butt number Red 52. I have fired this rifle using live rounds both on OPTAG training and at Camp Bucca ranges in theatre. I feel I am fully zeroed on this weapon and I am confident in the use of it.

Whilst on duty in Iraq, I have always carried 120 ball rounds of ammunition and one phosphorous grenade. Furthermore, I have always been part of the same callsign (C/S) PE10B.

On Fri 17 Dec 04 my C/S consisted of the following members of my unit:

1<sup>st</sup> Vehicle  
(A Pinzgauer)

Driver – Mne **SO34**  
Commander – Sgt **SO29**  
Top Cover – Mne **SO32**  
Top Cover – Mne **SO28**

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MOD Form 266E (Continuation Sheet)

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2<sup>nd</sup> Vehicle Driver – Mne SO36  
(A Land Rover Wolf) Commander – Cpl SO30  
Top Cover – Myself  
Top Cover – Mne SO33

About 1700 hrs, Fri 17 Dec 04, my C/S was tasked out of AZP to convey a BFBS DJ to Shaibah Logistic Base (SLB) and for us then to return to AZP.

Prior to leaving AZP, the C/S received a brief from the unit Intelligence Officer (IO) on the current security risk in the area. I recall he told us about our 'action on' in the event of a contact and how we should escape from the killing zone as soon as possible if attacked. He stressed there was a high risk of a Vehicle Borne IED attack on our C/S as many were believed to be operating in the area of Basrah. He stated we should try and keep vehicles at least 2 metres from our vehicles when on patrol and he then showed us photographs of suspected suicide bomber's vehicles.

I was very aware that there was a real threat of vehicle borne IEDs in the area. I can't now recall exactly what the suspect vehicle photographs looked like, only one was a maroon car.

Before leaving camp that day, I placed on my CBA, PRR, helmet, webbing and made my rifle ready as I left AZP. I believe the BFBS DJ was in the front vehicle in our C/S.

I recall when we left AZP that it was a dark dry night. It was quite cold, however the roads were quite quiet. I can't recall the route names we took to travel north to SLB, however, the route took us past a large roundabout which I know is called 'Two Mosques' roundabout. I was top cover in my vehicle facing out of the right side of the vehicle on the driver's side.

I recall we had just passed the 'Two Mosques' roundabout when we performed a U turn in the road and crossed the dual carriageway central reservation, ending up facing south looking back towards the 'Two Mosques' roundabout. We performed this manoeuvre so we could turn right towards SLB.

I remember as we did this U turn the roads were quite quiet with only a few vehicles on either carriageway. I could see looking north up the southbound carriageway a few cars were travelling in our direction but had stayed back 100 metres or so from the rear of my vehicle.

As we accelerated up the road I was aware of a white car travelling at great speed through the traffic on our carriageway towards the rear of my vehicle. The shape of the car appeared similar to one I had been shown by my IO earlier in the Int briefing and I thought immediately it might be a suicide bomber.

As it approached our vehicle I placed my right palm open in the air in a gesture to make it stop. This had no effect and the car kept speeding towards my vehicle. I can't estimate what speed we were travelling at or the speed the white car was moving at only he was catching up with our vehicle rapidly. Our wolf was travelling down the centre of the road at this point and the white car was following the same path.

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When the white vehicle got within around 15 metres of my vehicle I feared for my safety and I raised my rifle SUSAT to my eye and fired one round at the bonnet of the car to try and make it pull back. I thought at this time he would hit us and kill the members of my C/S in my vehicle.

The white car had its headlights on and I could not see the driver or if there was a passenger in the car. After I fired the first round the vehicle kept on driving at our vehicle and when it reached 10 metres from us, I fired 2 more aimed shots at the bonnet to try and make him stop. I still feared for my safety. I still couldn't see any driver or passenger in the vehicle.

As I fired these 2 rounds the vehicle moved closer to us but slightly towards the central reservation. This took it out of my arc of fire and into that of Mne<sup>SO33</sup>           . As the vehicle moved I saw a distinctive flash from a muzzle in the area of the white vehicle's driver's door window. I also heard what I believed to be 2 shots fired from the car. I did not see a weapon or any person in the car but I was sure our vehicle was now being shot at by a person in this car.

At this point, I heard Mne<sup>SO33</sup>            fire a burst of rounds from his Minimi automatic rifle. I saw some of these rounds hit the windscreen of the white car and it immediately turned to the left and veered onto the central reservation which was a muddy area.

I saw the car spin 300 degrees and skid to a halt near the north bound carriageway. No more rounds were fired at or from the white car. The whole incident lasted no more than 10 seconds. At no time did I see any firearms in the vehicle only muzzle flash coming from the driver's door window.

After the car had spun off, our vehicles slowed down and turned right heading towards SLB. I would estimate this incident occurred about 1745 hrs. After we turned right for SLB no more rounds were fired by our C/S. After dropping off the BFBS DJ our C/S returned to the scene to identify the car. About 1900 hrs that evening, we arrived back at the scene and I recall the white car was still parked in the position where I had seen it stop earlier in the evening.

I did not see anyone injured near the vehicle only lots of Iraqi policemen. When at the scene, I helped form a cordon and I did not personally approach the vehicle or look inside it.

When I eventually returned back to AZP my vehicle comd, Cpl<sup>SO30</sup>            checked my ammunition and confirmed I fired 3 x 5.56mm rounds during the contact. I can also confirm I have sustained no injuries as a result of the contact.

I wish to confirm that when Mne<sup>SO33</sup>            fired his Minimi burst, I believe the top cover from the front vehicle may also have fired, however, I cannot confirm who, as I was facing the opposite direction. I did however hear rifle fire behind me.

Furthermore, once the vehicle had veered off I had a radio message on my PRR stating 'contact left'. I can't recall who said this now.

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All I recall is that no more rounds were fired once the car had spun on the central reservation and had ceased to become a threat to us.

On reading this statement I wish to confirm that I do not know where the 3 rounds I fired landed, only that they were aimed at the car bonnet. Furthermore, the flashes I saw were definitely from a weapon as I heard a weapon sound and I am sure our callsign was being fired at.

Signed: SO31

Signed: DK BROWN  
Sgt  
RMP (SIB)

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