



MOD-83-0000357-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: SO32	
Rank/Status: Mne	
Age if under 18: Over 18 (if over 18 insert 'over 18')	Occupation: HM Forces (RM)
This statement (consisting of 8 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: SO32	Dated 18 th December 2004

I am Mne SO32 and I am currently serving with my unit, 40 Cdo RM, which at present are deployed in support of Op TELIC in Iraq.

I arrived in theatre on the 1 Dec 04 and am due to return to my parent unit at Norton Manor Camp, Taunton, Somerset at a date in Jan 05.

I can state that I passed out of training at Lymptstone on the 29 Oct 04 and had one month at rear party with my unit at Norton Manor Camp before deploying into theatre. I recall being given lessons on vehicle recognition as well as using a SAT range at Norton Manor Camp but received all the training from the RSO package on arrival at Shaibah Log Base (SLB).

I was issued a A2 rifle on which I carried out an APWT, as well as zeroing on the ranges as well as all the lessons and briefs that are required for personnel entering theatre. It was on this package that I received a Rules of Engagement (ROE) lecture on which it was covered all aspects of the ROE and what is required and expected of all personnel within HM Forces in firing their respective weapons and the rules and guidelines on this.

I recall that I received the same lesson whilst in training at Lymptstone and whilst on the RSO package, I was issued with a White Card which has all the rules and guidelines printed on it and carry it at all times whilst in theatre.

I am aware that I am to only fire aimed shots and can use force, i.e. fire my weapon if I feel my life is in danger and that is the only way that I could stop the threat towards me or my colleagues. I have a good understanding of the ROE and know that it has to be complied with at all times and this is told to us many times on our briefs that we are given before we go on any patrol.

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MOD Form 266E (Continuation Sheet)

Sheet No: 2

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Continuation of statement of: SO32

Whilst in theatre, I am employed within the AES which is an escort service on which if anybody needs to be escorted around our Area of Responsibility (AOR), we would take them and protect them on route to their destination.

At present I am based at AZP, BFPO 643, on which I have carried out numerous patrols of the area whilst on escort duties around theatre.

I have been issued 120 rounds of 5.56mm ammunition and carry out re-zeroing of my personal A2 rifle every 30 days. I also carry out Weapon Handling Tests on the weapon every two weeks or so.

On Fri 17 Dec 04, I was tasked along with other members of my unit to carry out an escort from AZP to SLB. Prior to going on patrol, we always receive a brief from the patrol commander as well as the Ops Officer which outlines the current situation in our AOR and what current threats are perceived whilst out on the routes. They are always held in the briefing room in our HQ and I recall that the Ops Officer stated that the current threat was that of Vehicle Bourne Improvised Explosive Devices (VBIED's) and that there was intelligence which stated that there was a saloon driving around the AOR which possibly had a VBIED in it. I do not recall the make or colour of this vehicle.

It was then that we all received a full brief from Sgt SO29 who was to be our patrol commander. He stated that we were going to escort a DJ (from BFBS) from AZP to SLB. Sgt SO29 went through all actions that was required whilst out on the ground and what to do if we came under contact. He covered all aspects of safety and stated that after we had taken the DJ to SLB, we would be coming straight back to AZP.

Prior to going on patrol, I had full combats on, body armour, webbing, helmet and my A2 rifle. I was also carrying all my issued ammunition.

It was related on the briefing that it was to be a two vehicle convoy on which I was to be used as top cover.

The two vehicles that we were going to be using for the convoy was a Pinzgauer and a Land Rover. I was to be travelling in the Pinzgauer which was the lead vehicle. The commander was Sgt SO29, the driver was Mne SO34 with myself and Mne SO28 as the top cover. The man from BFBS was in the rear of our vehicle.

Within the Land Rover, Cpl SO30 was the commander, Mne SO35 was the driver and the top cover was Mne SO31 and Mne SO33. I do not know the registration number of the two vehicles.

Prior to leaving camp, we all loaded our weapons at the loading bay and due to the fact that I was top cover, I made my weapon ready to fire which is standard procedure for our unit.

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MOD Form 266E (Continuation Sheet)

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Continuation of statement of: SO32

Whilst on top cover, I had my A2 rifle as previously stated and Mne SO28 had his Minimi machine gun. I had 30 rounds of 5.56mm in my magazine.

About 1645 hrs that evening, we left camp and I took up my position which was on the right side of the hatch as you look to the front and I was facing half right which enables me to look front as well as off to the right as required. Mne SO28 was to my left who was facing out to the half left which covers the opposite to my arcs.

I have done this journey many times before and would estimate that the journey takes about an hour to complete.

We all left AZP and travelled on route TOMOS. I recall that we then had to carry out a U turn in the road which took us on another route which would take us straight through to SLB.

I can state that all of our patrol had PRR radios on, which enables us all to talk to each other whilst travelling on patrol.

I would estimate that we had been travelling for about 50 minutes and were about 10 minutes from our destination at SLB when I heard a burst of small arms fire behind me to my left side.

At this time it was dark, we were travelling on a straight road and both our vehicles had its headlights on. There was not much traffic on the road at all. It was chilly and dry at that time with no rain.

I instinctively turned around to my right with my weapon so that I would not turn left and have my weapon pointing towards Mne SO28. As I looked round, I could see that there was a vehicle which was travelling behind my vehicle but was only about 10 – 15 metres away. It had its headlights on and would estimate that it was only about 5 metres away from the Land Rover. I could see more muzzle flashes and heard the sound of gunfire being fired in the direction of our vehicle.

It was then that I felt immediate danger and I fired one round at the vehicle which I recall was a white car. I could not see any of the person(s) that were inside it and I aimed at the bonnet of the car. I hoped that by me firing the round it would stop, but it seemed to speed up and was now ahead of the Land Rover. I recall that I shouted 'contact' and saw that the vehicle swerved left then right and it began to drive straight for the side of our vehicle.

It was then that I saw more firing coming from the left side of the car as I was looking at it and I fired more rounds at the vehicle in order to make it stop. Mne SO28 was also firing his Minimi at the vehicle in an attempt to make it divert away from the path of our vehicle. I only fired aimed shots at this vehicle but I did not see where the rounds were landing but I do not recall seeing any other vehicles on the road at this time.

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MOD Form 266E (Continuation Sheet)

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Continuation of statement of: SO32

It was then that I saw the white car slow down and Sgt SO29 shouted 'Stop' over the PRR. We then carried on through the danger zone and did not stop. It was established that there had been no injuries to our team.

I did not see anybody that was inside the white car and at that time I did not know what type it was.

We then went to SLB where Sgt SO29 who had issued a contact report at the time was speaking to people on his mobile on which it was briefed to us that we had to go back to the scene of the incident and secure it and await the arrival of the SIB.

On getting back to AZP, I did a full check on my ammunition and established that I had fired 10 rounds of 5.56mm.

I do not know the serial number of my A2 rifle but the butt number is 48.

I can recall that when we got back to the scene, the white car was sat in the central reservation of the road which was at a different place to where we had left it. It was not that far on the central reservation. There was a lot of IPS around the vehicle but did not see any civilians that could have been the driver or passenger. I did not go and have a look at the vehicle.

Signed: SO32

Signed: NM MARTIN
Sgt
RMP (SIB)

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