



MOD-83-0000110-A

Summary of interview given by S009 [REDACTED] to the Special Investigation Branch of the Royal Military Police on 10 October 2003

1. As at 10 October 2003 I had been in the Army nearly 4 years. My role is as a Trooper, and in battle I am a tank driver. The weapons available to me in that role are an SA80 assault rifle and a general purpose machine gun ('GPMG').
2. As at 10 October 2003, I had been on a firing range with a 5.56mm rifle around 50 times. At least once a year I took part in an Annual Personal Weapon Test ('APWT') test. I have never failed an APWT test and I consider myself to be a good shot. Prior to being deployed in Iraq, I had also carried out weapons handling tests, which required me to go through loading drills, making a weapon ready and making it safe.
3. Prior to the incident on 2 August 2003, I had never seen anyone shot with an Army rifle before. I had also never personally used the rifle to engage anyone in theatre.
4. Prior to deployment in Iraq, I had never been on any operational tours. I was deployed on Op Telic 1 in February 2003. My role in theatre during Op Telic 1 was as a tank driver. On a few occasions our wagon was involved in exchange of fire, but I was the driver and was thus not involved in firing any weapons. I returned from the Op Telic 1 tour in May 2003.
5. On Op Telic 1, I remember that the Rules of Engagement allowed you to open fire on an armed person if you felt threatened by that person. Also, if you considered that another soldier's life was being endangered by an armed person, you could open fire on that armed person. Prior to deployment, we were all given a card on which the Rules of Engagement were printed, and I carried the card with me in my pocket wherever I went.
6. I volunteered for Op Telic 2 because I wanted to see a different side of Iraq, in peacekeeping as opposed to wartime, and also for financial reasons.

7. For Op Telic 2, I received a new card with Rules of Engagement printed on it. The rules were slightly different but the new card was pretty much the same document as the old Op Telic 1 card. I think that the rules were fairly similar. I remember that you were allowed to open fire on someone if he or she was committing or about to commit an act which was likely to endanger human life and you cannot prevent that danger. You also had to give a verbal warning before opening fire unless there was no time to do so.
8. The difficulty with verbal warnings was that if you shouted 'stop' or 'stop or I'll shoot' in Iraq, nobody would understand you. I think we were told to shout something like 'ogaf', which meant 'stop' in Arabic. I did use the word 'ogaf' with the local Iraqis when conducting VCPs. Although it took me a while to get it right, after a while I think they understood what I was trying to say and they responded by stopping.
9. Before deployment on Op Telic 2 we did pre-deployment ('OPTAG') training, which included weapons handling tests, first aid, Rules of Engagement and the Law of Armed Conflict. This training took place about a week before deployment in Germany, and I felt that I had had enough training to prepare me for deployment back to Iraq.
10. We were issued with an aide memoire on the Law of Armed Conflict as part of our training in Germany, and I did read it. I remember that it set out a distinction between lawful combatants and non-combatants. I think someone with a uniform, and someone carrying a weapon who points it at you and threatens you, would be considered a lawful combatant.
11. I do remember being briefed as part of Badger Squadron about firing warning shots in Germany prior to Op Telic 2. The general gist was that you can fire a warning shot if you were chasing someone and you couldn't catch up with him, or if you did catch up with him but he was putting up resistance, in order to warn or scare that person and get him to stop. In those circumstances we were briefed that we should try to aim a warning shot up into the air rather

than at a particular person. But I do remember being told that it was preferable if we did not fire any warning shots.

12. I also remember attending Restraint and Arrest training. It involved hand-to-hand techniques for self-defence. We were taught how to grab people and use restraint techniques such as arm locks when making an arrest. We were also shown how to disarm a person who came at you with a knife or pistol. We were told that Op Telic 2 would require us to arrest people who were carrying out criminal activities. At the end of the training, I felt confident that I could put into practice the techniques that I had been shown. However, I was not shown any techniques in response to somebody grabbing my weapon.
13. I can't quite remember the exact month I was deployed but it would have been June or July 2003. I was deployed with Badger Squadron, which was an RTR squadron, attached to the 1 Kings Battle Group.
14. When I arrived in Iraq, I had an acclimatisation period of about a week at the 'Hacienda', which was in between the Riverside and Ad Dayr police station. We did refresher courses for first aid, more weapons handling tests, and another briefing on the Rules of Engagement. The Rules of Engagement briefing was just a reminder course; me and the other soldiers got out the Rules of Engagement card, read it through and asked a few questions.
15. On Saturday 2 August 2003, some time after lunch, our patrol set off from Hacienda to go to Ad Dayr police station in order to pick up S008 and drop him off at Shafi police station. Our Patrol Commander was Lt Halloran. I was in the Land Rover with Lt Halloran and Cpl Gardner for the pre-organised pickup. S008 was not part of our squadron, and I only knew him through picking him up and taking him to Shafi police station. Prior to the incident in question I had never actually spoken to him, although I had helped pick him up about 3 times. I understood that his role was to make sure that the police stations were doing their job properly.

16. We picked up S008 and an interpreter and made our way to Al Shafi police station, where S008 goes every day or so. On our way there, about 2km away from Ad Dayr, we spotted about 7 or 8 local men pushing a cart. We thought there might be mines in there and everyone shouted for the driver to stop. Our vehicle stopped and reversed, and as we were reversing 3 or 4 men ran off, leaving 3 men still standing by the cart. We all got out of the vehicle and S008 and I started to give chase. However, Lt Halloran told us not to bother, so we stopped to help get the remaining 3 men on their knees while Lt Halloran had a look in the cart. We did not cuff the 3 men and nobody told them that they were under arrest, but they must have known they were being detained because we had them on their knees with their arms on their heads.
17. Lt Halloran found there was ammunition in the cart. With the help of an interpreter, he asked one of the arrested men where they'd found the ammunition. The man pointed across the road to a pit. Lt Halloran and S008 went over with the man to the pit and looked at the ammunition in there. I was watching the other prisoners at the time. They then started walking back towards us, with S008 having hold of the man.
18. I remember that the man was about 6 foot 3 inches, big boned, and perhaps weighing about 15 stone. He looked to me as if he was about 30 years old.
19. Suddenly the man must have broken free from S008 because I saw the man ran through me and the other prisoners and down a path. As Cpl Gardener was also guarding the other prisoners, I gave chase to the man, who was running towards the nearby village. I think he was about 15 metres ahead of me. As I ran, I shouted at him in English to stop. As he got into the village there was a right turn and I stopped at that corner in order to fire a warning shot up into the air. The man did not stop, nor did he turn around. I turned round and saw S008 about 5 metres behind me, and he told me to carry on. I ran on after the man and got to the front door of a house into which I had seen the man run. The house was surrounded by other buildings in the village. I stopped at the front door for S008 to catch up with me. At that stage

S008 was about 15 metres behind me because he couldn't run. We both went into the house.

20. S008 searched two rooms on the right and we went into a forecourt. A woman in the forecourt pointed towards the exit of the forecourt. I provided cover for S008 while he searched what I think were toilets and sheds. S008 found the man hiding in an outhouse or toilet in the corner and shouted that he had found the man. I went in and saw the man with his back up against a wall and his legs out in front of him. S008 and I both managed to pull him out of the toilet and into the corner of the forecourt, where we tried to get him onto his knees in order to cuff him.
21. We pointed to the ground, pushed down on his shoulders and pulled his arms down in order to get him on his knees. He knew what we wanted him to do, but he just didn't do it. The man got a bit rowdy, aggressive. He was shouting to some people who were stood through a doorway, and I was shouting at those people to 'go back, keep away'. I wanted them to stop talking to the man, so I tried to get rid of the people. There were lots of them, all shouting. So I turned around and pointed my weapon at them, and they all ran away. Then after I had turned back to the man, after a couple of seconds they would all be back again. Every time I turned around there was someone shouting and screaming.
22. The man then pushed S008 who stumbled back. I reacted by hitting the man in the right cheek with the butt of my rifle, which caused a cut of about a centimetre to his eye. That didn't calm him down and he kept pushing us around. S008 then got his baton out and started hitting the man in the knees, which I think provoked him. We were making it obvious that we wanted him down on his knees but he just wasn't doing it. S008 realised that the baton was aggravating the man so he stopped using it and we continued to try and pull the man to the ground. I'm not sure what S008 had done with his rifle at this point.

23. After a while of pulling and shoving the man, we finally got him to his knees. S008 took his wrist and asked me whether I had any plasticuffs, and I told him I hadn't. By this time the man was reasonably calm and seemed all right. S008 then unzipped his webbing and took out his speed cuffs. I tried to show the man what we were trying to do; I put my arms behind my back and signaled that we just wanted to put handcuffs on him. As S008 went to put them on the man, the man stood up and tried to pull his arm away from S008 dragging S008 all over the place.
24. At the same time as S008 was being thrown around, I was still trying to grab the man to restrain him. I wanted to calm him down by making him feel threatened, so I pointed my weapon at him. The man grabbed the barrel of my rifle and pointed it away from him. I tried to push it back, but then he pulled it to his right. I didn't have a sling fitted so I nearly lost my grip on the rifle; I only had it by the iron sight and the pistol grip. The man was trying to take my rifle; he wasn't letting go. I was scared. I managed to pull the rifle back off him after three attempts, but in doing so I lost my balance and stumbled back.
25. When I looked up I saw that S008 had one knee on the floor and, although he had hold of the man's wrist with his left arm, S008 was leaning back as if he had lost his balance and had fallen over. The man was still standing at this point and I saw that he was reaching for S008 pistol. I believed the man was going to get the pistol and use it against us. I am not sure if S008 was still on the floor at this point; I just remember seeing the man's hand reaching for the pistol in its holster. The man had just tried to take my rifle, so when I saw him going for the pistol I felt that there was no alternative except to shoot him. I didn't really have time to consider anything. I aimed to kill him. I pulled the trigger but the rifle didn't fire, so I panicked, cocked it again and this time I shot the man. He fell against the wall and slid down it.
26. I would estimate that, from the time when the man was dragged out of the toilet until I fired the shot, only 3 minutes had elapsed. I am sure that if I had not shot the man, he would have grabbed S008 pistol.

27. S008 asked me what had happened and I said that I'd shot the man. S008 called me a 'dickhead'. I was confused by his reaction. He said he was going to get a Land Rover and then ran off. While he was gone everybody outside the forecourt was really rowdy and shouting and screaming. You could hear people crying and they were trying to get in the forecourt, and I had to keep them out. I was trying to guard both doors at once, and I was pretty scared. People kept screaming.
28. A few minutes later, maybe 3 or 4 minutes later, the Land Rover came round the corner and we picked the shot man up. We tried to get him to the Rover but he was a big, heavy bloke and we couldn't pick him up and get him in. Some Iraqi, I don't know who, helped us put him in the Rover and then we drove off with the shot man and the other two prisoners in the back of the Rover. People were screaming and throwing things at us, so we didn't risk stopping to try and find the interpreter. I think he was later kidnapped.
29. We took the injured man straight to Ad Dayr Hospital. He was conscious and was asking for water. We put him on a stretcher and then left him there. We then went back to Ad Dayr police station, where S008 cautioned me and rang someone up, but I don't know who it was. During that phone call S008 was asking me a load of questions about my personal details. I went back into the Ops Room and told Lt Halloran what happened.
30. We then picked up the Sgt Major, the Officer Commanding and Sgt Webster. We went along with S008 straight to HQ because the Commanding Officer of 1 KINGS wanted some statements from us.