



MOD-83-0000451-A

RESTRICTED

Number: [REDACTED] Rank/Status: Lt Surname: SO70
Forenames: SO70
Unit: 32 Engineer Regiment
Trade/Occupation RE ('X' box) Male: X Female:
DOB: [REDACTED]

I am being investigated for an offence of Manslaughter, allegedly committed against a Mr Sa'eed Shabram on the 23rd May 2003.

I deny this offence in the strongest possible terms and state the following:

On the 23rd May 2003 I was in Iraq. The 23 May 2003 was a maintenance day for 26 Armoured Engineer Squadron.

As such we were required to maintain and clean our vehicles on this day.

Myself and [REDACTED] Spr SO75 (my driver) were in one vehicle – call sign "40A" and [REDACTED] LCpl SO71 and [REDACTED] Spr SO72 (driver) were in another vehicle – call sign "40D".

We went to the dock approximately 200m from our camp. Our purpose was to clean the vehicles. When we arrived myself, LCpl SO71 and Spr SO72 got out of the vehicles.

[REDACTED] Spr SO75 remained on the vehicle on comms. The wrong pump was brought so LCpl SO71 and Spr SO72 were sent back to the camp to exchange for the correct pump.

Myself and Spr SO75 remained at the docks. I was then approached by an Iraqi who informed me that a tanker in the dock was on fire. I went to look for myself and confirmed that this was the case.

I returned to my vehicle and called in to SHQ, I confirmed the situation and requested that the civilian fire service attend.

At this stage there were approx 10 – 20 children on the docks and a few adults, some of whom were fishing.

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LCpl SO71 and Spr SO72 then returned they unloaded the pump and started cleaning the vehicle. Spr SO75 remained on my vehicle.

I decided to see if I could find a fire extinguisher within the dock complex. I informed LCpl SO71 of this and told him to keep an eye on the tanker.

Whilst searching the dock complex I saw two young men, I would estimate that they were in their late teens early twenties.

I could see that they had dug a trench exposing a length of electrical cable. They had cut one end and were attempting to steal the cable. As I approached they stopped digging.

I told them it was dangerous to cut the cable and asked them what they were doing. They said that they were doing nothing wrong. I accused them of attempting to steal the cable, they didn't seem to understand.

Earlier at the docks I had seen an Iraqi fisherman who I knew spoke English. As a result I told the young men to follow me back to the docks to enable the fisherman to translate what I was saying.

They were happy with this and followed me. We arrived at the docks, LCpl SO71 and Spr SO72 were cleaning the vehicles and Spr SO75 was on comms on my vehicle.

I saw that children were attempting to help LCpl SO71 and Spr SO72 clean the vehicle. I beckoned the fisherman over.

I told him to inform the young men not to take the cable as we could not fix the electricity if they did. The fisherman did so and then began to have a heated argument with the two young men.

The fisherman rebuked them for attempting to steal the cable. The young men covered in front of him. The heated discussion completely changed the atmosphere at the dock.

The children began shouting "Ali Baba, Ali Baba" at the two young men and were jostling them.

I was also aware that more adults were arriving to see what was going on. I was also conscious that the oil tanker was still burning.

I decided that this was a situation that I did not want so in order to diffuse this I told the two young men to "get lost".

The young men appeared relieved at this.

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One of them ran towards a gap between the edge of the dock and a building. He seemed to slip and then fell into the water.

I certainly did not push him, nor did anyone else.

I walked to the edge of the dock and saw him swimming to the other side. A rope was hanging off an anti aircraft gun into the water. He pulled himself up with the rope and out of the water. The other young man was still being taunted by the crowd. He was behind me.

I told him again to "get lost". To my surprise he ran to the edge of the dock and jumped in. He went in feet first and sank like a stone. By this time Spr **SO72** had come over to see what was going on.

Again I did not push him, nor did anyone else.

There was still no sign of the second young man. Spr **SO72** then took off his boots and trousers and dived in to save him.

I watched him do one or two surface dives without success so I also decided to dive in and try to find the young man.

Before I dived in I told LCpl **SO71** to send a SITREP and requested a diver and medics to the docks.

Myself and Spr **SO72** made every attempt to try and save the young man but to no avail.

There was zero visibility in the water. After some time LCpl **SO71** shouted at me that I needed to speak to Sqn 2IC, Capt **SO76**

I climbed out of the water. By this time the crowd had turned and were becoming agitated. As I got out some of the crowd pushed and jostled me. I spoke to Capt **SO76** and explained the position. I was so exhausted I could barely speak.

Although I was advised to stay out of the water myself and Spr **SO72** went back for one last attempt to try and find the young man.

We carried on looking until we were too exhausted to continue. We climbed out. SSgt **SO77** and Spr **SO78** then arrived at the scene.

I spoke to him and explained (briefly) the position. The atmosphere was now very hostile. I told him we had to extract, which we did.

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At no time did I see any animals in the dock complex.
At no stage was either of the young men pushed or thrown into the water.
At no stage were the two men restrained, struck or abused by myself.
At no stage was any person prevented from trying to assist either of the young men.
At no stage did any of the locals attempt to assist the young men.
At no stage did either of the young men mention or state their swimming ability.
At no stage was I or any of my soldiers crying hysterically.
At no stage was the question of compensation discussed or raised.
What occurred whilst tragic was an accident beyond my control.
It is on this basis that I categorically deny this offence.

Signed

[REDACTED]

SO70

Lt
RE

Date 23 JUNE 04