



MOD-83-0000457-A

RESTRICTED

Statement of: **SO76**

Form MG11(T)

Page 1 of 4

WITNESS STATEMENT

Criminal Procedure Rules, r27.2; Criminal Justice Act 1967, s.9; Magistrates' Courts Act 1980, s.5b

Statement of: **SO76**

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

Occupation: HM FORCES ARMY CAPT

This statement (consisting of 6 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: **[REDACTED]**

Date: 07/06/2003

Tick if witness evidence is visually recorded (supply witness details on rear)

I am the above named person. I am currently serving with my unit detailed overleaf on operations in Iraq. I entered theatre on 2 Mar 03.

I currently hold the appointment of 2i/c of my Sqn, a position I have held since 3 Dec 01.

My unit is currently located at a location within what used to be an Iraqi Naval Base, within Basra. We have been at this location since 8 or 9 Apr 03. Also within the former Naval Base is a Port/Quayside area which we periodically use to wash down our vehicles. This area is also used by quite a large local community who have set up home there since the war.

About 1130 hrs Fri 23 May 03 I was sat in my office when I was alerted by a member of my unit, I cannot recall who, that a message had been received in the Ops Room that someone had gone in the water at the Port. At this point I was unaware of who in my unit was involved.

I went into the Ops Room and was told that 40 callsigns were involved and I immediately recognised that to be Support Troop callsigns.

I got on the radio and requested an immediate situation report (sit rep). I receive an initial message from the callsigns concerned detailing that an Iraqi civilian had gone into the water and members of the unit were trying to get him out. I cannot recall exact wording.

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Form MG11(T)

Page 2 of 4

I confirmed whether there was members of the unit in the water, which there was and then asked if they had any kind of safety equipment to which the reply was 'no'.

I then asked to speak to callsign 40A which is the Support Tp commander, 2Lt **SO70** of my unit. About a minute later I heard what I recognised to be 2Lt **SO70**'s voice on the radio. I could clearly hear that he was panting quite noticeably, whilst talking. He confirmed that an Iraqi male had gone into the water and members of the unit were trying to get him out.

At this point SSgt **SO77**, of my unit, entered the Ops Room. SSgt **SO77** is the Sup Tp SSgt, and at the time was about to go down to the Port area to join the rest of his Tp.

As he entered the Ops Room I received the message over the radio from 2Lt **SO70** that a crowd was building up at his location and he stated that there were not many unit members to control it.

I immediately told SSgt **SO77** to go to the wash down area at the Port and control the situation. He then left my location.

I then informed C Coy, 1BW and 1BW BG HQ of the situation and the fact that we may need support to control the situation.

I then got back to the 40 callsigns at the incident and ordered them to come out of the water. This was due to the fact that I considered it to be too much of a risk to my unit members.

By this time SSgt **SO77** was at the location and stated over the radio that the crowd was 'pretty hysterical'. At this point I ordered all troops back to my location.

Once they returned I identified the individuals involved in the incident. This was 2Lt **SO70**, LCpl **SO71**, Spr **SO72** and Spr **SO75**, all of my unit.

Upon asking 2Lt **SO70** to explain what had happened he told me that whilst they were washing their vehicles down at the quayside he saw two Iraqi males digging up copper cable. He approached the men and, using a local as an interpreter, he told them to stop and to leave the area. He further stated that the Iraqis became quite nervous and eventually ran away from him and jumped into the water. One swam across the Quayside and got out the other side but the other just sank.

This account was confirmed by LCpl **SO71** and Spr **SO72**, all of which I spoke to individually. I also asked them all to make notes.

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Form MG11(T)

Page 3 of 4

I then reported all details of the incident to Regt HQ and BG HQ for their action.

Later that day, about 1330 hrs I was informed by members of the guard that members of the drowned man's family were at our location. I went to meet them with a unit interpreter whom I know as [REDACTED]. We spoke at the location gate with the locals on the outside I recall there being seven males present. One of the males identified himself as the father of the drowned man. He was very aggressive and quite hysterical at this point and immediately began issuing threats to me and my unit. [REDACTED] informed me that he had stated that British soldiers had killed his son so he would kill ten British soldiers in revenge. He further stated that witnesses had told him that soldiers had tied his son's hands and thrown him into the water. He confirmed this statement by continually making the action of crossing his wrists.

During the conversation I was trying to reason with the man but he did not appear to be interested in what I had to say.

He continued by stating that he did not care about his own life and would kill soldiers with that in mind. He then began demanding that we recover his son's body.

I informed him that military divers had been requested but were tasked elsewhere, which was true, as I had asked the question and was informed by Regt HQ they were not available.

He then began giving ultimatums with regard to recovery of his son's body. This went from one day to eventually seven days, at the end of which he would start killing soldiers.

I did not agree to any of these ultimatums and informed him that his son was stealing and jumped into the water to escape the soldiers. [REDACTED] informed me that his reply to this was that his son may have been a thief but he was only stealing from Iraq and not British soldiers.

After about 25-30 minutes the family members left my unit's location.

Later that day I was approached by [REDACTED] who told me that members of the family had approached the unit location and informed him that the body had been recovered from the water and it had been discovered that his hands were not tied. It appeared that the family were accepting their mistake with regard to the tied hands issue but were still insistent that he had been pushed in the water by members of my unit.

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Form MG11(T)

Page 4 of 4

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2018

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