



MOD-83-0000455-A

**RESTRICTED**

Statement of: [REDACTED] SO75

Form MG11(T)

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**WITNESS STATEMENT**

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

Statement of: [REDACTED] SO75

Age if under 18: OVER 18 (if over 18 insert 'over 18') Occupation: HM FORCES ARMY SPR

This statement (consisting of 11 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: 24/06/2004

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

I am [REDACTED] Spr [REDACTED] SO75. I am currently employed within my unit, 32 Engr Regt, BFPO 30 as a Fitter ACR (Air Conditioning Refrigeration) and have been since 2000.

Also in my unit are the following all of whom I will mention during this statement. Lt [REDACTED] SO70 is my Troop Commander, I have known him since Feb 03. Spr [REDACTED] SO72 I have known for about 3 years and LCpl [REDACTED] SO71 I have known since being with the unit. Lt [REDACTED] SO70 I would say is a good Troop commander SO72 and SO71 I would class as good friends.

On 23 May 03 we all set off from our base in Basrah this was an old disused school next to a Naval Yard. I do not think the base had an actual name it was referred to as yellow something.

We set off sometime in the morning in the intention of washing our vehicles by the dockside of the Naval Base. This was about a 5 minute drive away from the base. I was driving a CRVT which had the callsign 40A, also in the vehicle was Lt [REDACTED] SO70, SO7 and SO71 were in a 432 which had the callsign 40D. I cannot recall what we were all wearing that day but it would have been either DPM or desert combats. I do, however remember that at the time of the incident I am going to describe neither of us were wearing helmets or webbing.

To get into the dock area you have to drive through an arch down a tarmac road, which has houses on either side, then in between two houses. [REDACTED] we reversed our vehicles to the edge of

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the dock. The 432 first and then the CVRT. I would describe the dock as I saw on that day as follows. On the right of my vehicle was a boat. I recall that this was on fire. I do not recall any flames, but a lot of smoke. To the left of the vehicle were some houses. In the corner of the dock to the right of the 432 was a metal platform. A few metres away from this coming out of the water and attached to the dock was a metal ladder. At the far end of the dock about 30 metres away from my vehicle was an old Anti Aircraft Gun. There was a rope hanging from this which went in to the water. I was about 10 metres away from the closest dockside edge.

For ease of reference today I have handed to Sgt VINCENT of the Service Police a sketch plan of the dockside as I recalled it on the day. I have also marked on it relevant points as a true and accurate representation of what I saw. Sgt VINCENT then attached an exhibit label to it marked SO75/1. I have signed and dated the label.

We drove straight to the dockside and parked up as I have previously mentioned. When we arrived I noticed about 20 Iraqi children playing at the edge, some were jumping in and using the ladder to climb out. There was also a few adults just walking around. We had the same reaction for our arrival as we did when ever we stooped in Basrah. The adults would look at us and the children would gather around us.

Lt SO70 then got out of the vehicle, I climbed out of the driver's hatch put the radio head set on and climbed up on top. I then sat down and faced away from the dockside. The headset does not emit a constant noise and I could clearly hear the children playing and the splashes of them jumping in the water.

I then started to watch the children who had gathered around the vehicle in the past Iraqi children had stolen bits of vehicles. I did not look to see what Lt SO70, SO72 or SO71 were doing, I was sat on top of the vehicle for either 5 or 10 minutes when Lt SO70 told me that SO72 and SO71 had brought to wrong pump to wash the vehicles and they had to go back. I then got back into the driver's hatch and moved my vehicle so that they could go.

They then left and Lt SO70 came up to me and used the radio. We reported that the boat was on fire and requested that someone came and distinguish it.

Not long after this SO72 and SO71 came back. I then moved the CRVT and they reversed back into the position they were in previously. I then reversed back in front of them. I then again sat on top of the CRVT with the headset on. Lt SO70 then informed me that he was going to try and find something to put the fire out himself.

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The children by this time had again gathered around the vehicle, I then heard the pump start up but did not look to see what SO72 and SO71 were doing, I was busy watching the children.

About 10 minutes after he had left Lt [REDACTED] SO70 came back walking next to him were two Iraqi boys aged between 16-20. I do not recall what they were wearing, but do recall that they were walking freely with Lt [REDACTED] SO70.

They came from an area in front of me. I watched them walk past the left side of the CVRT and then stop by the 432. People then started to crowd around them. One Iraqi man, whom I cannot describe, then came out of the crowd and went up to Lt [REDACTED] SO70 and the two Iraqi boys. He then started to talk to Lt [REDACTED] SO70. I could not hear what was being said owing to the noise of the pump. I assumed the conversation was with regards to the two boys.

I then turned back to see what the children were doing around the vehicle. About a further five minutes I heard over the noise of the pump, the crowd volume start to rise. I then turned, to either my left or right and saw the crowd start to move towards the dockside. I then noticed that one of the Iraqi boys that was with Lt [REDACTED] SO70 climbing out of the water using the rope by the Anti Aircraft gun. I then saw that SO72 was taking his boots off, then I think his trousers. He then jumped into the water. I then saw that the Iraqi boy was out of the water, by the gun and was running away. SO72 was in the water for what seemed like between 5 or 10 minutes. What he was doing I could not see he was close to the edge of the dockside and out of my sight. Lt [REDACTED] SO70 then took his boots off and also jumped in the water. I then saw SO71 climb up onto his vehicle and start to use the radio. I was still wearing my headset and heard a broken conversation that SO71 was having with O. SO71 then took his head set off and ran over to me. He climbed up and I passed him my headset. I then recall him asking for a diver and a medic, he also mentioned that a callsign was in the water. I did not pay much attention to the conversation, I was more interested with what was happening at the dockside.

The next part of my recollections are very vague. I think SO72 got out of the water and then back in, or it was Lt [REDACTED] SO70. The crowd became very restless. SO71 then shouted over to Lt [REDACTED] SO70 that O wanted to speak to him and that the callsign was to get out of the water. Lt [REDACTED] SO70 then came over to the vehicle and used the radio.

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The crowd then became very hostile they started to pick up things of the floor, which I thought could be used as weapons. Lt **SO70** then requested another call sign to attend. He then left leaving **SO71** and myself on the CVRT. I could not see where **SO72** was.

Then all of a sudden all the children left the vehicle and ran away. I then noticed a load of women running towards us from the direction of the houses. I then feeling threatened not only for mine and the others safety cocked my rifle.

Staff **SO77** of my unit then arrived in a 432. **SO71** went to meet him. The women had stopped by our 432 and had been joined by some Iraqi men beating there chests like gorillas. They were all screaming and shouting at us.

I then heard a banging noise coming from a side of the CVRT, I looked down and saw an Iraqi man trying to hit me with a cam pole. Someone then shouted to extract and the man left. I then saw Spr **SO78** also of my unit, who had arrived with SSgt **SO77** helping to pack away the pump. We all then got into our respective vehicles and left.

I have marked on the sketch plan marked as exhibit **SO75** 1 the following as I recall at the time.

A – my position

B – The area where Lt **SO70** and **SO72** jumped in the water

C – Where I saw the Iraqi boy climb out

The whole incident since seeing the Iraqi boy climb out the water and the extraction was very chaotic. But this is what happened to the best of knowledge.

As response to direct questions posed by Sgt VINCENT. I did not see anybody herding any sheep or any other animal in the dockside area. The last time I saw the other Iraqi boy was when he was talking with Lt **SO70** by the 432.

At no time throughout the incident did cry, moreover, did I see any other member of my unit who were there crying.

After being given the opportunity to read my statement I would like to add that I think Lt **SO70** controlled the whole situation very well.

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