



MOD-83-0000386-A

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CCRIO No: 64872/04

61 Sect SIB RMP
Op TELIC
BFPO 641.

OC 61 Sect SIB RMP

10th
Mar 05

SHOOTING INCIDENT
SERVICE POLICE INVESTIGATION SUMMARY

INTRODUCTION

1. Background to Case. It will be recalled that about 1900 hrs on Fri 17 Dec 04, a request was received from DCOS, HQ 4 Armd Bde, BFPO 641, to investigate the circumstances of a Shooting Incident which occurred about 1757 hrs that evening at the junction of Route TOPEKA and Route HEART, South of Al Basrah Province, GR: QU 638 683 (Map Series: Um Qasr, Sheet: 5550, Edition: 3). It was reported that whilst driving along Route TOPEKA towards Shaibah Logistics Base (SLB), a two vehicle call sign (PE 10B) from 40 Cdo RM, Az Zubayr Port (AZP), BFPO 643, encountered a civilian vehicle speeding up behind them which they believed to be a SVBIED. The vehicle failed to slow down when instructed by the call sign, therefore three warning shots were fired at the vehicle bonnet in an attempt to immobilise the vehicle. It is alleged that the driver of the vehicle then responded by firing a burst of automatic fire at the call sign. Consequently, the vehicle was engaged by four top cover sentries. 42 x 5.56mm rounds were expended and the call sign immediately extracted to SLB. The call sign was unable to confirm whether the occupant(s) of the vehicle were killed or injured during the incident. There were no Coalition Force (CF) casualties.

2. Scene. The incident occurred on the south bound carriageway of Route TOPEKA in a rural area near the junction with Route HEART, South of Al Basrah Province at GR: QU 638 683 (Map Series: Um Qasr, Sheet: 5550, Edition: 3). At the location of the shooting incident Route TOPEKA is a dual-carriageway, running north to south, with each carriageway separated by a wide central reservation of soft sand. Although there are no road markings on the tarmac road surface to indicate that each carriageway has two lanes, the road is sufficiently wide enough for two lanes of traffic. In the vicinity of the junction with Route HEART the soft sand on the central reservation has been compacted where vehicles cross from one carriageway to the other creating visible tracks across the central reservation. There is no street lighting in the area.

3. Threat Assessment. Capt SO36 [REDACTED], RM, the Intelligence Officer (IO), 40 Cdo RM was interviewed and stated that as of midday 17 Dec 04, the perceived threat from VBIED within the Al Basrah area was deemed to be moderate to high. Specific intelligence indicated that a 'dark red Dauphin vehicle' was believed to be operating within the Hadem District of Al Basrah¹. This intelligence was disseminated to all patrols prior to deploying on the ground. The INTSUM pertaining to the threat has been recovered and is retained with the case file.

¹ A distance of approximately 16 km from the area of the shooting incident.

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EVIDENCE

4. [REDACTED] Sgt SO29 [REDACTED] Sgt SO29 the call sign Comd, was interviewed and stated that his call sign has been tasked to escort a BFBS employee from AZP to SLB. In preparation he obtained and intelligence report which warned of a moderate to high threat of a VBIED. He instructed his call sign that 'actions on' a perceived VBIED threat was to warn the driver of the vehicle with hand signals to slow down, if the call sign were in fear that life was in danger then weapons could be raised and directed at the threat, if this failed then a single round could be discharged into the bonnet of the vehicle in an attempt to immobilise it. If that failed more rounds could be fired at the bonnet then ultimately aimed shots at the driver. The call sign, comprised two vehicles; the lead vehicle a MOD (A) Pinz Gauer (VRN: 79 KL 92) and the rear vehicle a MOD (A) Land Rover GS (VRN: PE 20 AA). Initially the call sign headed north along Route TOPEKA past the junction with Route HEART until they were able to carry out a 'U' turn to access Route HEART from the south bound carriageway. Having completed the manoeuvre, Sgt SO29 vehicle turned west off Route TOPEKA onto Route HEART when he heard a single high velocity round being fired, which appeared to be coming from the direction of the rear patrol vehicle. He then heard a further 2 - 3 rounds being fired from the same direction. The call sign continued en route and Sgt SO29 heard a burst of automatic fire coming from one of the top cover sentries in his vehicle. Simultaneously, he heard [REDACTED] Cpl SO30 [REDACTED], the Comd of the rear vehicle shout, 'Contact left.' Sgt SO29 then looked to his left and saw a white saloon vehicle being driven erratically down Route TOPEKA past the junction with Route HEART. The SNCO was aware that the call sign continued firing shots until Cpl SO30 shouted for the firing to cease as the patrol had driven out of the danger zone. The call sign then extracted to SLB to drop off the BFBS employee. He later returned to the scene to see the white saloon vehicle stationary on the central reservation, having been hit with several rounds. There was, however no sign of any passenger, although the IPS were at the scene.

5. [REDACTED] Mne SO31 [REDACTED]. The Mne recalled that prior deploying on task, he was briefed that there was a specific threat of attack from a VBIED and that the vehicle suspected of being used was maroon in colour. He stated that he was a top cover sentry in the rear vehicle and, having completed a 'U' turn to head south, he became aware of a white saloon vehicle approaching from the rear, apparently accelerating through traffic. He believed the vehicle was similar model to the type of vehicle he claims he was shown during the intelligence brief suspected of being a VBIED, therefore, he gave a hand signal for the vehicle to slow down and stop, which was seemingly ignored. The vehicle continued to approach the Land Rover GS at speed and consequently Mne SO31 believed the vehicle to be a VBIED which intended to kill or injure the call sign. In response, he fired a single warning shot into the bonnet of the vehicle in order to immobilise it, however, the vehicle continued to approach at speed, therefore a further 2 aimed shots were fired into the bonnet of the vehicle. The vehicle continued to approach and whilst doing so manoeuvred into the adjacent lane past his vehicle and positioned itself behind the lead vehicle, the Pinz Gauer. Mne SO31 stated that as it did, he saw what he believed to be a 'muzzle flash' coming from the driver's window of the suspect vehicle and at the same time heard what he believed to be 2 shots being fired from the vehicle. Mne SO31 however, did not see a firearm. Simultaneously, he was aware that [REDACTED] Mne SO33 [REDACTED] the second top cover sentry in his vehicle, had fired a single burst of rounds from his 5.56mm Minimi and noticed that the rounds penetrated the windscreen of the suspect vehicle. The vehicle subsequently veered on to the central reservation

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and spun 360° before coming to a halt. Mne SO31 did not fire any further rounds at the suspect vehicle.

6. Call Sign PE 10B. Each member of the patrol was interviewed and in essence they corroborated the account given by Mne SO31. Mne SO33 confirmed that he too suspected the vehicle to be a VBIED. After the vehicle had been engaged twice by Mne SO31 and failed to stop, SO33 believed that he also heard shots being fired from the suspect vehicle, although when pressed, he did not actually see a flash, or a weapon being pointed from the vehicle. He responded by firing 2 short bursts of automatic fire into the driver's side of the windscreen. Mne SO32, one of the top cover sentries in the Pinz Gauer, explained that prior to deploying on task he had been briefed that a 'saloon type vehicle' was suspected of being used as a VBIED, however, he could not recall what make or colour. He also stated that upon hearing rounds being fired in the direction of his vehicle, he turned and saw a muzzle flash, following which he fired a single round towards the bonnet of the suspect vehicle. However, as the vehicle failed to stop he continued to fire a number of aimed shots towards the vehicle. Mne SO28 also top cover sentry stated that prior to deploying, he was briefed that the vehicle suspected of being a VBIED was maroon in colour. Mne SO28 was in the lead vehicle and stated that on hearing a single shot being fired from behind his vehicle, he turned and looked towards the suspect vehicle which was white in colour. He saw what he believed to be a weapon being fired from the driver's side of the vehicle towards the rear patrol vehicle. In response he fired a single burst of approximately 8 rounds towards the car. Upon returning to AZP it was confirmed by Sgt SO29 that a total of 42 x 5.56mm rounds had been fired by the top cover sentries; Mne SO28 (20), Mne SO32 (10), Mne SO33 (9) and Mne SO31 (3). Due to the operational imperative, none of the military issue weapons were recovered from the soldiers at that time. When interviewed Mne SO34 stated that prior to deploying, he was briefed that both blue and red vehicles were suspected of being used as VBIEDs and Cpl SO30 stated he was briefed that the suspect vehicle was maroon in colour.

7. Mr NG Steele. The BFBS employee, a passenger in the Land Rover GS, recalled that the call sign had been mobile for approximately 30 mins when he heard what he believed to be the sound of a car's tyres wheel spinning behind the Land Rover. Immediately afterwards, he heard the sound of an engine revving and saw a set of head lamps to the rear of the Pinz Gauer. At this time the vehicle was either alongside or had just passed the Land Rover GS, however, it then positioned itself in the lane between the 2 military vehicles. As he watched events unfold, Mr Steele heard a male voice shouting towards the Pinz Gauer. This voice was not in English and although he did not know what was being said he formed the impression that the person shouting was trying to express themselves quickly and forcibly. He then heard what he believed to be a burst of automatic fire consisting of about 6 or 7 rounds, being fired from behind his vehicle, however, he could not identify who was firing the rounds. He then saw the two top cover sentries in his vehicle turn to their left and heard them both fire their weapons. He could not identify how many rounds were expended by the sentries or in what direction they had fired, as by this time he was lying down to protect himself. He then heard a further burst of automatic fire, but again he could not identify who was firing. He did, however, presume it to be coming from the civilian vehicle as simultaneously he could also hear what he believed to be further shots being fired from the Land Rover. Mr Steele then heard Sgt SO29 instruct the patrol to immediately extract from the area, following which he heard Sgt SO29 shout, "Vehicle has stopped,

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vehicle has stopped." Following this Mr Steele heard a further 3 or 4 single shots being fired, although he could not identify who was firing the shots or from which direction they were being fired. The call sign then continued their journey.

8. Mrs Hassan. On Mon 27 Dec 04, Mrs Hassan was interviewed at her home address in Az Zubayr, by SIB RMP, during which she stated that about 1800 hrs on Fri 17 Dec 04, she was the front seat passenger in a white saloon vehicle being driven by her husband, Mr Abdul Hussan Talab Hassan (aged 44 yrs) an IPS Capt based at Al Marbid Police Station, Az Zubayr and they were heading south en route from Al Basrah to Az Zubayr. Their 3 year old daughter was also in the front of the vehicle, sat on her lap and they had been travelling for about 30 mins. She recalled that they were travelling in single lane traffic, when their vehicle came under gun fire from one or more gunmen, located somewhere in front of their vehicle. Immediately after this, her husband lost control of the vehicle, which swerved into the central reservation. It was at this stage that Mrs Hassan realised that their car had been shot and her husband had been killed. Mrs Hassan did not see their attackers but managed to obtain the assistance of a passer-by who conveyed all three of them to a hospital, where she was informed that her husband was dead. Mrs Hassan claimed that although her husband was armed with a pistol, at no time did he remove the weapon from the waistband of his trousers.

9. Hareth Habeeb Othman Al-Tamimi. The civilian was driving home when he came across a number of cars parked on the road side and verge. He stopped to offer his assistance and saw a young lady with an infant sitting in the central reservation. She was very upset and explained that her husband had been killed. Hareth Al-Tamimi approached a nearby white saloon car where he saw a man slumped in the drivers seat, seemingly dead. He moved the man into his own vehicle and drove him directly to the Al Basrah Hospital with his wife and child.

EXPERT EVIDENCE

10. Crime Scene. Immediately following the incident a number of IPS call signs responded and arrived at the scene prior to the arrival of UK Forces and the SIB RMP SOCO. The vehicle, a white Daewoo Prince, VRN: 48741, was cleared by ATO and a cursory search conducted in situ. Ground and aerial photographs of the scene have been taken. 9 x 5.56mm spent cases bearing the base stamp RG 03, were handed to the SIB SOCO by the IPS who stated that the cases had been found at the scene. Evidence recorded from 40 Cdo RM, confirmed that the unit had been issued with 5.56mm rounds bearing this base stamp. During the cursory search of the area and the vehicle no IED or weapon was recovered and no spent cases other than those handed to the SIB by the IPS were discovered. The vehicle was subsequently recovered to Basrah Air Station (BAS) by SIB. In daylight a further search of the area was conducted, however, nothing further of evidential value was recovered. Satellite imagery and a map extract depicting the location have also been recovered.

11. Vehicle Examinations. On Sat 18 Dec 04, at BAS a detailed SOC examination of the vehicle was conducted. It was established that there were five bullet holes in the bonnet of the vehicle and six further strike marks in the front windscreen. Three bullet fragments were also recovered from within the vehicle. Large amounts of apparent blood staining were noted on the front driver's seat and driver's door. A thorough search of the vehicle was conducted, however, no weapons were found in the vehicle and no other evidence, such as spent cases, was present to suggest that a weapon had been

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fired from within the vehicle. On Tue 21 Dec 04, the two vehicles from 40 Cdo RM involved in the incident were also subject to a SOC examination. In essence, no strike marks or other evidence was found on either vehicle to support the assertion made by the patrol members that they were fired upon. A photographic supplement depicting the scene and the 3 vehicles involved in the incident has been compiled and will be distributed to entitled addressees with this report.

12. Weapon. Following the incident, the IPS handed to SIB RMP a 9mm Glock Pistol (Ser No F-XB 907), complete with a weapon magazine containing 2 x 9mm rounds which they claim was handed in at an IPS VCP on Az Zubayr Bridge by Mr Hareth Habeeb Othman Al-Tamimi, the Iraqi national who conveyed Capt and Mrs Hassan, and their daughter to hospital. Mr Al-Tamimi, however, denies ever being in possession of the weapon. The weapon has apparently been subjected to a forensic examination by the Iraqi Criminal Laboratory Office, Baghdad, however, it was impossible to establish when the pistol was last fired. Security Sector Reform (SSR), HQ MND (SE), BFPO 641, have provided evidence that a 9mm Glock Pistol (Ser No F-XB 907) was part of a consignment of weapons intended for distribution to the Iraqi authorities, however, no record could be found detailing the recipient of the pistol nor was any record in existence relating to Mr Hassan.

13. Medical Evidence. It has been established that about 1830 hrs on 17 Dec 04, Mr Hassan was pronounced dead on arrival, at the Al Basrah General Hospital by the Duty Accident & Emergency Doctor, Dr Ahmed Abdul Hadi Sufar. The doctor noted that the body had what appeared to be gunshot wounds to the neck. Capt Hassan was not transferred to the Pathology Dept, as about 2000 hrs that same evening, he was handed over to his immediate family and conveyed to the Holy Shrine at An Najaf on Sat 18 Dec 04, for burial in accordance with religious tradition.

14. Forensic Analysis. Fragments of rounds recovered from Mr Hassan's vehicle, were submitted to the Forensic Alliance in the UK for examination. An interim report from the Forensic Alliance confirmed that the fragments were 5.56mm calibre, of the type issued to HM Forces and were fired from the same rifle. Marks were also found on the fragments which could possibly be used to identify which firearm they were discharged from.

OTHER RELEVANT INFORMATION

15. Maj SO37 [REDACTED] RM, [REDACTED] Enquiries made with the Adj, 40 Cdo RM, show that the 4 top cover sentries arrived in theatre on Tue 30 Nov 04. All were new to the unit having recently completed basic training at CTC RMLympstone. Prior to deploying all had completed limited pre-deployment training with the unit's Rear Party at Norton Manor Camp, Taunton and upon arrival in Iraq they had attended a mandatory RSOI package held at Az Zubayr Port between Wed 1 – Thu 2 Dec 04. Records show that at the time of the incident they had completed the necessary training including the Rules of Engagement (ROE), as well as being given guidance regarding a further policy the unit had adopted regarding the use of warning shots. In essence all 4 had fulfilled the criteria required to deploy on task.

16. Operational Records. The unit SINCREP in relation to this incident, together with the Radio Operator's and Watchkeeper's Logs have been recovered and are retained with the case file.

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17. Area Claims Office, Civ Sec, HQ MND (SE). A check conducted with the Area Claims Office has confirmed that a claim for compensation has been received from the family of Mr Hassan regarding this shooting incident.

18. Further Enquires. The 4 weapons that were fired by the top cover sentries have been recovered and submitted to the Forensic Alliance for comparison to determine which weapon may have fired the recovered bullet fragments. Swabs have also been taken from within the vehicle and these, together with the Glock Pistol and the clothing worn by Mr Hassan were sent to the UK for forensic examination in an attempt to determine whether there are any traces of firearm residue indicating that a weapon had been fired from within the vehicle and to determine if the pistol had been recently fired. It is not anticipated that the results of these examinations will be known for at least 12 weeks. In addition, arrangements are in hand for a further statement to be recorded from Maj SO37 [REDACTED], regarding the Rules of Engagement operated by members of 40 Cdo RM, at the time of the incident, including clarification as to why it was necessary for the unit to implement a further guidance document regarding the use of warning shots and why this document was not specific to personnel operating within the Baghdad AOR². A further statement is also to be recorded from Capt SO36 [REDACTED] regarding the specific details of the threat warning he gave to the patrol, prior to them deploying on task. On receipt of this evidence, it will be forwarded to entitled addressees under separate cover.

19. Conclusion. SIB enquiries into this case, less those outlined above, are now complete. A decision must now be made whether the actions of the call sign were reasonable, proportionate, necessary and in accordance with the Rules of Engagement. Therefore, in accordance with Reference E, the PJHQ policy for the reporting, recording, review and investigation of Shooting Incidents on Op TELIC, all evidence recorded by the Service Police has been forwarded to Comd Legal, HQ MND (SE) for consideration. Only if requested by the appropriate higher authority will further enquires be conducted.

20. Original Documents. All original documents and evidence recovered during this investigation are retained on file for production if required.

[REDACTED]
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² None of the 4 top cover sentries had served within the Baghdad AOR.

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