



**ARMY**

**SERVICE INQUIRY  
INTO THE DEATH OF  
CAPTAIN JA PHILIPPSON (555260)  
7<sup>TH</sup> PARACHUTE REGIMENT  
ROYAL HORSE ARTILLERY  
(7 Para RHA)**

**Part 1**

**ORIGINAL**

**Part 1  
(The Report)**

**Contents List**

| <b>Serial</b> | <b>Document</b>                         | <b>Flag</b> | <b>Side Flag</b> |
|---------------|---|-------------|------------------|
| (a)           | (b)                                     | (c)         | (d)              |
| 1             | Cover Note                              | A           |                  |
| 2             | Convening Authority<br>Comments         | B           |                  |
| 3             | Reviewing Authority<br>Comments         | C           |                  |
| 4             | Convening Order and TOR                 | D           |                  |
| 5             | Changes to Panel Composition<br>and TOR | E           |                  |
| 6             | Report                                  | F           |                  |
| 7             | Findings and Opinions                   | G           |                  |
| 8             | Recommendations                         | H           |                  |

**SERVICE INQUIRY INTO THE DEATH OF 555260 CAPTAIN JA PHILIPPSON, 7<sup>TH</sup> PARACHUTE REGIMENT, ROYAL HORSE ARTILLERY (7 Para RHA)**

To: General Officer Commanding 5<sup>th</sup> Division

1. A Service Inquiry Panel assembled at Copthorne Barracks, Shrewsbury on 19 January 2009 by order of Major General MJ Rutledge OBE, General Officer Commanding 5<sup>th</sup> Division dated 12 January 2009, for the purpose of investigating the circumstances surrounding the death of 555260 Captain JA Philippson, 7<sup>th</sup> Parachute Regiment, Royal Horse Artillery (7 Para RHA) which occurred on 11 June 2006 on Operation HERRICK 4.

By order of Major General MJ Rutledge OBE, General Officer Commanding 5<sup>th</sup> Division dated 17 April 2009, the Panel re-assembled on 21 April 2009.

The Panel has concluded its inquiries and submits the Provisional Report (including the record of proceedings and supporting paperwork) for the Convening Authority's consideration.

**President:** Brigadier JJS Bourne-May

Signed: 1

**Members:** Lieutenant Colonel: 3

Signed: 3

Major 4

Signed: 4

Dated: 30 September 2009

2. Part 1 (The Report) and Part 2 (The Record of Proceedings) are enclosed in the attached files:

**Part 1 (The Report)**

**Contents List**

| Serial | Document                             | Flag | Side Flag |
|--------|--------------------------------------|------|-----------|
| (a)    | (b)                                  | (c)  | (d)       |
| 1      | Cover Note                           | A    |           |
| 2      | Convening Authority Comments         | B    |           |
| 3      | Reviewing Authority Comments         | C    |           |
| 4      | Convening Order and TOR              | D    |           |
| 5      | Changes to Panel Composition and TOR | E    |           |
| 6      | Report                               | F    |           |
| 7      | Findings and Opinions                | G    |           |
| 8      | Recommendations                      | H    |           |

## Part 2 (Record of Proceedings)

### Contents List

| <b>Serial</b> | <b>Document</b>   | <b>Flag</b> | <b>Side Flag</b> |
|---------------|---|-------------|------------------|
| (a)           | (b)   | (c)         | (d)              |
| 1             | List of Affected Persons  | J           |                  |
| 2             | Statements by Affected Persons                                  | J           | J1 to J3         |
| 3             | List of Witnesses   | K           |                  |
| 4             | Witness Statements  | K           | K0 to K16        |
| 5             | List of Witness Notices   | L           |                  |
| 6             | List of Exhibits  | M           |                  |
| 7             | Exhibits  | M           | M1 to M11        |
| 8             | List of Annexes   | N           |                  |
| 9             | Annex A – Diary of Events                                       |             | N1               |
| 10            | Annex B – Notice of Suspension or Deferral                      |             | N2               |
| 11            | Annex C – Notices of Approval                                   |             | N3               |
| 12            | Annex D – List of persons who attended the Inquiry              |             | N4               |
| 13            | Annex E – intentionally Blank                                   |             | N5               |
| 14            | Annex F- Intentionally Blank                                    |             | N6               |
| 15            | Annex G- Master Schedule  |             | N7               |
| 16            | Annex H- Electronic Copy of the Report and Record of Proceeding |             | N8               |

**CONVENING AUTHORITY COMMENTS ON THE SERVICE INQUIRY INTO THE DEATH OF 555260 CAPTAIN JA PHILIPPSON 7<sup>TH</sup> PARACHUTE REGIMENT, ROYAL HORSE ARTILLERY (7 Para RHA) WHICH OCCURRED ON 11 JUNE 2006 ON OPERATION HERRICK 4.**

1. **Convening HQ:** HQ 5<sup>th</sup> Div **Commander:** Major General MJ Rutledge OBE
2. **Timelines.**
  - a. Date of Occurrence: 11 June 2006
  - b. Date of Assembly of Inquiry: 19 January 2009
  - c. Date of Inquiry declared Final: 23 October 2009
3. **Affected Persons.** A list of witnesses treated as Affected Persons in accordance with Regulation 18 of the Armed Forces (Service Inquiries) Regulations 2008 is at Flag J. They have they been invited to comment on the Provisional Report and responses are at Side Flag J1 to J3.

The Convening Authority considers that their character or reputation has not actually been affected by the findings. They were treated in accordance with Annex B to Chapter 4 of JSP 832. The findings have not identified any other affected persons or organisations through implication.

4. **Evidence from Foreign Sources.** Mapping was used in the inquiry as evidence at Exhibit M, Side Flag M6, Part 2 (Record of Proceedings) and contains material not owned by the UK and must not be used for litigation purposes or disclosure to the public.
5. **Disciplinary and Administrative Action.** No disciplinary or administrative action was taken against anyone involved in this incident either before or since the inquiry was first convened. There is no requirement to follow-up on administrative action now against any of those involved in the incident.
6. **Conduct of the Panel.** The Panel was not constrained by any factors and it has been thorough and effective in its management of witnesses and administration of proceedings. The Panel has met the TOR. It should be noted that the Panel had a change of President and Panel members after 19 January 2009. The then President (Lieutenant Colonel F 3 ) of the SI identified the need to summon more senior officers as Regulation 18 witnesses and therefore the seniority of the SI President needed to be raised to Brigadier rank. The Convening Order was amended on 17 April 2009 and a new Panel re-assembled on 21 April 2009 to hear evidence.
7. **Findings of the Inquiry.** The key findings of the Service Inquiry are listed below:
  - a. Captain Philippson was adequately trained for his role on Operation HERRICK and, specifically, he was adequately trained and experienced to be able to deploy as part of the QRF.

- b. Command and Control (C2) at the time was complex and was evolving. The C2 of the OMLT was not a contributory factor in the death of Captain Philippson.
- c. The decision to recover the UAV was reasonable given the information available to 5 at the time.
- d. In this early stage of the first deployment into Helmand Province by UK forces, intelligence or information was inevitably limited. The intelligence briefings were being given by 3 PARA BG to 7 Para RHA on what was known at the time.
- e. The decision to deploy the QRF was justified under the circumstances.
- f. There is no evidence that a lack of training, either collective or individual or a lack of equipment, was an issue which directly contributed to the death of Captain Philippson.
- g. Furthermore, given the fact that Captain Philippson died in the initial exchange of fire, additional firepower at this stage would not have prevented Captain Philippson's death.
- h. The QRF was only sufficient for basic force protection tasks and therefore not well equipped to carry out more offensive operations<sup>1</sup>.
- i. Nevertheless the fact that the QRF was able to extract Captain Philippson's body, whilst still under pressure from ACM, and later that same night effect a link up with call sign 74H is evidence that the QRF was adequate for its task, given what was known of the enemy and their capabilities.
- j. The events of the night of 11 Jun 06 reflect considerable credit on those involved, especially 5 who showed both tenacity and courage in persisting with his intent.

The Convening Authority concurs with these findings, although every care must be taken not to take them as stand-alone findings, away from the body of evidence upon which they are built and therefore potentially out of context.

8. **Recommendations of the Inquiry.** The Convening Authority does not agree with the first recommendation of the Panel. In the view of the Convening Authority, this recommendation should read, 'The OMLT role should be based on a formed unit which has conducted appropriate specific collective training in preparation for that role'. The Convening Authority agrees with all other recommendations of the Panel.

9. **Summary.** The Convening Authority notes that this Service Inquiry has been conducted in a most thorough manner. Whilst the investigation has certainly identified areas of weakness in the original establishment of the OMLT; its preparation and training; equipment holdings in theatre and subsequent employment, these are not

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<sup>1</sup> This finding must be taken in context of the evolution of the role of the OMLT. Refer to paragraphs 13f and 13g of the report.

directly germane to the tragic death of Captain Philippon in a confused meeting engagement on the night of 11 June 2006.

I endorse the findings and declare this to be the Final Report. It will now be submitted to HQLF for the SSIC.

L

GOC

Date: 23 October 2009

COMMENTS ON THE CONDUCT OF A BOARD OF INQUIRY INTO THE DEATH OF 555260 CAPT JA PHILIPPSON 7 RHA ON 11 JUN 06

| BIRD REFERENCE | CONVENING AUTHORITY | REVIEWING AUTHORITY |
|----------------|---------------------|---------------------|
| 452            | 5 DIV               | HQ LF - DPS(A)      |

**BRIEF DESCRIPTION OF THE OCCURRENCE**

Capt JA Philippson deployed with 7 Para RHA on OP HERRICK 4 in Mar 06. On the evening of 11 Jun 06 he deployed as part of a Quick Reaction Force (QRF) to assist a patrol which had been ambushed attempting to retrieve an Unmanned Aerial Vehicle (UAV) which had crashed earlier that day. He was killed by a single gunshot wound during the initial engagement of a firefight with Anti-Coalition Militia (ACM) in Sangin, Helmand Province.

**COMMENTS ON THE PROCEEDINGS OF THE PANEL**

This is the second MoD Inquiry into the facts of this matter. The first Board of Inquiry (BoI) assembled in Jan 07 and was completed in Oct 07. Following the public release of this BoI a number of procedural and fairness issues were identified in its conduct, including the failure to treat and name the QRF commander as a Rule 11 witness<sup>1</sup>. To address these procedural and fairness issues it was decided to convene a second inquiry; as a result of a change in MoD policy this type of Inquiry is now a Service Inquiry (SI). The SI restarted in Feb 09, was reconvened in Apr 09 and signed by the Convening Authority on 23 Oct 09. The findings of the second Inquiry represent a slight departure from the first BoI, however these are not of a concerning nature. The main difference being that the second Inquiry is far less critical of the QRF Commander. The SI Panel have made 5 recommendations concerning the formation/structure, training and equipment of the OMLT, as well as the requirement for SOPs and the need for patrols to deploy with all available equipment. The original BoI made 4 recommendations concerning SOPs, the formation/structure of the OMLT, the requirement for the measurement of the capability of infantry kandaks as they progress through the Amber Phase of Continuation Training and the resourcing of the Security Sector Reform (SSR), all have been actioned and closed.

**COMMENTS ON THE FINDINGS OF THE PANEL**

The primary findings of the Panel were that:

1. Capt Philippson was adequately trained for his role on OP HERRICK, and to deploy as part of the QRF.
2. The OMLT were under equipped to carry out offensive operations independently of other UK forces and to adequately protect themselves at FOB ROBINSON.
3. The QRF under command was suitable for its task, given what was known of the enemy and their capabilities.
4. It was not possible to speculate whether additional firepower may have assisted the extraction of the QRF, but as Capt Philippson died in the initial exchange the Panel did not consider that additional firepower would have prevented his death.
5. It was unwise to deploy without BOWMAN, however given the intent to deploy as soon as possible that decision was adequate under the circumstances.
6. The lack of useful information disseminated to the OMLT was not as a result of information not being disseminated, but rather that there was very little useful information to be disclosed.

The findings and opinions of the Panel are supported by the evidence adduced.

**COMMENTS ON THE RECOMMENDATIONS OF THE PANEL**

The SI Panel have made 5 recommendations concerning the formation/structure, training and equipment of the OMLT, as well as the requirement for SOPs and the need for patrols to deploy with all available equipment. These recommendations are now either closed or subject to regular review and updating.

**ADDITIONAL ACTION REQUIRED OF THE PANEL**

Other than to monitor the recommendations, no additional action is required.

SIGNED

42

APPOINTMENT MT GRIFFITHS  
Brig  
DPS(A)

DATE 5 NOV 09

<sup>1</sup> A rule 11 witness is a person who may be affected by the findings of a BoI.



CONVENING ORDER FOR A SERVICE INQUIRY

BY ORDER OF MAJOR GENERAL MJ RUTLEDGE OBE

GENERAL OFFICER COMMANDING 5<sup>th</sup> DIVISION

1. In accordance with Section 343 of the Armed Forces Act 2006 (AFA 2006) a Service Inquiry, composed as understated, is to assemble at Copthorne Barracks, Shrewsbury, 19 Jan 09 to investigate the circumstances surrounding the death of 555260 Captain J Philippson 7 PARA RHA which occurred on 11 June 2006 on Op HERRICK.

2. Composition:

- a. President: Lieutenant Colonel 3
- b. Member: Major 6
- c. Member: Major 4

3. The legal adviser to the inquiry is Colonel 7

4. The Panel is to investigate and report on the circumstances surrounding the death of Captain JA Philippson, recording all relevant evidence and express opinions as directed in the Terms of Reference (TOR) at Annex A, save that the Panel is not to attribute blame, negligence<sup>1</sup> or recommend disciplinary action. The findings, opinions and recommendations are to be cross referenced to the evidence presented in the report.

5. The Officer convening the Service Inquiry directs that the evidence is to be taken on oath or by affirmation, as required, in accordance with Regulation 11 of the Armed Forces (Service Inquiries) Regulations 2008. Any document or other thing produced to the Panel by a witness, for use as evidence, shall be made an exhibit and treated in accordance with Regulation 11 of the Armed Forces (Service Inquiries) Regulations 2008. Documentary evidence is to be attached as an annex to the proceedings, having been signed by the President.

6. Any person to whom Section 343 (3). (c) of the Armed Forces Act 2006 and Regulation 18 of the Armed Forces (Service Inquiries) Regulations 2008 applies and who, in the opinion of the President, may be affected by the finding of the Panel, is to be given notice of the proceedings and given an opportunity of being present and represented at the sittings of the Panel, or at such part as the President (after consulting with the Convening Authority) may specify, in accordance with Regulation 18 (above). The under-mentioned persons are to be afforded such an opportunity.

- a. Colonel 8
- b. Lieutenant Colonel (Retired) 9
- c. Major 10

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<sup>1</sup> See para 1.4 of JSP 832 and Annex B to Chapter 5.

- d. 5
- e. Lieutenant Colonel 11
- f. Capt 12
- g. Capt 13
- h. Capt (Retd) 14

7. The President is to be alert to the possibility that as the Inquiry proceeds evidence may indicate the existence of other persons to whom Section 343(3)(c) of the Armed Forces Act 2006 and Regulation 18 of the Armed Forces (Service Inquiries) Regulations 2008 applies. The President is to ensure that any such person is also to be given the opportunity of being present and represented before the Panel in accordance with Regulation 18. If in any doubt, the President should seek legal advice.

8. In accordance with Regulation 17 of the Armed Forces (Service Inquiries) Regulations 2008, the following observer may attend the Inquiry subject to the following restrictions and any additional conditions imposed by the President:

- a. 15

The President must obtain the consent, and extent of any such consent, of the Convening Authority before permitting any additional persons to be present at the proceedings of the Panel other than as a witness.

9. If it appears to the Panel at any time during the Inquiry that any person may have committed an offence against Service Law, including a civil offence contrary to Section 70 of the Army Act 1955, the President is to immediately adjourn the Inquiry and seek legal advice. The President should also adjourn the Inquiry and seek legal advice should it appear at any stage that there are grounds to raise administrative action under AGAI Vol 2 Ch 67.

10. The Inquiry is to express its opinion with regard to any material conflict in the oral or documentary evidence; which may arise and give reasons for reaching that opinion. Any conflict in the evidence should be determined on the balance of probabilities.

11. The Panel is to hear evidence from Service witnesses outlined below:

- a. Colonel 8
- b. Lieutenant Colonel 11
- c. Major 10
- d. Major 5
- e. Captain 12
- f. Captain 13

- g. Staff Sergeant 16
- h. Warrant Officer Class 2 17
- i. Captain 18
- j. Warrant Officer Class 2 19
- k. Staff Sergeant 20
- l. Staff Sergeant 21
- m. Warrant Officer Class 1 22
- n. Sergeant 23
- o. Warrant Officer Class 2 24
- p. Major 25
- q. Warrant Officer Class 2 26
- r. Sergeant 27
- s. Captain 28
- t. Captain 29
- u. Major 30

12. The Panel is to hear evidence from the civilian witnesses outlined below:

- a. Lieutenant Colonel (Retired) 9
- b. Captain (Retired) 14
- c. 31

13. The Panel may hear evidence from any such other witnesses as it deems appropriate and may dispense with the attendance of any witness if it concludes that the witness evidence will not assist the Inquiry and should explain its reasons for not calling any such witnesses in its findings. The President should note that witness statements taken by the RMP/SIB are not to be disclosed to the Inquiry or entered in as evidence unless the express consent of the witness providing the statement has been given. No statements or interviews conducted after caution may be disclosed to the Inquiry.

14. Special Instructions are to be issued to the President directing his attention to:

- a. Section 343 of the Armed Forces Act 2006
- b. Armed Forces (Services Inquiries) Regulations 2008
- c. LANDSO 3207 (Second Revise)
- d. JSP 832 Guide to Service Inquiries (issued 1 Oct 08)

15. The SO1 G1 HQ 5<sup>th</sup> Division is requested to provide:

- a. A suitable room for the Inquiry.
- b. Typing facilities
- c. A Bible
- d. Copies of the following manuals, fully amended:
  - (1) Manual of Military Law Part 1 (Volumes A and B).
- e. Food/accommodation/transport for all personnel attending the Inquiry.
- f. An NCO to act as Orderly to the Inquiry.

16. The President is required to submit monthly progress reports to the Convening Authority, PS2(A) and PS4(A) in accordance with Appendix 4 to Chapter 2 of Annex G to Chapter 2 of JSP 832 and Paragraph 27h of LFSO 3207.

16. The President is to forward one copy of the record of proceedings to the Convening Authority on completion of the Inquiry.

17. The costs of the Inquiry are to be charged to UIN: A0016A.

  
GOC

Date: 12 January 2009

ANNEX A TO  
HQ 5 DIV SI  
CONVENING  
ORDER  
DATED 12 JAN  
09

**TERMS OF REFERENCE – 555262 CAPT J PHILIPPSON 7 PARA RHA**

1. The Inquiry Panel is to investigate the circumstances surrounding the death of Capt J Philippson on 11 Jun 06 and record all evidence relevant to the Inquiry save that the Inquiry Panel may reach a conclusion as to the cause of death but is not to attribute blame or negligence, nor should it recommend disciplinary action.

2. The Inquiry Panel is to investigate and report and express an opinion, where appropriate on the following matters:

**Background**

a. The series of events (when, where and what happened) leading up to the death of Capt Philippson.

**Capt Philippson**

b. What caused the death of Capt Philippson (with reference to medical evidence and coroner's inquest)?

c. What happened immediately after the death of Capt Philippson including: evacuation of his body, reporting his death through the chain of command and immediate medical treatment to Capt Philippson?

d. Capt Philippson's military background and experience, his training for this deployment and his role whilst deployed in Afghanistan.

**OMLT**

d. Command and control of the OMLT.

e. The role and posture of the OMLT at the time of the incident.

f. Was there an equipment table for the OMLT? Did the OMLT have the equipment referred to in the equipment table? Was any additional equipment requested before the day of the incident? If so when and what was the response?

g. Was the equipment (including communication equipment) utilised by the patrol that went to recover the UAV on 11 Jun 06 sufficient and appropriate for the task?

h. Why was the decision taken to recover the downed UAV on 11 Jun 06 and who took that decision?

i. Was the decision to recover the UAV appropriate in the circumstances?

### **Intelligence**

k. What was the general intelligence picture for the day of the incident?

l. What was known, to those planning and undertaking the deployment of the patrol to recover the UAV? What were they briefed about the general int picture?

### **QRF on 11 Jun 06**

m. What was the composition of the QRF tasked to assist the UAV recovery patrol?

n. The reason for the deployment of the QRF and was this reason justified?

o. Who authorised the deployment of the QRF?

p. Command and control of the QRF immediately prior to and during its deployment.

q. What planning and preparation took place immediately preceding the deployment of the QRF? Was the preparation adequate in the circumstances?

r. What were the SOPs for the OMLT and QRF in relation to the deployment of a QRF? Were these appropriate and sufficient?

s. Was the level of training and were the tactics, techniques and procedures employed by the OMLT and the QRF appropriate to the task?

t. Was the equipment (including communication equipment) utilised by the QRF on the 11 Jun 06 sufficient for its task?

u. The suitability of the QRF for its task on 11 Jun 06.

### **General**

v. Any other matter the President considers being relevant in the prevention of the reoccurrence of the incident.

3. The Inquiry Panel should in reaching its findings consider the Findings of the Inquest into the death of Capt Philippson, any RMP/SIB investigation, the learning accounts in this matter and the evidence given at the first Board of Inquiry which met on 22 Jan 07. In doing so the Inquiry Panel should call or recall any witness it thinks appropriate.

4. The Inquiry Panel should consider 5 letter of 8 May 08 and the OMLT Post Incident report dated 14 Jul 06 so far as the matters raised therein are relevant to the circumstances surrounding the death of Capt Philippson.

5. The Inquiry Panel may wish to consider that the following should be the subject of Regulation 18 of the Armed Forces (Service Inquiries) Regulations 2008: Col 8, Lt Col (Retd) 9, Maj. 5, Maj. 11, Maj. 10, Capt 12, Capt 13, and Capt 14. The Inquiry Panel should throughout the Service Inquiry keep under review those witnesses who should be the subject of R 18.

**AMENDMENT TO THE CONVENING ORDER FOR A SERVICE INQUIRY**

**BY ORDER OF MAJOR GENERAL MJ RUTLEDGE OBE**

**GENERAL OFFICER COMMANDING 5<sup>th</sup> DIVISION**

1. In accordance with Section 343 of the Armed Forces Act 2006 (AFA 2006) a Service Inquiry, composed as understated, is to assemble at Copthorne Barracks, Shrewsbury, 19 Jan 09 to investigate the circumstances surrounding the death of 555260 Captain J Philippson 7 PARA RHA which occurred on 11 June 2006 on Op HERRICK.

2. Composition:

- a. President: Brigadier JJS Bourne-May Comd 143 (WM) Bde
- b. Member: Lieutenant Colonel . 3
- c. Member: Major : 4

3. The legal adviser to the inquiry is Colonel 7

4. The Panel is to investigate and report on the circumstances surrounding the death of Captain JA Philippson, recording all relevant evidence and express opinions as directed in the Terms of Reference (TOR) at Annex A, save that the Panel is not to attribute blame, negligence<sup>1</sup> or recommend disciplinary action. The findings, opinions and recommendations are to be cross referenced to the evidence presented in the report.

5. The Officer convening the Service Inquiry directs that the evidence is to be taken on oath or by affirmation, as required, in accordance with Regulation 11 of the Armed Forces (Service Inquiries) Regulations 2008. Any document or other thing produced to the Panel by a witness, for use as evidence, shall be made an exhibit and treated in accordance with Regulation 11 of the Armed Forces (Service Inquiries) Regulations 2008. Documentary evidence is to be attached as an annex to the proceedings, having been signed by the President.

6. Any person to whom Section 343 (3) (c) of the Armed Forces Act 2006 and Regulation 18 of the Armed Forces (Service Inquiries) Regulations 2008 applies and who, in the opinion of the President, may be affected by the finding of the Panel, is to be given notice of the proceedings and given an opportunity of being present and represented at the sittings of the Panel, or at such part as the President (after consulting with the Convening Authority) may specify, in accordance with Regulation 18 (above). The under-mentioned persons are to be afforded such an opportunity.

- a. Colonel 8
- b. Lieutenant Colonel (Retired) L 9
- c. Major 10

<sup>1</sup> See para 1.4 of JSP 832 and Annex B to Chapter 5.



- d. 5
- e. Lieutenant Colonel 11
- f. Capt 12
- g. Capt 13
- h. Capt (Retd) 14

7. The President is to be alert to the possibility that as the Inquiry proceeds evidence may indicate the existence of other persons to whom Section 343(3)(c) of the Armed Forces Act 2006 and Regulation 18 of the Armed Forces (Service Inquiries) Regulations 2008 applies. The President is to ensure that any such person is also to be given the opportunity of being present and represented before the Panel in accordance with Regulation 18. If in any doubt, the President should seek legal advice.

8. In accordance with Regulation 17 of the Armed Forces (Service Inquiries) Regulations 2008, the following observer may attend the Inquiry subject to the following restrictions and any additional conditions imposed by the President:

- a. 15

The President must obtain the consent, and extent of any such consent, of the Convening Authority before permitting any additional persons to be present at the proceedings of the Panel other than as a witness.

9. If it appears to the Panel at any time during the Inquiry that any person may have committed an offence against Service Law, including a civil offence contrary to Section 70 of the Army Act 1955, the President is to immediately adjourn the Inquiry and seek legal advice. The President should also adjourn the Inquiry and seek legal advice should it appear at any stage that there are grounds to raise administrative action under AGAI Vol 2 Ch 67.

10. The Inquiry is to express its opinion with regard to any material conflict in the oral or documentary evidence, which may arise and give reasons for reaching that opinion. Any conflict in the evidence should be determined on the balance of probabilities.

11. The Panel is to hear evidence from Service witnesses outlined below:

- a. Colonel 8
- b. Lieutenant Colonel 11
- c. Major 10
- d. Major 5
- e. Captain 12
- f. Captain 13

- g. Staff Sergeant 16
- h. Warrant Officer Class 2 17
- i. Captain 18
- j. Warrant Officer Class 2 19
- k. Staff Sergeant 20
- l. Staff Sergeant 21
- m. Warrant Officer Class 1 22
- n. Sergeant 23
- o. Warrant Officer Class 2 24
- p. Major 25
- q. Warrant Officer Class 2 26
- r. Sergeant 27
- s. Captain 28
- t. Captain 29
- u. Major 30

12. The Panel is to hear evidence from the civilian witnesses outlined below:

- a. Lieutenant Colonel (Retired) 9
- b. Captain (Retired) 14
- c. 31

13. The Panel may hear evidence from any such other witnesses as it deems appropriate and may dispense with the attendance of any witness if it concludes that the witness evidence will not assist the Inquiry and should explain its reasons for not calling any such witnesses in its findings. The President should note that witness statements taken by the RMP/SIB are not to be disclosed to the Inquiry or entered in as evidence unless the express consent of the witness providing the statement has been given. No statements or interviews conducted after caution may be disclosed to the Inquiry.

14. Special Instructions are to be issued to the President directing his attention to:

- a. Section 343 of the Armed Forces Act 2006
- b. Armed Forces (Services Inquiries) Regulations 2008
- c. LANDSO 3207 (Second Revise)
- d. JSP 832 Guide to Service Inquiries (issued 1 Oct 08)

15. The SO1 G1 HQ 5<sup>th</sup> Division is requested to provide:

- a. A suitable room for the Inquiry.
- b. Typing facilities
- c. A Bible
- d. Copies of the following manuals, fully amended:
  - (1) Manual of Military Law Part 1 (Volumes A and B).
- e. Food/accommodation/transport for all personnel attending the Inquiry.
- f. An NCO to act as Orderly to the Inquiry.

16. The President is required to submit monthly progress reports to the Convening Authority, PS2(A) and PS4(A) in accordance with Appendix 4 to Chapter 2 of Annex G to Chapter 2 of JSP 832 and Paragraph 27h of LFSO 3207.

16. The President is to forward one copy of the record of proceedings to the Convening Authority on completion of the Inquiry.

17. The costs of the Inquiry are to be charged to UIN: A0016A.

**L**

GOC

Date: 17 April 2009

## THE REPORT

1. The Panel, consisting of Lieutenant Colonel [redacted] 3  
Major [redacted] 6 and Major [redacted] 4, assembled at  
Cophthorne Barracks, Shrewsbury on 19 January 2009 by order of Major General  
Rutledge OBE, General Officer Commanding 5<sup>th</sup> Division, for the purpose of  
investigating the circumstances surrounding the death of 555260 Captain JA  
Philippson, 7<sup>th</sup> Parachute Regiment, Royal Horse Artillery (7 Para RHA) which  
occurred on 11 June 2006 on Operation HERRICK 4.

2. By order of Major General MJ Rutledge OBE, General Officer Commanding 5<sup>th</sup>  
Division dated 17 April 2009, the Panel re-assembled at Cophthorne Barracks,  
Shrewsbury on 21 April 2009 amended as follows:

PRESIDENT: Brigadier JJS Bourne-May Commander 143 (WM) Brigade

MEMBERS: Lieutenant Colonel [redacted] 3  
Major [redacted] 4

3. The following military personnel were in attendance during part of the  
proceedings in accordance with Regulation 18 of the Armed Forces (Service  
Inquiries) Regulations 2008:

513903 Colonel [redacted] 8  
520682 Lieutenant Colonel [redacted] 11  
539403 Major [redacted] 5  
559932 Captain [redacted] 13

They were unrepresented.

4. The following military personnel were identified in accordance with Regulation  
18 of the Armed Forces (Service Inquiries) Regulations 2008, but were not called to  
give evidence and did not elect to attend any part of the proceedings as the Panel, in  
the light of other evidence heard, did not consider it necessary to hear oral evidence  
from them:

543982 Major [redacted] 10  
552151 Captain [redacted] 12

5. The following civilian persons were in attendance during part of the proceedings  
in accordance with Regulation 18 of the Armed Forces (Service Inquiries)  
Regulations 2008:

[redacted] 9

[redacted] 14

They were unrepresented.

6. The following military personnel were called as witnesses:

Major 28  
Captain 18  
Warrant Officer Class I 22  
the tir  
Warrant Officer Class II 16  
Colour Serjeant 21  
Sergeant 27  
Sergeant 23

7. The following civilian persons were called as witnesses:

31  
32

8. The following military witnesses included in the Convening Order were not called to give evidence, as the Panel, in the light of other evidence heard, did not consider it necessary to hear oral evidence from them:

Major 29  
Major 30  
Major 25  
Warrant Officer Class I 17  
Warrant Officer Class II 19  
Warrant Officer Class II 24  
Warrant Officer Class II 26  
Staff Sergeant 20

9. The following person was permitted to attend part of the proceedings in accordance with Regulation 17 of the Armed Forces (Service Inquiries) Regulations 2008:

15

10. The Service Inquiry assembled pursuant to the Convening Order. The Panel considered the evidence obtained by a previous Board of Inquiry (BOI) into the death of Captain JA Philippson, but did not rely on the findings of that BOI. In addition, the Panel considered a letter by 5 dated 8 May 2008 and is satisfied that much of its content related to the BOI proceedings and it was not the role of this Inquiry to review the previous proceedings.

11. The findings, opinions and the recommendations of the Service Inquiry on the circumstances surrounding the death of 555260 Captain JA Philippson, 7 Para RHA which occurred on 11 June 2006 on Operation HERRICK are contained at Flag G to Flag H.

## FINDINGS AND OPINIONS OF THE SERVICE INQUIRY

12. **Background.** Operation HERRICK 4 occurred between March and October 2006, and was the first deployment of UK Forces into Helmand Province, Southern Afghanistan. 16 Air Assault Brigade formed the basis of the United Kingdom (UK) deployment, and provided the force elements of Helmand Task Force (HTF) under the command of Regional Command (South). As part of this deployment, 7 Para RHA provided an Operational Mentoring and Liaison Team (OMLT) to 3/205 Afghan National Army (ANA) Brigade. The 7 Para RHA OMLT was responsible for mentoring three Infantry Battalions, one Combat Support (CS) Battalion and one Combat Service Support (CSS) Battalion. In addition, 7 Para RHA commanded the Bastion Battle Group and provided offensive support to 3<sup>rd</sup> Battalion, The Parachute Regiment (3 PARA) Battle Group (BG).

13. The Service Inquiry (hitherto referred to as the Panel) has investigated and established the facts for the following matters:

**a. The series of events (when, where and what happened) leading up to the death of Captain Philippon.**

Captain Philippon deployed on Operation HERRICK 4 in March 2006 as part of 7 Para RHA. He was initially based at Camp Bastion as the J1 Mentor at the OMLT Headquarters. On or around 5 June 2006, he deployed to Forward Operating Base (FOB) Robinson, near Sangin, which was the location of 1/3/205 Infantry Kandak (Battalion) ANA and its supporting OMLT.

On 11 June 2006, at approximately 1656 hours, it was reported that an Unmanned Aerial Vehicle (UAV) had crashed in the area of Grid Reference PR 70276 46005, South West of Sangin. A routine patrol, callsign 74H, from FOB Robinson was re-tasked from its original mission to recover the UAV and deployed from FOB Robinson at 1806 hours. At 1936 hours, callsign 74H reported to FOB Robinson Operations Room that they had not been able to retrieve the UAV and were returning to the FOB. On the return journey, callsign 74H was ambushed in the area of Grid Reference PR 718 473 by an unknown number of Anti Coalition Militia (ACM) armed with automatic weapons and Rocket Propelled Grenades (RPG). A contact report was sent at 2012 hours.

Callsign 74H returned fire and attempted to extract from the killing area. It was unable to do so initially due to the heavy weight of ACM fire; it was effectively pinned down. As a consequence it called for assistance. At 2027 hours, callsign 74H reported that they had sustained a casualty. At 2125 hours callsign 74H reported that it had deployed into all round defence as it had experienced numerous problems with its vehicles including a "fuel leak, blown tyres and a vehicle bogged in".

According to the Radio Log from FOB Robinson at **Exhibit M1(27)**, following the initial contact report, at 2015 hours callsign 74H were informed that the Quick Reaction Force (QRF) were "en route". From this the Panel conclude that at 2015 hours the QRF was preparing to

### References

K2 (p. 17)

K2 (p.22-24)

M1(AA)  
M1(O)  
M6

K5  
K6 (p.91-92)  
D-H)

M1(AA)

set out but had not yet deployed.

5 issued Quick Battle Orders (QBOs) and the QRF deployed under his command. There is no evidence in the radio log to confirm the time when the QRF deployed, but 5 suggests it would have taken about eighteen minutes from the initial request for assistance. The QRF (callsign 74J) deployed with the intention of linking up with and reinforcing callsign 74H. Captain Philipponson deployed as part of the QRF.

The QRF initially moved North along Route 611 seeking an approach to callsign 74H from the East. Having been unable to identify a suitable route, the QRF turned around, moved South, and then turned West onto a track in the proximity of an Afghan National Police (ANP) station (Grid Reference PR 738 483). Having progressed as far as they were able by vehicle, the QRF dismounted and continued on foot. At this stage, the track was narrow with an open drainage ditch to the left and beyond that a compound wall, with vegetation and fields to the right. Whilst there was a full moon, visibility had become more restricted due to the close nature of the surrounding country.

Approximately 600 metres from where they had dismounted, the QRF became aware of a number of unknown males approximately 200 metres to their North. The patrol also stopped a male on a motorbike, who was questioned and handed over to the accompanying ANA. The patrol continued to push on towards where it believed callsign 74H to be located. Subsequently, the forward element of the QRF stopped on hearing voices to its front. 5, using his weapon optics, identified a group of armed men approaching the patrol from the West. He relayed this information to the patrol via Personal Role Radio (PRR). On hearing this Sergeant 23, using his Common Weapon Sight (CWS), an image intensifier and night vision aid, describes seeing twelve to fifteen men carrying small arm weapons slung over their shoulders.

5 patrol commander and the lead man in the order of march (OOM), issued a verbal challenge which was followed by an almost simultaneous exchange of fire between the two groups. It was at this point, in the initial exchange, that Captain Philipponson received a fatal gunshot wound to the head. According to the Serious Incident Report compiled by 5 and Captain 13 on 13 June 2006 at Exhibit M1(4), the contact took place at 2159 hours.

**b. What caused the death of Captain Philipponson (with reference to medical evidence and coroner's inquest)?**

The Post Mortem was conducted by 33, on 17 June 2006. The cause of death as stated in the Post Mortem Report was "Gunshot Wound to the Head". The report is at Exhibit M1(1m).

The Forensic Report of 34, at Exhibit M1(1l) states that the wound was consistent with a .30 calibre projectile, such as that from a 7.62mm

K3 (p.56 C-D)  
M1(AA)  
M1(O)

K3  
M6

K14 (p.160 E-H)

M1(O)

M1(M)

M1(L)

calibre weapon.

The verdict of Her Majesty's Assistant Deputy Coroner, Andrew Walker, on 15 February 2008 was that Captain Philippson was "unlawfully killed".

M11 (p.79)

**c. What happened immediately after the death of Captain Philippson including: evacuation of his body, reporting his death through the chain of command and immediate medical treatment to Captain Philippson?**

At the initial exchange of fire, the forward elements of the QRF took cover in the drainage ditch to the left of the track. No witnesses saw Captain Philippson being shot, but it was at this point that his body was heard to fall into the ditch. Captain ~~14~~ turned to render assistance, but it quickly became apparent to him that Captain Philippson was dead. Lance Corporal ~~31~~ also moved to assist Captain Philippson with a first field dressing, but as it was also clear to him that this was not required, no medical treatment was administered.

K10 (p.128)  
K12

~~5~~ moved back to the casualty to assess the situation. The forward element of the QRF continued to engage the enemy from the ditch. According to evidence from Warrant Officer Class 2 (WO2) ~~22~~, Serjeant ~~21~~ and Serjeant ~~23~~, the patrol had been in a linear formation and had taken cover in a ditch. Subsequently, only some of the forward element had a clear arc of fire. At this stage, WO2 ~~22~~ called for the GPMG<sup>1</sup> gunner, Serjeant ~~20~~ Parachute Squadron, Royal Engineers (51 Para Sqn RE), who was further back in the OOM, to come forward to provide covering fire.

K9 (p.115)  
K11 (p.135-137)  
K14  
M1(F)

~~5~~ made the decision to evacuate Captain Philippson's body and withdraw from the contact area and issued QBOs to this effect over the PRR. Forward elements of the patrol continued to return fire and other elements of the patrol began to extract the body. At this stage of the engagement, the patrol was taking heavy fire and believed that they were being outflanked by the enemy to the South. It was at this point that PRRs became inoperable, which the patrol believed to be as a result of jamming. Subsequently, a red phosphorus grenade was thrown by Serjeant ~~21~~ which enabled the patrol to extract from the contact area. During this time it became apparent to the patrol that the ANA element had withdrawn.

The evacuation of Captain Philippson's body was a challenging, arduous and dangerous task. Due to the weight of enemy fire, members of the QRF had to extract themselves and the body via the ditch in which they had taken cover. This necessitated pushing the body through a narrow culvert which could only be done after removing Captain Philippson's Osprey body armour. This having been achieved, the extraction continued along the ditch until it was deemed safe enough to continue on the track. Despite a quick search, it was not possible to locate Captain Philippson's personal weapon, helmet and

K3 (p.68)

M1(O)

<sup>1</sup> GPMG - General Purpose Machine Gun.



body armour and these items of equipment remained in the initial contact area. After considerable difficulty and effort, the body was recovered to the parked vehicles in the area of the ANP station where the QRF had dismounted. Captain Philipppson's body was taken to the Medical Officer, Captain 35 who confirmed that Captain Philipppson was dead. The body was placed in the rear of a United States (US) vehicle and transported to FOB Robinson.

M1(K)

According to the radio log at FOB Robinson, Captain Philipppson's death was reported at 2214 hours on 11 June 2006.

M1(AA)

**d. Captain Philipppson's military background and experience, his training for this deployment and his role whilst deployed in Afghanistan.**

555260 Captain JA Philipppson was commissioned from the Royal Military Academy, Sandhurst on 14 December 2001<sup>2</sup>. He had served with 29<sup>th</sup> Commando Regiment, Royal Artillery, had operational experience on Operation TELIC and had also served in the Falkland Islands. He had recently joined 7 Para RHA prior to deployment on Operation HERRICK 4.

K2 (p.23)  
K15

Captain Philipppson had completed his mandatory ITDs<sup>3</sup>. As part of 7 Para RHA he completed Pre-Deployment Training (see paragraph 12s).

M10  
M1(R)

In his role as J1 Mentor to 3/205 ANA Brigade, Captain Philipppson was responsible for managing the Afghan interpreters and dealing with their pay. His role demanded that he was based in Camp Bastion and the neighbouring Camp Tombstone, but it is apparent that he wanted to gain more experience outside Camp Bastion. He was given the opportunity to accompany a convoy to FOB Robinson, which was in part related to his J1 role, but was also seen as an opportunity for him to visit the forward area. Captain Philipppson remained at FOB Robinson and the evidence of both Major 11 and 5 was that they were happy for Captain Philipppson to stay at that location. He was considered by 5 to be an asset.

K2 (p.22)  
K3 (p.37)

The Panel consider that Captain Philipppson was adequately trained for his role on Operation HERRICK and, specifically, that he was adequately trained and experienced to be able to deploy as part of the QRF.

**e. Command and Control of the OMLT.**

The Command and Control diagram at **Exhibit M3**, annotates the multi-national command structure at the time of the incident. The OMLT had three separate chains of command. For operational matters, they reported to Colonel 8, who directed the overall activities of the OMLTs. The other two chains of command comprised Regional Commander

M3  
K1  
K2 (p.18,C-E)

<sup>2</sup> Army List 2005, Part III Biographical. Page 522.

<sup>3</sup> Individual Training Directives, now known as Mandatory Army Training Tests (MATTs).

Advisory Group (South) and the ANA 3/205 Brigade.

Lieutenant Colonel 9

was also CO of the OMLT. CO 7 Para RHA was subordinate to Commander HTF with regard to OMLT activities. As such he was the link between HTF and the OMLT on the ground. In this capacity, he provided a monitoring HQ for any OMLT activity on the ground, but did not execute tactical command outside Camp Tombstone as this task fell to the Joint Operations Cell (JOC) of 3 PARA BG which was responsible for the battle space in the Sangin area in which the OMLT operated. Major 11 was Second in Command of 7 Para RHA and therefore dual roled as the Chief of Staff (COS) OMLT.

K15

5 commanded the Infantry OMLT at FOB Robinson and exercised day to day tactical control of their activities answering to CO 7 Para RHA. In addition, he had a link to a US Embedded Training Team (ETT), the ANA chain of command and to the JOC of 3 PARA BG. There were also other groupings at FOB Robinson which varied, but included at the time of the incident a Gurkha Platoon, UAV Troop, a reconnaissance troop from 51 Para Sqn RE and a detachment of light guns from I Battery, 7 Para RHA. While 5 had no direct command authority over these elements, he had tactical control over them as the Officer Commanding (OC) of FOB Robinson.

K3

The Panel acknowledges that whilst the command and control of the OMLT at this time was clearly complex, a fact repeatedly asserted by Colonel 8, Lieutenant Colonel 9, Major 11 and 5, this reflected the evolving nature of the operation. However, the Panel found that the command and control structure between 5 and Lieutenant Colonel 9 was more straightforward. It is the Panel's view that the command and control of the OMLT was not a contributory factor in the death of Captain Philippon.

**f. The role and posture of the OMLT at the time of the incident.**

In addressing the role of the OMLT at the time of the incident, the Panel found it necessary to examine how the role had been envisaged from the start of the deployment of Operation HERRICK 4. The Preliminary Operations FRAGO<sup>4</sup> 10 (as at 7 April 2006) at **Exhibit M1(9)** stated that the OMLTs were "small teams of experienced Officers and NCOs that will coach and mentor the ANA units to which they are attached as well as provide the conduit for liaison and command and control". It further states that as the OMLTs' role will change to "liaison, facilitation and coordination of joint operational employment planning and execution" as the ANA becomes more capable.

M1(Q)

Major 11 produced to the Panel a copy of a presentation on the role of the OMLT at **Exhibit M4**, which had been given to Commander International Stabilisation Force (COMISAF) on 10 June 2006. This presentation described the role of the OMLT as to "train, mentor and

M4

<sup>4</sup> FRAGO-Fragmentary Order

enable all 3/205 ANA Brigade activity in order to set conditions for the ANA Brigade to continue to become, over time, self sufficient". At FOB Robinson, the Infantry OMLT's task was to train and mentor the 1<sup>st</sup> Battalion of 3/205 ANA Brigade. This also involved conducting reassurance patrols with the ANA in the local area accompanied by UK forces, with elements of the OMLT providing liaison between the two.

At the time of the incident, the posture of the OMLT was largely defensive in nature, with patrols outside the camp perimeter focussed on activities such as the investigation of suspicious activity in the local area, base plate protection around the area of FOB Robinson, resupply and liaison with the ANP. Both Major *11* and *5* described the 3/205 ANA Brigade as "nascent" and the ANA at the time as being only fit for holding the FOB and guarding itself. Whilst aware that he was not able to fulfil his commander's intent, *5* said he was limited in what he felt he could achieve due to lack of manpower and the ANA's capabilities.

K3 (p.34 F-H)

**g. Was there an equipment table for the OMLT? Did the OMLT have the equipment referred to in the equipment table? Was any additional equipment requested before the day of the incident? If so when and what was the response?**

There was no established equipment table for the OMLT when they deployed. While the OMLT was based on 7 Para RHA, a Light Gun Regiment, it also comprised a number of Individual Augmentees (IAs) who had been trawled from across the Army and were equipped with their own personal scalings. There was therefore no bespoke equipment table.

L3 (p.21, B-D)

Prior to deploying on Operation HERRICK, Major *35* a Battery Commander with 7 Para RHA, wrote a document entitled Force Generation issues for OMLT. On the equipment side, he recommended that five to six WMIKs<sup>5</sup> should be made available to the OMLT. Major *11* stated that they received an uplift of four WMIKs in theatre.

M1(S)

On 2 May 2006, Major *11* wrote a review of the OMLT role, structure and establishment based on their experience of being in theatre. This highlighted, in his opinion, that the OMLT's inability to provide integral force protection was an issue of concern. Specifically, he stated that the OMLT required up-armoured vehicles ("mission critical") and night vision ("essential"). At Annex E of this review he produced a suggested Operational Equipment Table (OET), which included recommendations for up-armoured vehicles; WMIK; .50 calibre HMG; UGL; LMG<sup>6</sup>; GPMG; CWS and head mounted night vision equipment. Major *11* evidence was that this equipment had not been provided by the time of the incident on 11 June 2006.

M1(T)

<sup>5</sup> WMIK – Weapons Mounted Installation Kit

<sup>6</sup> UGL- Underslung Grenade Launcher; HMG - Heavy Machine Gun; LMG - Light Machine Gun.

On 10 June 2006, Major ' 11 highlighted a shortfall of firepower and night vision equipment during a presentation to COMISAF<sup>7</sup>.

M4

' 5 also submitted a number of requests for equipment in his Situation Reports (SITREPs). For example, in his SITREP of 8 June 2006 he stated that night vision equipment was "urgently required" and that his main concern was "extant OMLT mission critical equipment". He had not received any enhancements as a result of these requests prior to 11 June 2006.

M1(Y)

**h. Was the equipment (including communication equipment) utilised by the patrol that went to recover the UAV on 11 Jun 06 sufficient and appropriate for the task?**

There were three elements of the patrol tasked to recover the UAV. The first element comprised twelve men from 2<sup>nd</sup> Battalion, The Royal Gurkha Rifles (2 RGR) mounted in three SNATCH Land Rover vehicles equipped with rifles, four LSWs<sup>8</sup>, two LMGs and an unspecified number of UGLs.

K5 (p.86-7)

The second element consisted of four members of the OMLT deployed in a WMIK Land Rover equipped with two GPMGs. Four members from the UAV Troop were deployed in another SNATCH vehicle and were equipped with rifles and one LSW.

K6  
K7 (p.99)

The third element of the patrol comprised twelve ANA soldiers mounted in two ANA Light Transport Vehicles (LTV) and it is not clear what equipment they had.

Communications equipment included both BOWMAN<sup>9</sup> and PRR. These communications systems enabled Sergeant ' 16 to call for indirect fire support and request the deployment of the QRF.

This was a planned patrol<sup>10</sup> consisting of approximately eighteen UK soldiers, including Gurkhas and OMLT personnel, together with ANA. Although it was apparent that the patrol was re-tasked at short notice, it deployed at 1806 hours and was expected to return to FOB Robinson before last light. There was no intelligence to suggest that the area of the downed UAV was particularly hazardous. The patrol was equipped with a number of night vision aids<sup>11</sup>. It is not known what night vision aids the Gurkhas carried.

K6 (p.90)

M1(AA)

It is the opinion of the Panel that, given the task and the intelligence picture at the time, callsign 74H was adequately equipped in terms of vehicles, fire power and communications. In addition to the equipment carried, callsign 74H called in artillery fire which was effective in

M11 (p.22-23)

K6 (p.93)

<sup>7</sup> Commander International Security and Assistance Force

<sup>8</sup> LSW – Light Support Weapon.

<sup>9</sup> BOWMAN – Combat Net Radio System.

<sup>10</sup> The Panel heard evidence from Sergeant ' 27 that this was not a re-tasked planned patrol.

However, the Panel found on the balance of probabilities that this was a re-tasked patrol based on the weight of other evidence, particularly that of Sergeant ' 16

<sup>11</sup> Sergeant ' 16 stated that the OMLT personnel had two CWSs.

suppressing the ACM for a short while.

**i. Why was the decision taken to recover the downed UAV on 11 Jun 06 and who took that decision?**

At 1656 hours, the OC of the UAV Troop, WO2 32 reported to Captain 13 the Operations Officer at FOB Robinson, that a UAV had crashed at GRID PR 70276 46005. WO2 32 recommended that the UAV should be recovered. The policy for recovering downed UAVs was that wherever possible attempts should be made to recover aircraft but this should not be attempted if there was risk to life.

K3  
M1(AA)

M1(Z)  
K7

The decision to recover the UAV was taken by 5. The basis for his decision, as given in his evidence, was that he had assessed that there was little risk to the patrol. In his view, the main area of threat was to the centre of Sangin and the northern approaches and therefore he stated that he had "no qualms" about re-tasking a planned reassurance patrol into the area to the west of Sangin. This had the additional advantage of providing some presence on the ground in an area about which they had little information.

K3 (p.39 )

K3 (p.60 F)

**j. Was the decision to recover the UAV appropriate in the circumstances?**

It is the opinion of the Panel that the decision to recover the UAV was reasonable given the information available to 5 at the time. The Panel note that Lieutenant Colonel 9 expressed in his evidence that he had been surprised to hear that the patrol was in that area to recover a UAV. However, he accepted that it was 5 decision to make as the commander on the ground.

K15

**k. What was the general intelligence picture for the day of the incident?**

The Panel notes that personnel at FOB Robinson had made repeated requests for more intelligence and stated that this had not been forthcoming. Therefore, in answering this TOR, the Panel looked at what the intelligence picture was for the day of the incident from the perspective of those at FOB Robinson and also at 3 PARA BG HQ.

K9  
M1(Y)

3 PARA BG Intelligence Officer stated that there was little intelligence available generally for the area concerned. The overall intelligence picture he described was that Sangin town was a central hub for ACM activity and that the town and its surrounding area were home to a number of Taliban fighters. He assessed the threat to be severe, but also said that the detailed intelligence they had at the time was limited. In relation to the area of FOB Robinson specifically, Captain 28 stated that the intelligence picture was in a stage of development. In areas where there had been no major Coalition Force deployment there was little information on ACM activity.

K9  
M7(SECRET)

From the OMLT perspective, it is clear that they were very conscious of the general threat posed by ACM. However, WO2 22 who had assumed the role of Intelligence Officer at FOB Robinson, stated

K9 (p.109-111)

that there were no combat indicators to suggest to him that anything untoward was about to happen on 11 June 2006, although he had remarked on the night of 11 June 2006 that it was a full moon which the Taliban might use to their advantage. WO2 22 also stated that they had often received information from the ANP to suggest that they were under imminent threat, although that threat had never materialised.

On the basis of the evidence from 3 PARA BG Intelligence Officer, WO2 22 and 5 at FOB Robinson, the Panel concludes that the general intelligence picture was that the threat to Coalition Forces was severe, but that there was no specific information relating to the Sangin area on the day of the incident.

K8 (p.106)

The Panel concludes that, in this early stage of the first deployment into Helmand Province by UK forces, intelligence or information was inevitably limited. This situation understandably led to frustrations amongst the OMLT.

The Panel is satisfied that intelligence briefings were being given by 3 PARA BG to 7 Para RHA on what was known at the time. The Panel found no evidence to suggest that available intelligence was being withheld.

**l. What was known, to those planning and undertaking the deployment of the patrol to recover the UAV? What were they briefed about the general intelligence picture?**

It would appear that there was no specific intelligence brief given to the patrol tasked to recover the UAV prior to them deploying on the ground. Given the paucity of the intelligence known at the time, this is perhaps understandable. Indeed, the purpose of the UAV flight was to gather intelligence about the area and pattern of life in the location of the ferry crossing. Sergeant 16 stated that they had been on the ground before and were familiar with Route 611, but had not been that far West previously. The general view appears to have been that although the area was not benign, there had been few major incidents up until the events of 11 June 2006.

K5

K6 (p.9,D-F)

K9 (p.113 F-H)

It is worthy of note that, when information was received that there were fifty Taliban massing in the centre of Sangin, this was passed on in a timely manner to the patrol on the ground.

**m. What was the composition of the QRF tasked to assist the UAV recovery patrol?**

Patrol flap sheets were not completed prior to the deployment of the QRF. Therefore, the Panel has compiled the composition of the QRF from witness statements and Exhibits M1(4) and M1(28).

M(O)  
M1(BB)

The QRF, of approximately forty to fifty personnel<sup>12</sup>, was 5

<sup>12</sup> 5 estimated that the QRF consisted of approximately fifty people (L3 p.58 H).

<sup>13</sup> HUMV - High Mobility Multipurpose Wheeled Vehicle.

by 5. It comprised two US HUMV<sup>13</sup> vehicles, two WMIK Land Rovers, three SNATCH Land Rovers and approximately eighteen to twenty ANA mounted in three LTVs.

The Panel has ascertained that the following individuals deployed as part of the QRF:

5, Captain 14, Sergeant 23; WO2 22;  
WO1 17; WO2 24; Sergeant 21; Gunner 37  
Gunner 38<sup>14</sup>; Captain 38; Lance Corporal  
31; Captain 18; Sergeant 20; Sergeant 39;  
Sergeant 19; and Lance Corporal 40.

Witness evidence as to the number of US personnel who deployed ranges from estimates of two to four individuals, which is reasonable as two US HUMV vehicles took part in the deployment. One HUMV became entangled in some barbed wire prior to leaving camp and was therefore not able to deploy with the main body of the QRF.

Once the QRF deployed on foot, it was divided into three sections; the first comprising mainly of OMLT personnel; the second comprising mainly of 51 Para Sqn RE personnel and the third comprising ANA.

The equipment, including weapons and communications, taken on the QRF is annotated below (see paragraph 12t).

**n. The reason for the deployment of the QRF and was this reason justified? (see paragraph 12o).**

**o. Who authorised the deployment of the QRF?**

The QRF was requested by callsign 74H which was engaged in a contact with enemy forces. 5 took the decision to deploy the QRF. He told the Panel that in his view the position of callsign 74H was "extremely tenuous". From FOB Robinson, 5 could physically observe the contact area and therefore was able to make a reasonable assessment of the situation. He could see a heavy weight of fire including small arms tracer and RPG rounds being fired and was of the view that the enemy must have been in some strength to take on what he thought was a reasonably sized patrol. He was aware that callsign 74H had its back to the Sangin river.

5 was able to muster a force of approximately forty to fifty men. He explained to the Panel that his plan was predicated on the assumption that movement in and out of FOB Robinson was regularly observed and reported to enemy forces. Therefore, a show of strength in the form of a sizeable QRF deploying might have the effect of distracting the enemy forces in contact with callsign 74H. In addition, his plan involved proceeding along a route with which he was familiar, via the ANP station which he thought to be friendly. The evidence from the radio log indicates that 5 is likely to have been aware

M1(A-K)  
M1(O)  
M1(BB)

K3 (p.43 D-H)

M1(AA)

<sup>14</sup> \* Indicates those personnel who remained with the vehicles and did not deploy on foot.

before he deployed that callsign 74H had sustained a casualty<sup>15</sup>, but would not have been aware of the problems that the callsign had experienced with its vehicles<sup>16</sup>. It was evident to him that, from the requests received and his assessment of the situation, callsign 74H required assistance and therefore to do nothing was not an option. Whilst [redacted] hoped that the Helmand Reaction Force (HRF) would also deploy in support of callsign 74H, it was clear from his evidence that he determined to deploy as soon as possible.

K3 (p.64 D)

Accordingly, given these factors, in the view of the Panel the decision to deploy the QRF was justified under the circumstances.

**p. Command and Control of the QRF immediately prior to and during its deployment.**

The command and control of the QRF on the ground was exercised by [redacted] throughout. He made this decision based on his confidence in Captain [redacted] ability to run the Operations Room in his absence. He also did so to ensure and encourage ANA participation in the QRF, especially as the ANA Kandak commander, Col [redacted] was deploying with his ANA contingent. In the Panel's view, [redacted] decision to deploy with the QRF, under the circumstances, was entirely reasonable.

K3 (p.41 B-E)

With regard to command and control at the next level up, the Panel heard evidence that there were communications between FOB Robinson and the JOC at Camp Bastion. However, the Panel was unable to ascertain the exact nature of any information passed between the two. Nonetheless, the JOC did organise Casualty Evacuation (CASEVAC) using the Medical Emergency Response Team (MERT) and aviation assets in support of callsign 74H. In addition, Lieutenant Colonel [redacted] was called into the JOC to be briefed on the situation and was therefore able to follow events on the ground. It was clear that he was in communication with Captain [redacted] at FOB Robinson using a satellite phone.

K4  
K15

**q. What planning and preparation took place immediately preceding the deployment of the QRF? Was the preparation adequate in the circumstances?**

[redacted] issued QBOs and ensured that medical staff and interpreters deployed with the patrol. He also approached the ANA to request manpower to support the QRF.

[redacted] conducted a map appreciation. His plan was to link up with callsign 74H by vehicle and as result he intended to deploy North, initially along Route 611, via the ANP station which at the time was considered to be friendly. While he recognised there was a risk of following the same route as the one previously taken by callsign 74H, he explained that choosing any other route would have added another hour to their deployment. His plan was to approach from the East as

K3 (p.46 E-G)

<sup>15</sup> 2027 hours, casualty (T1 or T2) reported by callsign 74H – radio log (Exhibit 27).

<sup>16</sup> 2125 hours, callsign 74H report difficulties with vehicles – radio log (Exhibit 27).



he had received information from call sign 74H not to approach from the South.

The assembled QRF was briefed collectively. The Panel heard sufficient evidence to be satisfied that the QRF was adequately briefed on the situation and the plan to link up with call sign 74H. Personnel were allocated to vehicles and an OOM given. Patrol flap sheets were not completed prior to the deployment of the QRF, which was accepted by [redacted] as an oversight, but his priority was to deploy quickly.

A communications check was conducted on PRR. At this stage [redacted] realised that BOWMAN had not been fitted in the vehicles. Staff Sergeant [redacted] the communications officer, states in his evidence, that on call out of the QRF, he had gone to the container where the BOWMAN equipment was stored in order to prepare it for issue. He then waited for it to be collected by members of the QRF. No one came to collect the BOWMAN equipment, with the result that [redacted], on discovering that it had not yet been fitted, took the decision to deploy without it. [redacted] accepts that in retrospect this may have been a mistake, but he took this decision as his priority at the time was speed.

It is the view of the Panel that, for the sake of a few extra minutes, this decision was unwise as it limited the communications options once the QRF were deployed on the ground. However, given that the intent was to deploy the QRF as soon as possible, the Panel is satisfied that generally the overall preparation was adequate under the circumstances.

The Panel finds no evidence that the decision to deploy without BOWMAN contributed to Captain Philippson's death.

**r. What were the SOPs for the OMLT and QRF in relation to the deployment of the QRF? Were these appropriate and sufficient?**

In the event of a call out, the QRF Standard Operating Procedures (SOPs) required all available manpower to muster with their personal weapons and equipment at a central location and to be prepared for tasking as required.

These SOPs were not written. According to [redacted] evidence the reason for this was that procedures were constantly evolving and being developed. The Panel is satisfied that 'actions on' were well understood by personnel in FOB Robinson and that new arrivals were adequately briefed. This was confirmed by the 51 Para Sqn RE personnel who had only just arrived at FOB Robinson and were aware that they needed to muster in the compound. The OMLT personnel, who provided continuity in the FOB, had "crash packs" prepared and were aware of the vehicle allocation and the set OOM. Other 'temporary' personnel were left to fill available spaces in vehicles as required. This meant that personnel were not necessarily grouped together with others from their own unit, as evidenced by Lance Corporal [redacted] 51 Para Sqn RE, who found himself in the first Land

M1(P)  
K3 (p.53, F-H)

K3 (p.41-2 H-C)

K13 (p.151 C-G)  
K12 (p.142)

Rover WMIK with OMLT personnel he did not know.

The Panel believe that it may have been preferable to have had some form of written SOP, however simple, bearing in mind the continual turnover of troops at FOB Robinson. That said, the Panel accepts the 'actions on' to deploy the QRF were as good as they could be under the circumstances and were commonly understood within the FOB.

**s. Was the level of training and were the tactics, techniques and procedures employed by the OMLT and the QRF appropriate to the task?**

Training for OMLT personnel prior to deployment comprised a three week package consisting of special to role mentor training, followed by a basic skills package (ITD training and contact drills) and a four day Operations and Training Advisory Group (OPTAG) package. The training package assumed a level of experience and inherent skills amongst OMLT personnel commensurate with their rank, and as such the special to role training was focussed on delivering specific skills demanded by the need to operate as small independent teams.

M1(R)

In the opinion of Lieutenant Colonel 9, Major 11 and 5 the training received was inadequate for the OMLT role undertaken. This was exacerbated by the composition of the OMLTs which were formed from IAs from across the Army. Major 15 evidence was that, in addition to training the ANA, internal training of the OMLT continued while they were in theatre.

K2  
K3  
15  
M1(N)

On 13 May 2006, Major 11 wrote a Post Training Report at **Exhibit M1(17)** in which he stated that the 14 day training package followed by OPTAG was not sufficient to "generate a coherent training team...while administering and protecting itself in barracks, deployed and during tactical moves". He cited, in particular, the lack of opportunity that the OMLT had to conduct collective training with the IAs.

M1(M)

7 Para RHA Post Operational Report at **Exhibit M1(20)** acknowledges that there were issues regarding the training and preparation of the OMLTs prior to deployment on Operation HERRICK 4. (These issues were reflected in Operation HERRICK 4, 16 Air Assault Brigade, Post Operational Report dated 19 Oct 06 (SECRET) at **Exhibit M1(S1)**).

M1(X)

M1(CC)  
SECRET

The duration and level of training, in particular collective training, was considered to be inadequate; a fact which is noted in 7 Para RHA Post Operation Report and was recognised in Major 11 report of 2 May 2006 at **Exhibit M1(15)**. The Panel's view is that the OMLT was adequately prepared for their envisaged role of training and mentoring ANA in Camp Bastion. However, based on the evidence heard from Lieutenant Colonel 9 and Majors 11 and 5 in particular, the move of the OMLT to FOB Robinson placed them into a forward operating area, which required them to have to provide self protection at a time when the ANA were still at the early stages of their training. The Panel notes that this does not appear to have been what was envisaged, or covered, in the 3 week training package they

M1(X)

M1(T)

received.

The collective training that the QRF itself was able to undertake was unavoidably limited by its ad hoc nature. The level of individual training varied from person to person given the nomadic and disparate nature of forces in FOB Robinson at any one time.

The Panel heard evidence that the QRF had deployed on a number of occasions, but had not thus far been deployed to assist troops in contact in a situation similar to that encountered by callsign 74H. By its nature the QRF comprised anyone who was available at the time and they had little option but to use all available manpower. A shortage of manpower was highlighted by 5 as an issue. Because of this, a dedicated and rehearsed QRF was not a realistic option. This factor, added to the training and equipment state of the OMLT, resulted in a QRF which, in the opinion of the Panel, was only sufficient for basic force protection tasks and therefore was not well equipped to carry out more offensive operations.

Notwithstanding the issues which have been identified in terms of the training of the OMLT personnel, the Panel found no evidence that a lack of training, either collective or individual, was an issue which contributed to the death of Captain Philippson.

**t. Was the equipment (including communication equipment) utilised by the QRF on 11 June 2006 sufficient for its task?**

The equipment available to the QRF on 11 June 2006 reflected the composition of the QRF on that day. Therefore, the OMLT element of the QRF deployed with personal weapons, one GPMG mounted on each of the Land Rover WMIK which could be dismounted<sup>17</sup>. All UK personnel appear to have been carrying grenades, although the amount varies between two and four comprising both high explosive and phosphorus.

The ten personnel from 51 Para Sqn RE deployed with personal weapons and one GPMG carried by Sergeant 20. Sergeant 39 carried a CWS. The US HUMV which accompanied the QRF was armed with a .50 calibre HMG and one MMG<sup>18</sup>. It is not known what equipment the ANA possessed. All UK personnel wore body armour and helmet. Captain Philippson had been issued with Osprey body armour.

UK personnel carried PRR, which, according to members of the QRF, appeared to have been jammed shortly after the contact in which Captain Philippson was killed. As described above, BOWMAN was available to the QRF but had not been deployed with the first group. The US HUMVs had integral communications back to Camp Tombstone. Once on foot, the patrol relied heavily on PRR to establish communications with callsign 74H and was limited in its ability to

M1(I)

K13 (p.152)

K3 (p.52-53)

<sup>17</sup> 5 evidence suggests that he deployed with three GPMGs, plus one GPMG with the 51 Para Sqn RE personnel (L/3, p.51).

<sup>18</sup> MMG - Medium Machine Gun.

communicate with the Operations Room at FOB Robinson. The ANA deployed with a communications capability, although it was not clear to the Panel whether this was to Camp Tombstone or to the ANA at Camp Shorabak. In any event, the ANA soon dispersed after the initial contact.

The Panel is satisfied that the communications utilised by the QRF on 11 June 2009 was sufficient for them to communicate within the QRF, but was sub optimal for speaking to either FOB Robinson or callsign 74H.

K3 (p.51)

In terms of firepower, the QRF did not have, and were not scaled for, LMG or UGL. The QRF deployed with three or four GPMGs. In addition the US HUMVs were equipped with .50 calibre HMG. The two GPMGs mounted on the WMIK were not dismounted when the QRF had to patrol on foot. At this stage, it is clear that a decision had to be made as to whether the GPMG should be dismounted and taken with the patrol, or left with the vehicles to offer protection to those remaining with the vehicles. UGL, LMG and GPMG were all included in Major

M1(C)

11 suggested Operational Equipment Table (OET) in his review of OMLT structures on 2 May 2006 at Exhibit M1(15).

M1(T)

The QRF did not have an infantry scaling of night vision equipment. Captain 14 estimates that they had one night vision device between four or five individuals. The vehicle drivers had night vision (monocle) equipment and Major 5 stated that he had taken a monocle from a vehicle driver when the patrol dismounted and proceeded on foot. The OMLT also appear to have had one CWS per team. The Panel accepts this assessment.

The Panel notes that in his evidence 5 was able to identify a group of individuals, at a distance of approximately 30 metres, using his weapon optics, rather than the monocle he carried around his neck. Whilst 5 evidence was that he had not specifically decided an OOM on the basis of what equipment was being carried; as the lead man he carried night vision equipment as did the two individuals behind him. One of these individuals was Sergeant 23. Captain 14 stated in his evidence, that he placed Sergeant 23 towards the front because he carried a CWS. With that CWS, Sergeant 23 said that he was able to identify 12-15 men, armed with weapons. The individuals who carried night vision equipment used PRRs to communicate what they could see to the remainder of the QRF.

K3 (p.65-7)  
K10 (p. 127)

The Panel cannot know what the patrol might have been able to see had there been a greater scaling of night vision equipment amongst members of the QRF.

K3 (p.63-5)

526  
It is the Panel's view on the basis of 5 evidence that he was not able to identify whether the men approaching them posed an imminent threat to the QRF, therefore he acted reasonably in issuing a verbal warning to ascertain whether the men were hostile or not.

M1(U)

The Panel also considered the evidence from individuals in the front element of the patrol who stated that due to the staggered file formation of the patrol, and the restricted arcs of fire, only a limited number of them were in a position to immediately bring weapons to bear on the enemy.

K11 (p.115)

It is clear to the Panel that the OMLT were under equipped to carry out offensive operations independently of other UK forces and to adequately protect themselves at FOB Robinson and this is reflected in Major // review of 2 May 2006 at **Exhibit M1(15)** and Major 5 . SITREPs at **Exhibit M1(22)** in which additional equipment was requested.

M1(T)  
M1(Y)

The Panel is satisfied that requests for additional equipment were submitted by both // and 5 . However, the Panel has not sought to examine in detail what the minimum scaling requirement should have been at the time of the incident, or what additional equipment would have been available to be allocated to the OMLT before 11 Jun 2006.

Given the fact that Captain Philippson died in the initial exchange of fire, the Panel does not consider that additional firepower at this stage would have prevented Captain Philippson's death. The Panel cannot know whether additional firepower would have assisted the extraction of the QRF from the contact area or enabled the patrol to win the initial firefight.

**u. The suitability of the QRF for its task on 11 June 2006.**

Whilst recognising that there were limitations in both the training and the equipment scaling of the OMLT and the QRF and notwithstanding the Panel's view that the OMLT were under equipped to carry out offensive operations, it is the opinion of the Panel that on 11 June 2006 the QRF, despite its necessarily ad hoc nature, was adequate for the task it set itself in linking up and supporting callsign 74H.

5 was able to mount a sizeable QRF, albeit that one HUMV was unable to deploy initially and that the ANA, who deployed an additional eighteen to twenty personnel, dispersed soon after the initial contact.

In the opinion of the Panel, the fact that the remainder of the QRF was able to extract Captain Philippson's body, whilst still under pressure from ACM, and later that same night effect a link up with callsign 74H is evidence that the QRF was suitable for its task, given what was known of the enemy and their capabilities.

In the opinion of the Panel, the events of on the night of 11 June 2006 reflect considerable credit on those involved, especially 5 who showed both tenacity and courage in persisting with his intent.

**v. Any other matter the President considers being relevant in the prevention of the recurrence of the incident.**

The President deems that there is no other matter relevant that can be added to the inquiry.

## RECOMMENDATIONS

14. The Panel makes the following recommendations:
  - a. The OMLT role should be based on a formed infantry unit which has conducted specific collective training in preparation for that role.
  - b. The OMLT must be properly trained and equipped to undertake its own force protection, particularly if the OMLT is deployed forward to an isolated location.
  - c. Prior to deployment OMLTs should have an established equipment table applicable to the tasks and the theatre in which they will operate.
15. In addition the Panel has the following observations to make:
  - a. In a static location, basic SOPs, even in the form of a checklist, should be written wherever possible and practicable to ensure a common understanding of drills and procedures and thereby enable effective coordination and concurrent activity to occur as a matter of course.
  - b. On deployment, any patrol should take all available and appropriate communications equipment.