



MOD-83-0000422-A

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MND(SE)/LEGAL/B/01/319/JBH

See Distribution

Date: 22 Apr 07

SHOOTING INCIDENT REVIEW (SIR) - SHOTS FIRED DURING OP AREZZO
10 APR 07

References:

- A. PJHQ OP TELIC ROEAUTH 007 dated 30 May 06.
- B. D/PJHQ/1/1610/1/1 OP TELIC: Policy for the Reporting, Recording, Review and Investigation of Shooting Incidents dated 21 Mar 07.
- C. 2 RIFLES/SIR/G1-001 Shooting Incident Review dated 17 Apr 07.

1. **General.** In accordance with Reference B there exists a requirement to record and review all shooting incidents involving UK personnel. A shooting incident is defined as "An incident where shots are fired by UK Forces resulting in the death or injury of any person or where death or injury is believed to have occurred." The review is to take the form of a Shooting Incident Review (SIR) as described in Reference B.

2. Reference C is a SIR that was carried out by 2 RIFLES after a shooting incident on 10 Apr 07 during Op AREZZO which is believed to have resulted in the death or injury of 20 UKMs. The incidents referred to all form part on one continuing series of events from 1436 to 1632, it is entirely proper that they are recorded in one Shooting Incident Review. The CO proposed not to initiate a Service Police investigation. It is my responsibility to advise Comd 19 Lt Bde (in accordance with paragraph 8 of Annex A to Reference B) whether the CO's proposal should be supported.

3. **Summary of the Incident.** Reference C contains detailed statements from 17 soldiers from 2 RIFLES' Battle Group which describe a fluid and fast moving series of contacts during OP AREZZO. I have considered the statements in detail and am content that in each case the soldier concerned operated within the Rules of Engagement. It is not specifically stated in each statement that "I believed there was an immediate threat to life" as I do not consider it to be necessary for a soldier to state that if he or others were under fire. To require that wording would lead to a templating of statements which would reduce the credibility of the review process.

4. **Advice and Recommendation to Comd 19 Lt Bde.** This incident has been dealt with as a SIR within the meaning of Reference B on the basis that it is believed to have resulted in the death or injury of 20 UKM. It now falls to Comd 19 Lt Bde to determine whether action on this matter is complete or whether the RMP should be tasked to conduct a formal investigation.

5. The evidence suggests that the Servicemen involved fired aimed shots only at their clearly identified targets because they believed that the target posed an immediate threat to life. It is clear

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that they stopped firing once the threat ceased. There is no evidence to suggest that a criminal offence has been committed by any of the Servicemen. Further, the evidence indicates that the ROE were complied with. Therefore, I advise that there is nothing to suggest that a formal disciplinary investigation is necessary. In accordance with paragraph 8 of Annex A to Reference B, Comd 19 Lt Bde is required to consult the Provost Marshal MND(SE) (PM) before making his final decision. The comments of the PM are included in the Decision Matrix enclosed.

6. **Avoidance of Prejudice to Possible Future Investigations.** Reference C is a review not an investigation and there is always the possibility (albeit unlikely) that, at some later stage, additional evidence will come to light that casts doubt on the position as it presently appears. Therefore, the direction given in paragraph 9 of Annex A to Reference B is to be followed. If Comd 19 Lt Bde decides not to instigate an investigation then the publication of this decision should not preclude the opening of such an investigation, or prejudice its conclusion. This caveat is to be explicit in the wording of the published decision.

J B HARRIS
Capt
SO3 Legal
HQ MND(SE)

Enclosure:

1. Higher Authority Decision Matrix.

Distribution:

Comd 19 Lt Bde (through DCOS and SO3 G1 Disc)

Copy to:

PJHQ - DACOS J1)
HQ LAND - DACOS Legal)
COS HQ MND (SE)) Less Enclosure
HQ 19 Lt Bde - SO2 Legal)
CO 2 RIFLES)

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HIGHER AUTHORITY DECISION MATRIX

LEGAD ADVICE TO HIGHER AUTHORITY

Proposal not to initiate a Service Police investigation – **Supported.**

Reasons - See HQ MND (SE)/LEGAL/B/01/319/JBH dated 22 Apr 07.

SERVICE POLICE ADVICE TO HIGHER AUTHORITY

Proposal not to initiate a Service Police investigation –

Reasons:

DECISION OF HIGHER AUTHORITY (Delete as appropriate)

Proposal not to initiate / to delay a Service Police investigation – **Authorised / Not Authorised.**

HIGHER AUTHORITY'S REASONING

Signed

HA's Signature Block