

To the OTP of the ICC, The Hague, Netherlands

Your Reference: [OTP-CR-393/15](#)

Statement of Allegations and Evidence Relating to British Army / ISAF Conduct in Helmand, Afghanistan 2012.

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Parent Unit: 207 Field Hospital Manchester, TA, Light Aid Detachment
Deployed Unit: 4 Battalion REME, 9 Armored Company, Light Vehicles Platoon
CLP Unit: 4 Battalion REME, 9 Armored Company, Recovery Platoon
NATO Operation: Enduring Freedom
UK Operation: Herrick 16
Tour Dates: April – October 2012
Roles: Vehicle Mechanic in Camp Bastion
Airfield Perimeter Guard Duties
Combat Logistic Patrol Top Cover
Detention Facility & WIA POW Guard Duties

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Final briefing before departing Camp Bastion on a Combat Logistic Patrol - 'escalation of force' orders given to address issue of children stoning us and stealing unsecured kit from our vehicles. These orders were:

1. Throw stones at children
2. Fire mini-flares so they would bounce off the ground close to the children
3. Threaten & intimidate children with small arms, specifically pistols

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Note: My role as Top Cover (machine gunner in vehicle's cupola) during Combat Logistic Patrols (resupply convoys servicing the FOBs & PBs throughout Helmand) is central to my claims. The role is best illustrated in the following youtube videos:

- *8km convoy resupplies troops in Helmand, Afghanistan*
- *Desert convoy put in logistical reverse 19.03.13*

Allegation One - Stoning Afghan Children

Informal orders given to retaliate against Afghan children (aged 8 to 14 years) who threw stones at us or attempted to steal items off our vehicles as we drove through their villages during Combat Logistic Patrols.

Events

Informal Orders

Instructions for preparations for CLPs - to take bags of loose stones for storage in the cupola, which should be thrown at the children in response to stone throwing by them or attempts to steal kit of the vehicle (within the Light Vehicles Platoon only).

These instructions were repeated regularly from mid June to mid September, only within the Light Vehicle Platoon & its workshop and never in the presence of a SNCO or Officer. The principal proponents of this instruction were Cpl Mannion and Cpl Littlejohns and a number of the Platoon's Craftsmen.

The Recovery Platoon was aware of this instruction, my refusal of said and the repercussions I endured but they did not endorse the order, but they did condemn (privately to myself) the attitude of the Light Vehicle Platoon (calling them 'dickheads').

Refusal of Orders

Prior to my first CLP top cover duty on 21st June 2012 I was informally briefed within the Light Vehicle Platoon Workshop on TTPs to be used in role, including stone throwing at children. I expressed my skepticism to it's effectiveness, safety, morality and legality.

My suggestion of photographing the perpetrators and asking the ALP or village elders to assist was ridiculed.

My suggestion to use catapults and 'paint ball' type ink pellets as an alternative and more effective but less harmful TTP was also rejected.

After my first Top Cover duty of 21st June I stated:

- to throw a stone effectively would mean exposing ones body from behind ballistic plates. There were very effect enemy snipers operating throughout the Area of Operation and I felt this was a pointless risk to take,
- it endangered the children's lives more as they would move closer to the vehicle to be out of the line of sight of the Top Cover,
- the children stealing from the vehicle were out of the line of sight of the Top Cover, and the children who we could see were often a deliberate distraction,
- most of the children were just 'being children' and enjoyed the 'game' of stone throwing fights with British soldiers (over five separate patrols I am only aware of one minor theft from a vehicle),
- I questioned the effectiveness, morality and legality of stone throwing,
- I reiterated the Mission Statement to "Win Hearts & Minds"
- A request for a riot type visor for my helmet was refused by Sgt Lawrie.

Allegation One - Stoning Afghan Children

(continued)

I then referred to the official Operation Herrick Individual Aide Memoire instructions:

“Do not break the law. Do not retaliate.”

On, or about 22nd June 2012 I openly rejected my Platoon’s effective standing order to throw stones at Afghan children when on CLP Top Cover duties. My refusal was because I questioned the order’s effectiveness, morality and legality.

Incidents

When passing through populated areas the vehicles were followed & watched by children for various reasons, including:

- Curiosity at the 20+ heavy vehicle convoy passing through their village
- Asking for sweets, pens, drinks, etc
- Steal any unsecured items from the vehicle
- Stone throwing as a ‘game’ or in response to our not having sweets, pens, etc
- Open animosity - stone throwing (often sling shots) intending to cause injury

CLP, 21st June / Operation Mubarez 24 B / Nad-e-Ali



Stone throwing: This photo is unusual in that the stone throwers were on the other side of a canal (most were in alleys beside the road as we drove through villages) and this was the only instance where they appear to be being coached. The two stone throwers were c.12 to 14 years, whilst the person dressed in white was c.16 to 18 years.

It is very easy to identify the individuals and the location from the original photograph, which I believe validated my suggestion that cameras and local law enforcement were the most effective response to stone throwing.

Allegation One - Stoning Afghan Children

Incidents

(continued)

CLP, 21st June / Operation Mubarez 24 B / Nad-e-Ali



This photo shows ALP riding alongside the CLP to stop stone throwers. When beside my vehicle and an adjacent alley where a group of children were throwing stones the ALP dismounted and the stone throwers (all children aged c.8 to 14 years) scattered.

This shows effective command and control was possible, with coordinated between ISAF & ANSF forces, so that each vehicle knew who these armed and non-uniformed men were as they rode by.

CLP, 6th or 13th July / Gereshk Valley area

Stone throwing: A lone Afghan male child, <8 years old, waiting beside a compound wall on raised ground 20 metres from convoy route with stones ready to throw. An adult female Afghan rounded the compound wall corner, saw the boy and caught him by the back of his collar as he prepared to throw a stone, yanking him away so that his feet left the floor. As well as being quite amusing, this illustrated to me that most of the belligerents were in fact just 'children being children' as we drove our convoy through their village and that stone throwing was frowned upon by some adult Afghans.

CLP, 6th or 13th July / Gereshk Valley area

Stone throwing: Three Afghan children, aged c.8 to 12 years, five metres to side of convoy route, 40 metres in front of my vehicle and all with stones in hand ready to throw. I waved, smiled, gave the thumbs up & gestured sincerity, to which the children all dropped their stones and waved & smiled back. This was witnessed with note by the driver and vehicle commander (from Recovery Platoon) of my vehicle.

Allegation One - Stoning Afghan Children Incidents

(continued)

CLP, 21st June / Op Mubarez 24 B or CLP, 27th & 28th June / Op Mubarez 24 E
Stone throwing: Passing some open ground on the edge of a village we came under fierce & accurate stone throws, from numerous 10 to 14 year children, some using slingshots (David & Goliath style). I was hit centrally between the eyes by a boy with a slingshot and although dazed I was very luckily not injured as the stone hit the rubber bridge of my ballistic goggles (as per photo below). After a few seconds I responded by giving a thumbs up through the cupola and waving. The two boys looked at each other quizzically, and then started laughing in response to my reaction - another illustration to me that these were just 'children being children'. It was also a reminder of the necessity of full face visors for this role, as was provided to soldiers from the USA in the same role.



CLP, 6th or 13th July / Gereshk Valley area

Theft from Vehicle & Driver's Broken Nose: Whilst passing the edge of a village children beside the route were stoning our vehicle. We were advised via radio from the vehicle behind us that a child was attempting to remove something from our moving vehicle – this was out of my line of sight from the cupola, despite my constant scanning of the area.

Following the orders given during the patrol briefing, the driver opened his door with his pistol drawn. As soon as he turned his head towards the door opening he was hit on the nose by a stone, causing it to bleed heavily.

The vehicle continued moving throughout this incident. I later saw a boy (c.12 years) running away with the battery cover from our vehicle, which had been secured with two wing nuts. Despite his injury the driver continued with the remainder of the CLP and later said the injury was entirely his own fault for opening the door. He did not hold any blame or prejudice against me over the incident.

Following this incident, on a daily parade within the Light Vehicle Platoon I was identified to the rest of the Platoon 'as a soldier who was endangering other soldier's lives' by my refusal to partake in stone throwing at children. This parade was held by Cpl Day – it was the only parade in my six month tour that was not held by or attended by a Senior NCO or Officer. I believe this was done deliberately so the chain of command could distance themselves from these illegal orders - orders that they were surreptitiously endorsing (detailed in Allegation Three - Punishment of Soldiers Who Refused Such Orders)

Allegation Two - Using Phosphorus as an Offensive Weapon

CLP, 6th or 13th July / Gereshk Valley area

During the final briefing before departing Camp Bastion on the Combat Logistic Patrol we were given 'escalation of force' orders to address the issue of children stoning us and stealing from our vehicles:

1. Reiteration of instruction to throw stones at children
2. Fire mini-flare so they would bounce off the ground close to the children
3. Threaten & intimidate children with small arms, specifically pistols

Details

Each final briefing was given immediately prior to departure with route, security, communications and immediate action drills updates, etc. They usually consisted of two or three addresses to the entire patrol compliment.

There was only one CPL briefing of the five I attended where I heard these instructions given:

1. Confirmation of the instruction to retaliate against stone throwers by throwing stones back
2. We were instructed that mini-flares should be used as a deterrent against children trying to steal from the vehicles, but that "firing them in to the air had the same effect as a fire work display to the children". Consequently we were told to fire the mini-flares towards the children, so that "they bounce off the ground beside them".
3. We were told that a final resort should be to threaten the children with 'small arms' weapons. We were told that our SA-80 rifles did not scare the children, but that they were very scared of pistols and that we should 'wave' our pistols in an attempt to scare them (as per the Incident detailed on page 5).

None of the 100+ personnel assembled for this briefing questioned this order or raised any objections. Because of my experience over refusing the order to throw stones I did not speak out against this order.

Throughout my tour I did not see or hear any reports or rumors of anyone ever following the second order of actually firing a mini-flare towards anyone.

I have since read in a book, "No Worse Enemy", by the journalist Ben Anderson who states that in 2007 (or 2008) he witnessed British soldiers on patrol in Helmand firing phosphorus flares so that they hit the ground within 10 feet of civilian Afghan vehicles – again intended as a 'warning shot'.

I am trying to find further corroborating evidence of this claim via veteran's networks and a reputable Afghan journalist whom I have been sharing information with.

Allegation Three - Punishment of Soldiers Who Refused Illegal Orders

My refusal of the informal order to throw stones at Afghan children resulted in punishments, bullying, theft of personal kit, ostracization within my Platoon and other significant repercussions to my refusal of this illegal order. These repercussions have continued since leaving the Army in the form of very negative unofficial job references.

The bullying became significantly worse after the Parade when I was identified by Cpl Day 'as a soldier who was endangering other soldier's lives' by my refusal to partake in stone throwing at children.

In theatre this targeting of me was endorsed by Captain Dickson, Captain ??? (Captain Dickson's replacement), Warrant Officer Irvine and Sgt. Lawrie - all of the Light Vehicles Platoon.

Since leaving the army I have been targeted for abuse on social media by people who have identified themselves as former and still serving members of the British Army.

I believe that I lost one job and was compelled to leave another because of an unofficial Army reference network providing very negative unofficial personal & employment references for me. I first requested this be addressed by Brigadier Fitzgerald but to no avail. I then pursued this matter with the UK Minister for Veterans; after six months I was told by Anna Soubry (Member of UK Parliament) that because no formal requests for employment references had been made to the Army they were unable to take any action.

I believe that the fact that no formal requests for job reference having been made, that this confirms my belief that former and serving members of the British Armed Forces by-pass the formal system and instead operate an informal and unofficial reference network. This consequently gives great prejudice against soldiers who have not followed illegal or corrupt orders that pervade so sections of the British Army.

Consequences

Following the two employment references outlined above I realized that this situation made it virtually impossible for me to find gainful employment. I have since tried to start two businesses working for myself, but the stress, anger and frustration I am still enduring meant I was unable to focus on these aspirations.

I am currently diagnosed as suffering "Stress Related to Military Service" and have been receiving counseling since I felt compelled to leave my last employment, approximately two years ago.

I have full details regarding the two jobs I have lost / felt compelled to leave, including the names of the former service people I believe participated in this unofficial reference system. I would be happy to provide this information if required for your investigation.

Subsequent Action & Events to Date

September 2012

Informed 4 Battalion REME Second-in-Command of bullying. Direct bullying ceased for the remaining few days of tour. No Further Action Taken.
(Please see accompanying note on Page 9)

February 2013

Informed TA unit Staff Sergeant McCorrack about events & experiences on tour – advised not to raise any issues to avoid “causing trouble”. Formally left TA in April 2013 and waited 6 months (the limit of military law being applicable to me) before pursuing complaint further.

October 2013

Submitted formal complaint to the UK Service Complaints Commission.
Due to the gravity of my allegations a normal three month time limit was waived and I was referred to Brigadier Fitzgerald of 42 Brigade.
Over the course of three interviews with the Brigadier I completed a signed statement containing all my allegations. I then withdrew my formal complaint, advising the Brigadier that I had achieved all I set out to do – to make the Senior Command aware of my concerns.
Signed Statement of Evidence Submitted.

January & March 2014

Repercussions to my Service: I believe that I lost one job and was compelled to leave another because of an unofficial Army reference network providing very negative informal personal & employment references for me. I pursued this matter with the UK Minister for Veterans; after six months I was told by Anna Soubry (Member of UK Parliament) that because no formal requests for employment references had been made to the Army they were unable to take any action.

February 2014

Upon meeting socially the Training Major of my former TA unit I realized that none of my concerns raised with Brigadier Fitzgerald regarding serious bully within the TA Unit as well as Afghanistan had been passed on or acted upon.

April 2014

Publication of the UK Defence Select Committee report into the 14th September 2012 Taliban raid on Camp Bastion: Upon reading I again realized that none of the very significant information I had passed to Brigadier Fitzgerald had been communicated to the Committee.

May 2014

UK Defence Select Committee acknowledge my claims as being of ‘considerable interest’ after I submitted them directly.

October 2015

Advised that both the Defence Select Committee and Ministry of Defence are not willing to investigate my claims further.

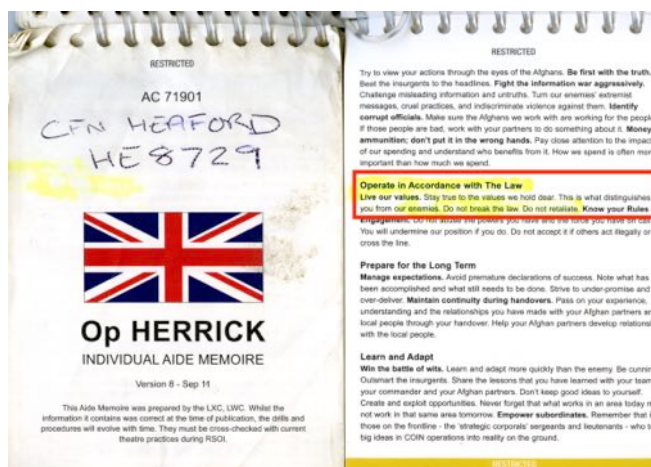
My Accusations & Evidence

(continued)

Pre-Deployment Training March 2012:

An “Aide Memore” issued to each soldier deploying to Afghanistan.

During pre-deployment training we were told repeatedly that Herrick 16’s principle aims were winning Afghan Hearts & Minds and opium eradication.



Operate in Accordance with The Law

Live our values. Stay true to the values we hold dear. This is what distinguishes you from our enemies. Do not break the law. Do not retaliate. Know your Rules of

Mission Theory:

Winning Hearts & Minds and Opium Eradication.

Mission Reality:

Stoning Afghan children and protecting Afghan politician’s opium harvesting
(as detailed in my separate report “Afghan Opium Harvesting Protected by British Occupation Forces”)

Fear of Raising Complaint Earlier in Tour

I loved my tour, my service in the Army and remain proud of all I achieved. Serving in Afghanistan was the culmination of a life long ambition. My negative experiences on tour did not deter me from wanting to complete my service, which did play a part in my not raising complaints earlier. But the three main factors for not raising my complaint earlier are as follows:

- Fear – I had already found the Chain of Command to be corrupt and thought submitting a complaint would only exacerbate the situation or result in my being forced to return home early.
- Fear – the best simile I can think of for the environment within the Light Vehicle Platoon is “Lord of the Flies-esque”. I had already been threatened by a mentally unstable L/Cpl with his loaded pistol pointed at me (I have strong photographic evidence to support this claim). I genuinely feared for my personal safety and even my life at times within the Platoon.
- I felt it necessary to raise my complaint eventually as the level of bullying was increasing day by day. I only felt safe to do this in the final days of tour, as the operational tempo was decreasing as we prepared to leave theatre.

Combat Logistic Patrols

21st June (daylight patrol) / Operation Mubarez 24 B

CLP Commander: Major C Hanson (sic)

0430 Depart Camp Bastion on Highway 1 driving East
0600 From Gereshk moved South beside NED canal, towards Nad-Ali
0900 Arrive FOB Shawqat
1150 Return journey, ALP on motorbike stop children throwing stones
1205 Children throwing stones from opposite side of canal

27th / 28th June (nighttime patrol) / Operation Mubarez 24 E

1830 Parade
2030 Depart Camp Bastion on Highway 1 driving East past Gereshk
2200 Turn South on Route 601, towards Lashka-Gah
2330 Arrived at Patrol Base Attal
0200 Arrived Lashka Gah Durai
0800 All back Camp Bastion

6th July (daylight patrol)

0800 Depart Camp Bastion on Highway 1 driving East
1400 Arrived FOB Shorqat (?)
1500 Arrived PB Pimon (?) Crane lift in FPB
2000 Arrived Camp Bastion

13th July (daylight patrol)

0500 Depart Camp Bastion on Highway 1 driving East
0630 Turn Left off Highway 1 before Gereshk, heading North, across desert
1000 Arrive PB Rahim (?) or PB Oullette (?), Upper Gereshk Valley
1500 Returned Camp Bastion

23rd / 24th August (nighttime patrol) / Operation Mubarez 25

1900 Parade
2030 Briefing
2100 Depart Camp Bastion on Highway 1 driving East
2230 Right off Highway 1 after Gereshk, Arrive FOB Price,
2350 Continue East on Highway 1, turn off North to Arrive PB Hazrat (?)

0300 Returned Camp Bastion

Abbreviations

ALP	Afghan Local Police
ANA	Afghan National Army
ANSF	Afghan National Security Forces
Bn	Battalion
CLP	Combat Logistical Patrol
Cpl	Corporal
FOB	Forward Operating Base
ISAF	International Security Assistance Force
NATO	North Atlantic Treaty Organisation
NEB Canal	Nahr-e Bughra Canal
Op	Operation
PB	Patrol Base
POW	Prisoner Of War
REME	Royal Electrical & Mechanical Engineers
SNCO	Senior Non-Commissioned Officer
TA	Territorial Army
TTP	Tactics, Technics and Proceedures
WIA	Wounded In Action
2 IC	Second In Command