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Report into soldier's death reveals mistakes made during chaotic battle

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MONTREAL — A final report into the death of Master Cpl. Josh Roberts during a heated battle in Afghanistan last August raises more questions than it answers for his family, who believe the Canadian Forces wanted to complete the investigation quickly because of a looming federal election.

After months of wrangling, Roberts' parents Beth and Gene Figley finally received the 57-page Forces report four days before Christmas. It was accompanied by preliminary autopsy results.

The report, which was obtained by The Canadian Press, concludes Roberts, a crew commander of a light armoured vehicle with the Canadian battle group based in Zhari district west of Kandahar City, was killed by insurgents and not by a westbound private security convoy as initially thought.

It states he died of a penetrating gunshot wound to the right side of his head, the result of a single round consistent with a 7.62-mm bullet not widely used by North American forces.

Noting investigations into other questionable Canadian Forces deaths have dragged on as long as 19 months, Gene Figley said he was surprised this one was resolved in little more than a month. He and his wife said the word "election" came up repeatedly in explanations.

"They kept telling us how there was an election (campaign) going on and so on and so forth," Beth said. "It was insulting."

"They were brushing it under the rug as quickly as possible. It was expedient to get rid of this whole thing and Josh and us."

While the report says there was no evidence to suggest "negligence" on the part of any Canadian Forces member, it cites conflicting eyewitness reports that describe Roberts' position in the turret as either hunkered "low" or reaching "far up" to point out targets.

The report concludes light armoured vehicle crew members should consider adopting a "hatch-down posture" in "similar fighting circumstances" to avoid "unnecessary" exposure, but Beth Figley said her conversations with Canadian Forces personnel upon completion of the investigation were rife with accusations.

"He was alluding to the fact that my son did something wrong and got himself killed," Beth said during a telephone interview from her home in Saskatchewan, adding Maj. Dan Dandurand kept describing the circumstances surrounding the shooting as "not exactly irregular" and not "exactly negligence."

Canadian Forces personnel did not respond to questions about the report and the family's concerns.

The Figleys' relationship with Canadian Forces personnel deteriorated when they started asking questions about their son's death because of conflicting statements from military brass.

In Trenton, Ont., for the repatriation ceremony, the Figleys met Lt.-Gen. Andrew Leslie who used water bottles as props to describe how Roberts was killed by a shot from a Compass Integrated Security Solutions convoy.

The official story from Dandurand upon completion of the investigation was entirely different and Leslie even later recanted his earlier statement, Beth said, adding a colonel was listening to their telephone conversation and appeared to be coaching Leslie on what to say.

The Figleys were also taken aback by various aspects of the report, as well as subsequent conversations with a comrade of Roberts.

The report notes the bullet had actually fallen out of his body during a preliminary physical

examination at Kandahar Airfield.

The projectile is the sort of evidence that might help determine trajectory. Initial reports relayed to the family said it had been embedded eight centimetres.

The Toronto coroner who conducted the autopsy noted it was impossible to determine what direction the bullet came from due to "the amount of structural damage to the tissue and bone."

The couple's concerns about how evidence was being handled were exacerbated when they received an unsolicited phone call on Dec. 28 from a comrade involved in the battle. He told them the shooting had been captured on several helmet-mounted cameras but that the footage had been erased because the images were deemed to be too gruesome.

"We wonder if perhaps the video was erased because it showed directly who was firing," Gene said.

The report ultimately paints a picture of a poorly executed operation that could have easily resulted in more Canadian casualties.

The operation involved a large number of Canadian and Afghan forces and investigators found evidence not everybody knew each other's position.

To make matters worse, it appeared insurgents had gotten in between coalition forces, the report states.

"... Their ability to pinpoint exact positioning was marginal at best, a situation that could have proven easily catastrophic, particularly in light of the pockets of insurgents interspersed between most Canadian elements," the report says.

"It is highly recommended that detailed briefs occur in advance of similar operations outlining the positions, approaches and anticipated exit strategies of all friendly forces involved."

Afghan troops and their Canadian mentors positioned to the southeast of the battle group in a supportive block were forced to take quick cover when a "volley of high-explosive projectiles" landed "dangerously close" to their position.

"The fire they were receiving appeared to be coming from friendly call signs," the report states, adding it was coming from 25-mm cannons mounted on Canadian light armoured vehicles.

Despite conflicting reports that suggest the fatal blow came from either the south or west, investigators concluded the private security convoy was to Roberts' left when it opened fire and therefore could not have been responsible for the shot that struck Roberts' right temple.

Still, the passing Compass convoy added to the confusion, the report states.

Just one vehicle checkpoint had been established to the west along the busy road frequented by coalition forces and civilians.

Had a second vehicle checkpoint been established east of the battle zone, "unauthorized" traffic such as the convoy would not have gained access to the area, the report says.

Excess "radio chatter" and "communications issues" also made it difficult for first responders to call for medical help after Roberts was shot.

"I realize we will probably never know what happened to our Josh, but this was a mess," Beth said.

"I feel very much that if this would have been properly planned, that he would have lived."