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**ILLUSTRATION:** RICK MADONIK Toronto Star File Photo A LAV, the primary mechanized infantry vehicle used by Canadian Forces in Afghanistan, prepares for a patrol in 2006. On Sunday, a Canadian gunner fired a 25-millimetre cannon at a speeding car near Kandahar city that had come within 10 metres of a LAV convoy. Two children in the car were killed. ;

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## MacKay regrets death of two Afghan children after soldier opens fire on speeding vehicle

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A Canadian soldier in Afghanistan often has to make a split-second decision about whether a speeding car is filled with bomb-toting terrorists or is being driven by civilians - and that instant decision can lead to "horrible circumstances," says Defence Minister Peter MacKay.

He was responding yesterday to the report that a Canadian gunner opened fire Sunday on a speeding car near Kandahar city, killing a 4-year-old girl and her 2-year-old brother. The soldiers with him in a light armoured vehicle said they feared the car was about to attack their convoy in Afghanistan.

"This is one of these horrible circumstances, a horrible decision that has to be taken, when a vehicle is approaching, when it's behaving erratically, when you have in the back of your mind the fact that this may be a bomb coming your way," MacKay told reporters in Ottawa.

"Look, soldiers do everything they can to make proper judgment. They exercise professionalism, they follow rules of engagement, but they're human and they're living in a very tense environment with these suicide bombs that have occurred in the past."

Soldiers said that, as the car sped toward them in Panjwaii district outside Kandahar city, they flashed the lights on their vehicles, made hand gestures and made vocal warnings for it to pull over.

The car came within 10 metres of the convoy.

The crew faced a life-or-death choice and had very little time to make it - fire at the car, or risk being blown up by a suicide bomber.

The gunner pulled the trigger.

The 25-millimetre cannon round tore through the little girl's skull and left a gaping wound in her younger brother's torso, said a doctor and two others who saw their bodies at the local hospital.

"When these tragic circumstances arise, we always take the important time to investigate what took place,"

MacKay said. "There are rules of engagement followed by Canadian, followed by NATO soldiers. In each circumstance where this type of very unfortunate tragedy occurs, Canadians have been found to have followed those rules of engagement."

In Kandahar, the children's mother frantically paced the halls at the hospital, shrieking and cursing foreign soldiers between sobs.

One police officer at the hospital said he saw and heard the mother scream: "My innocent children have been killed by foreigners - for no reason."

The father, Rozi Khan, was also a passenger in the vehicle. He was being treated for lacerations but left the Kandahar city hospital without permission to attend his children's funerals. The children's mother and the driver were not injured.

Shopkeeper Din Mohammad said foreign soldiers had better stop accidentally killing civilians or they will suffer the same fate as the defeated Soviets.

"They must stop this," said Mohammed, who was visiting his son at Mirwais hospital when he saw the children's bodies carried in.

"Otherwise the day will come when everybody will stand up against the foreigners in a holy war - a jihad."

Afghan police and the major crimes unit within Canadian Forces Military Police will investigate Sunday's incident.

The Canadian military expressed remorse over the tragedy.

"We deeply regret this incident, and our thoughts are with the families and friends of the deceased during this difficult time," it said in a statement.

"This is a tough incident for the crews involved to deal with, as this is the last thing soldiers want to happen," the army said.

"The soldiers believed they had to take action to protect their convoy because the car was coming toward them at high speed."

With a finger constantly on the trigger, LAV gunners scan the road ahead for possible threats.

In cases where coalition forces have fired a split-second too late, soldiers have been killed in suicide explosions. In cases where they've fired too early, innocent people have died - as was the case Sunday.

Coalition forces run frequent ad campaigns that warn Afghan locals to keep a safe distance from convoys. Most locals are terrified of getting close to military vehicles.

While visiting the country's troubled southern region last month, Canadian military magazine *Esprit de Corps* editor Scott Taylor said he often saw Afghans running from approaching convoys, wary of the 50-metre safe zone soldiers keep around their units.

"But if a car gets within that 50 metres and keeps coming, what do you do?" he told the *Star's* Nick Kyonka.

According to NATO rules of engagement, Taylor said, the first step is for soldiers to flash their lights and wave their arms to try to get the vehicle to stop. They can also issue aural warnings.

If that fails, warning shots should be fired above the approaching vehicle - a step that may not have been taken Sunday, Taylor noted. If the vehicle continues, soldiers are allowed to use lethal force in self-defence, he said.

"This is the set procedure, but if the guy comes racing at you, you don't always have time to take all the steps," he said.

As suicide attacks have escalated in recent years, so has fear among soldiers, making them more likely to shoot at approaching vehicles.

"That's the whole thing about terror and fear is that it makes you react in a way you wouldn't otherwise," he said. "You're not going to shoot into a car full of people unless you think your life's at risk."

Canada has been involved in other civilian killings.

In one incident, a 90-year-old man who was a respected political scientist and mentor to President Hamid Karzai was shot when he approached troops on a motorbike.

In another, a young man riding on a motorbike was shot through the chest and the bullet struck the head of his little brother riding behind him, killing the boy.

Human Rights Watch says at least 300 Afghan civilians were killed by the coalition last year, and thousands have died since 2001. Insurgents killed even more civilians - at least 374 - in attacks last year.

The Canadian military frequently offers financial compensation for civilian deaths. It said it would speak to the family and follow the local custom in this case.

The Canadian Press, Reuters and staff