

REPORT OF CSG COBB-SMITH ON THE MILITARY'S USE OF MORTARS
IN WEST KINGSTON, JAMAICA OPERATION, 2010.

CCS 3

Chris-Cobb Smith further states:

1. On November 25, 2015, I submitted an initial statement concerning the use of mortars in a joint military/police operation in May 2010 in West Kingston, Jamaica. I now submit a further report, in addition to and in furtherance of my initial statement.
2. The contents of this report and the previously submitted statement are based on my analysis of information gleaned from the following documents:

Reference A. Letter from The Independent Commission of Investigations dated July 17, 2015

Reference B. Post Mortem Report of Carl Henry

Reference C. TOR for West Kingston COE 2014

Reference D. Andrew Sewell

Reference E. Garth Anderson

Reference F. Mahatma Williams

Reference G. Stewart Saunders

Reference H. Transcript re Mortars

Reference I. Transcript 1 of 2 (mortars section highlighted) Major General Saunders

Reference J. Transcript 2 of 2 (mortars section highlighted) Major General Saunders

Reference K: Capability Directorate Combat Dismounted Close Combat, Training - Volume V, Heavy Weapons, 81 mm Mortar, Fire Control Procedures & Associated Equipment, 2011, Army Code 71792.

Reference L: Verbatim Notes Day 80 - 1Dec15

Reference M: Verbatim Notes Day 81 - 2Dec15

Reference N: Verbatim Notes Day 82 - 3Dec15

Reference O: Map of Tivoli Gardens 1:400

Reference P: Images of fragments taken from Karl Henry's Body numbered "56202 KH1", "56202 KH5", "56202 KH6", "56202 KH7"

to the guidelines – essentially the safety distances. Although the doctrine does state that it is a guideline he has clearly exceeded the prescribed safety distances to a significant degree. To illustrate this I refer back to the doctrine, ‘Rules of Safety’ which states:

“Mortars are not to adjust directly onto a target if friendly forces are within the adjustment safety distance to that target. a distance of 700 metres.”

9. The distance between the grid reference engaged and the nearest civilian or non-combatant is clearly much less than 700 metres. It is necessary to understand that in this instance the mission went straight to ‘fire for effect’, that is, the target was not adjusted nor was the ‘belt checked’ to confirm the fall of shot. Even if the parameters under Rule 2 had been complied with, which they had not, the distance should have been no less than 400 metres:

“Mortars are not to fire directly onto a predicted target if friendly forces are within the predicted safety distance to that target... The distance allowed is always 400 metres; this distance is in no way affected by other considerations.”

10. **Target Area Geography.** On page 149, line 10, Major Dixon refers to ‘free space’, in that, the “...distances assume there is no reasonable solid object in the way of the shrapnel, because the mortar is also defined as a low velocity round.” In my opinion the walls that he determines might have reduced the fragmentation effect may well have done so to some limited degree. However, this is a difficult aspect to measure or quantify.

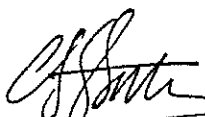
11. **Accuracy.** On two occasions (day 80 page 135 & day 81 page 123) Major Dixon states that the weapons system is “designed to fire” or “built with an accuracy to fire within plus or minus one metre”. It is impossible to read a map to an accuracy of one metre, this would demonstrate the ability to read off a 10 figure grid reference on a 1:50,000 map, which is impossible. The smallest correction an MFC would give whilst adjusting fire would normally be plus or minus 50 metres for range. The exception would be in certain circumstances which may be dictated by the ground, in such instances corrections may be made down to as little as 10 metres, but no less.

14. The use of an illuminating round is not doctrine, but a recognised, though probably little used method of bedding in the mortars should a good degree of accuracy be required without pre firing of HE.
15. **Ultimate authority.** Although the mortar officer is being held to account for the correct use of the 81mm mortar system during the operation it is clear from his evidence that he was following orders in keeping with the operational plan that had been formulating for some months. Whomever came up with the idea of using HE mortar shells in a manner that exceeded all safety guidelines clearly did not appreciate the risks involved. As the mortar expert, Major Dixon was responsible for advising the mission planners and emphasising the potential risks involved. For operations such as this it is usual for there to be an Operations Order which lays out the specifics of every phase of the operation and who is responsible for each element. There will have been a section relating to fire support which defined exactly what Major Dixon's mortar unit was to accomplish. It would have been reasonable to expect that he did question these orders but was overridden, if this was the case, Major Dixon was put in a difficult position, being expected to adhere to his orders whilst fully realising the risks. Possibly, Major Dixon did not explain the risks adequately or there was a full appreciation of those risks and they were deliberately ignored.
16. **Computation records.** Whilst I acknowledge that it is not normal procedure to keep a record of the manual calculations made for the engagement of targets I am surprised considering the unprecedented use of indirect fire in support of this type of operation, the potential for after action procedures and even the likelihood of an enquiry that records were not maintained. Whilst important, I do not consider these calculations vital. Major Dixon has demonstrated his technical competence and thorough understanding of the technical intricacies of the weapon system; I have no doubt his calculations would have been flawless. I understand the arguments in Verbatim Notes Day 80 1 Dec 15 pages 203 – 206 but I have no doubt Major Dixon is more than competent in plotting grid references and computing bearings and elevations, it would prove little by making him do these again – page 207. The issue is not the lack of attention to detail regarding his computations but his lack of awareness of the risks of employing predicted fire on a target on which he can have no assurance of accuracy.

appreciate the difficulties of implementing an arrest operation in an environment where the subject has recruited significant armed force for protection. The challenges would have been compounded by the fact that the operation seemed to have been no secret and the opposing factions had time to prepare defences. I do believe however that the military aim could have been achieved without resorting to such drastic measures as employing indirect fire with all the accompanying risks, despite the fact that in this instance it was never meant to be used as a weapon. Although it is always difficult to compare different theatres of operations, I do have experience of arrest operations in densely populated urban areas but have never experienced such a flagrant misuse of a weapon system that has such potential for causing casualties to non-combatants within the vicinity.

This Report is made with the acknowledgment that my duty as an expert is to the court. In this regard I have impartially advised this tribunal on the relevant matters based on my expertise. My opinion is not in any way influenced by INDECOM, who has retained me for the purpose of this matter. I have provided an unbiased and objective opinion of the fact pertinent to this enquiry which is within my expertise.

Signed: _____



Chris Cobb-Smith

Date: _____

4th February 2016