INQUIRY OFFICER'S REPORT INTO THE DEATH OF SIGNALLER S.P. McCARTHY IN AFGHANISTAN ON 8 JUL 08

References:

A. Defence (Inquiry) Regulations, Inquiry Officer Instrument of Appointment and Terms of Reference of 11 Jul 08

B. Map, OP Sheet 1: 50 000

C. ADFP 06.1.4—Administrative Inquiries Manual (AL 1)

D. International Security Assistance Force, Standard Operating Procedures 312, Aeromedical Evacuation Procedures

E. DI(G) Pers 20–6 Death of Australian Defence Force Personnel (20 May 08)

F. DI(G) Pers 11–2 Notification of Australian Defence Force and non-Australian Defence Force Casualties (20 May 08)

Appointment and Terms of reference

1. I, Colonel David Keith Connery, having been duly appointed by Air Chief Marshal Allan Grant Houston, AC, AFC, Chief of the Defence Force, to inquire into the circumstances and facts surrounding the death of Signaller Sean Patrick McCarthy and the injuries to other persons in accordance with the attached Terms of reference (reference A, attached as annex A) herein submit my report.

Inquiry Officer Team

2. The Inquiry Officer Team consisted of myself as the Inquiry Officer and the following assistants:

a. Colonel Christina Marion Mathewson, CSC;

b. Colonel Darrell John Duncan; and

c. Chief Petty Officer Ian Kenneth McIntyre.

Introduction

3. The Special Operations Task Group (SOTG) conducted a deliberate offensive operation within Oruzgan Province between Jul 08. On 8 Jul 08, at approximately 0902hrs local time (1432hrs AEST), an improvised explosive device (IED) exploded under an Australian vehicle from one of SOTG's force elements, causing the combat death of Signaller S.P. McCarthy. Also injured in the blast were

and assigned to the SOTG. The vehicle, Long Range Patrol Vehicle sustained major damage in the incident. Others stores and weapons were also damaged by the blast.

4. The incident occurred near the village of (reference B), which is approximately north-north-east of the Dutch-Australian forward operating base at Tarin Kowt. The IED was almost certainly placed by enemy forces (the Taliban), with the intent to strike coalition forces.

Methodology and Approach

5. The Inquiry Team assembled in and moved forward to Tarin Kowt and Kandahar to conduct interviews. The Inquiry Team was unable to visit the incident site due to security concerns. This is not considered to be a significant shortfall A quick assessment conducted by of the SOTG is at annex B.

6. I have relied upon statements by Australian Defence Force (ADF) members and logs of communications

DESCRIPTION OF THE INCIDENT

Synopsis of the Incident

9. Force Element (FE) began a new operation (OP) on 7 Jul 08. The concept of operations called for patrolling in the vicinity of Forward Operating Base (FOB)

the IED threat was considered in mission planning. The Concept of Operations for OP is attached at annex C.

10. On the day of the operation, 8 Jul 08, FE began a patrol from FOB to FOB at around 0800hrs. FE was traversing rough terrain along a track to the south-west of when the patrol leader identified a dry creek bed (wadi) along their intended route. After a brief reconnaissance, the patrol commander turned north to avoid the wadi's culvert, found a new crossing, and continued the patrol. The driver and commander of the vehicle in the convoy, which contained Signaller McCarthy, did not identify the new route and drove into the culvert at around 0902hrs. At this point, an IED exploded under that vehicle's This explosion caused the fatal wounding of Signaller McCarthy and wounded the vehicle's other three occupants.

11. All four wounded were attended by other patrol members and FE Medical Assistant, This group performed first aid on the victims for the next 100 minutes, while the remainder of FE secured the area and prepared for the evacuation operation. Of the wounded, was only lightly injured. legs were injured in the blast and his subsequent fall. but these injuries were not life-threatening. The interpreter wounds were very serious, but he was effectively treated and stabilised at the scene. Signaller McCarthy's wounds were instantly recognised as life threatening and he received extensive attention from and other patrol first aiders. This team conducted resuscitation on Signaller McCarthy until he was

evacuated by a Coalition helicopter around 1042hrs. Despite these efforts, Signaller McCarthy was confirmed dead upon his arrival at Tarin Kowt at approximately 1101hrs (see annex D).

12. FE continued to secure the incident site and conducted patrols until a vehicle-based recovery team from Reconstruction Task Force arrived later in the day. The organisation then moved south-west of the incident site The next morning, 9 Jul 08, the organisation moved further south to FOB where FE was reconstituted and resupplied for the second phase of OP (annex E).

Authority to Conduct the Operation

13. The force element involved in this incident was conducting a operation that was approved by Acting Commander Joint Task Force 633 (annex F), and by Special Operations Commander, International Security Assistance Force (annex G).[1]

Australian Units Involved

14. FE of SOTG was conducting OP This FE is based on

15. A recovery element from Reconstruction Task Force helped FE by recovering the damaged vehicle, at the incident site.

16. The ADF conducted technical analysis of the IED strike.

17. The ADF Investigative Service (ADFIS) assisted with identification and escorts during repatriation, and provided support to the Inquiry Team while in Tarin Kowt.

18. A number of ADF personnel witnessed the incident or were responsible for managing aspects of the incident. Statements and e-mail responses to requests for information by these members are at annexes H to NN. I found all of these witnesses to be credible and forthright. They were all highly trained and many had completed multiple operational tours. I found no evidence of collusion among them in an attempt to reconstruct their version of events. The minor discrepancies in their recollection of events can be attributed to the expected imprecision of memory and the pressure of a demanding situation.

Involvement of Other Military Forces

19. In addition to the forces mentioned above, the ADF received support from:

a. Task Force for two aero-medical evacuation helicopters from Kandahar and an AH64 Apache escort from Tarin Kowt;

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[1]

b. Role 2 Hospital Tarin Kowt (Netherlands) for medical and mortuary affairs support;

c. Air Force for close air support by two fighters;

d. Role 3 Hospital Kandahar (Multinational) for medical support; and

e. Theatre Mortuary Affairs Evacuation Point for mortuary support in

20. Lieutenant Colonel E. van der Zee, Royal Netherlands Army, is a doctor with the Role 2 Hospital in Tarin Kowt. Lieutenant Colonel van der Zee sent an email to a friend that was critical of the aero-medical evacuation of Signaller McCarthy (annex OO). This email was subsequently provided to the media, and used as a source for a story on 26 Jul 08. The circumstances surrounding this aspect of the incident are discussed further below.

Involvement of Civilian or Other Service Authorities

21. The Queensland Coroner has conducted an autopsy, but has not indicated whether a full inquest will be conducted at this time. I am not aware of any other involvement by civil or service authorities.

Involvement of Civilians

22. No civilians were reported as being involved in this incident. There were no reports of damage to civilian property or civilian injuries and none are likely to emerge later.

EFFECT OF INCIDENT

Death in Combat

23. Signaller S.P. McCarthy, posted to SASR, was killed as a result of this combat-related incident. Signaller McCarthy was standing in the centre of the vehicle, at the time of the incident. The IED explosion inflicted a number of major injuries on Signaller McCarthy. These were identified at the scene and included

(see annex L).

24. The 16 Jul 08 autopsy conducted on Signaller McCarthy by a forensic pathologist on behalf of the Queensland Coroner, confirmed these injuries. Director Health at Headquarters Joint Operations, attended this autopsy as an observer. His report (annex II) stated that Signaller McCarthy suffered severe multiple trauma resulting in exsanguination (in this case, due to internal bleeding) caused by the blast. The autopsy indicated that the first aid provided was applied correctly and that there was no evidence of treatment exacerbating the injuries. The medical doctor assigned to assist this Inquiry observed that any one of the major injuries suffered in isolation would be difficult to survive. In combination, there was almost no prospect for survival even had the casualty reached a surgical facility within an hour of injury.

25. His next of kin, was informed on 9 Jul 08.

26. At all times following his death, Signaller McCarthy was treated with dignity and respect by his comrades. The repatriation of his remains to Australia was conducted effectively, and he was buried with a full military funeral. Signaller McCarthy's name and photograph have been added to the honour roll at Tarin Kowt. SASR and Army Headquarters also held memorial services, and his name has been added to memorials in Swanborne Barracks.

Injuries in Combat

27. **Injury 1.** was lightly injured in the incident. He was sitting at the time, and was thrown clear of the vehicle by the explosion. was able to continue with his duties in the field before being evacuated to the Dutch Role 2 Hospital at Tarin Kowt. is currently expected to return to full duties

28. **Injury 2.** was driving the vehicle at the time of the incident. He was thrown clear of the vehicle by the blast and landed heavily. injuries included a sprained ankle and minor cuts and fragmentation wounds to his legs. He was treated at the Dutch Role 2 Hospital at Tarin Kowt and the Multinational Role 3 Hospital at Kandahar before returning to Tarin Kowt.
and this has delayed his recovery. He has been repatriated to Australia He is expected to return

29. **Injury 3.**
was severely injured in the incident. He was sitting in the the vehicle at the time. and was thrown clear by the explosion. His legs were severely injured This procedure was performed at the Dutch Role 2 Hospital at Tarin Kowt.
was informed of the injury by SOTG and kept updated of his progress. was transferred to Kandahar on 9 Jul, where he was met and transferred to the Multinational Role 3 Hospital. He was forwarded to a coalition hospital soon after. was given the best possible care throughout. He was constantly attended by patrol first aiders at the incident site, and was in the same ward or room as his injured at Tarin Kowt and Kandahar. He is now recuperating in the The discharge letter from the Role 2 Hospital at Tarin Kowt is at annex PP and the OR Report for the Role 3 Hospital in Kandahar is at annex QQ.

Damage to Service Property

30. **Vehicle damage.** was extensively damaged in the blast

f.

The Technical Inspection Report is attached at annex RR. The vehicle will be returned to Australia for repair.

31. **Damage to Other Stores.** A number of small-arms weapons were damaged. While an were extensively damaged, most others are waiting x-rays and may become serviceable again. Damage was also sustained to vehicle stores.

32. **Estimated Value of Damage.** While some of the damaged stores will be repairable, the potential value of the damage cause by the blast could reach $249,000 (see annex CC).

FACTORS CONSIDERED

Environmental Considerations

33. **Terrain.** The incident occurred in an open, barren part of the known locally as This ground lies between the agricultural or wooded area, called the 'green belt', and the steep mountains defining the valley. The ground is undulating, with numerous dry creeks (or 'wadis') running north-south from the mountains to the green belt. The ground is very rocky and has some low bushes.

34. **Incident Site.** The IED was laid in a wadi. The wadi ran approximately north-south and was bordered by a steep hill to the east and a smaller rise to the west. The wadi itself had culvert with a shallow entrance and a steeper exit point. There were numerous tracks around the wadi, including a track through it. The photo at annex SS shows the entry and exit from the wadi and the distinct track through the wadi. Other tracks near the wadi included an older track running to the north-east past the wadi to a nearby cemetery, and a new track created by the lead vehicles of the FE immediately prior to the incident. The photograph at annex TT indicates an approximate route taken by FE to avoid the cemetery, and the Coalition track going over the eastern hill into the wadi.

35. **Weather.** The weather was hot and dry.

36. **Visibility**. Visibility in the area was very good, with the morning sun behind the convoy. Vehicles tend to create dust clouds, but the driver of the vehicle involved did not identify dust as a reason for not seeing the new tracks.

37. **Cultural Environment.** The incident area is sparsely populated.

38. **Contribution of Environmental Conditions to the Incident.**

The higher ground to the east and west of the wadi could mean that, dependent upon vehicles approaching from the The number of tracks around the wadi area would have increased the chances of not recognising a new track. No other environmental factors contributed this incident.

Operational Conditions and Factors

39. **Pre-operation Planning and Intelligence.** SOTG staff conducted a complete deliberate planning process for this operation. Ample time was allocated for this task and the complete range of threats, especially IED threats, were identified and included in the concept of operations.

40. **Orders.** Formal orders were provided before the operation, and a daily planning/orders group was conducted during the operation. Personnel who attended these orders groups described them as satisfactory.

41. **Task Preparation.** This was FE first operational patrol for its rotation (SOTG). Prior to this, commanders of the FE from SOTG and SOTG conducted a patrol The entire FE conducted a specific and thorough mission rehearsal exercise at Tarin Kowt prior to OP . . While this was the first patrol of the FE many members had prior experience in Afghanistan

42. **General Counter-IED Measures.** FE took a range of precautions to reduce the risk of encountering an IED.

43. **Force Protection Measures** .

44. **Equipment – Vehicles.**

45. **Equipment – Personal Protective Equipment.** Signaller McCarthy, were all wearing the issued body armour. was wearing the ADF-issued enhanced combat body armour. None were wearing a helmet at the time of the incident. The nature of Signaller McCarthy's wounds show that the fatal blast came from directly below his feet, which negated any protection that body armour may have provided and may have aggravated the blast effects It is possible that a helmet may have prevented Signaller McCarthy from sustaining a laceration to the back of his head and moderated the closed head injury. However, head protection may not have prevented a significant head injury due to the nature and proximity of the blast. Signaller McCarthy was also wearing running shoes at the time, but the proximity of the blast meant that no footwear would have provided any significant protection.

46. **Tactics, Techniques and Procedures (TTP).** The TTP described by witnesses generally appeared sound and adequate for the task.

c. **TTP for Helmets.**

the Commanding Officer expected the tactical commander to determine the precise times when helmets would be worn. This expectation was understood by troop members. As a result, helmets were not being worn

in at the time of the incident. This decision was taken for a number of reasons:

47. **IED Intelligence.**

47. **First Aid.** The treatment provided to the casualties by the Patrol Advanced First Aid personnel was consistent with their protocols and their ability as assessed by the SOTG medical officer. This included the application of tourniquets, the administration of intravenous fluids and the appropriate use of narcotic analgesia. The treatment provided to Signaller McCarthy by was also consistent with his protocols and included the administration of fluids, haemorrhage control, insertion of a needle thoracocentesis and management of a difficult airway with endotracheal intubation. It should be noted that is able to perform advanced airway management and the procedure of needle thoracocentesis because of his training as an underwater medic. This is beyond the normal training of an advanced medical assistant.

48. **Aero-Medical Evacuation (AME).** The operational context for the AME operations should be understood in terms of the expected response, and the response on 8 Jul 08:

a. The 8 Jul AME operation differed from the norm in that helicopter support was provided from Kandahar, rather than Tarin Kowt. This was not unusual of itself, and Commanding Officer SOTG estimated that this arrangement had been necessary in the previous six months. He also noted other occasions where the AME flying time from Tarin Kowt to operational areas had approached 40–50 minutes one-way. On all occasions, the AME response time remained the same—thirty minutes from order to take-off (or wheels up)—but approximately 40 minutes is added to the flying time when AME is launched from Kandahar.

b. The changed support arrangement was advised to SOTG at 0400hrs on 8 Jul, and was expected to last until around 1600hrs that day. Once advised of the change, Commanding Officer SOTG reviewed the AME support and decided the mission could continue. His reason for doing so was based on the planned tasks for the day and the measures already taken to avoid IED. The planned task, a vehicle patrol from FOB to FOB- was considered a lower risk

He also considered the route planning

as mitigation. Further, the initial assessment held that the main risk area

b. Once the incident happened at around 0902hrs, the AME operation occurred in the following way:

i. **0911hrs:** AME request (known as a '9 liner') received by SOTG command element from FE Prior to this, SOTG command element provided informal advice to Regional Command (South) [RC(S)] and Task Force (TF) about the incident.

ii. **0918hrs:** SOTG AME request sent to, and acknowledged by, RC(S) duty officer.

iii. **0940hrs:** TF report wheels up at Kandahar. SOTG estimated 40 mins flying time to Tarin Kowt, with around 10 mins flying time from Tarin Kowt to the incident site.

iv. **1024hrs:** TE reports wheels down (helicopter landed) at Tarin Kowt to allow the AME helicopters to marry up with AH64 escort.

v. **1027hrs:** Wheels up Tarin Kowt for incident site.

vi. **1040hrs:** Wheels down incident site.

vii. **1042hrs:** Wheels up incident site for Tarin Kowt.

viii. **1054hrs:** Wheels down Tarin Kowt.

ix. **1101hrs:** Signaller McCarthy confirmed dead by the medical officer (a qualified doctor) at Tarin Kowt.

c. Signaller McCarthy was assessed by FE as a Priority 1 casualty, which was interpreted by the SOTG Command Element as a Category B casualty under the International Security Assistance Force (ISAF) Standing Operating Procedure 312 (reference D). This meant Signaller McCarthy was assessed as requiring urgent surgery within 2 hours (the highest priority for surgery). This category was appropriate because it prepares surgical teams to receive the wounded, whereas ISAF Cat A does not.

49. **Contribution of Operational Factors to the Incident.** The following conclusions are drawn from consideration of the operational factors:

a. The pre-operational intelligence, planning, orders and task preparation were all adequate and did not contribute to the incident.

b. In accordance with FE the patrol commander, considering the route change around the wadi to be small, relied upon visual identification. However, the vehicle—which carried Signaller McCarthy and his colleagues—did not follow the new track and was consequently struck by the IED when it entered the wadi.

c. The troop commander placed a high priority on the force protection provided

f. I am unable to determine the contribution of vehicle design to the injuries.

g. With respect to Signaller McCarthy's personal protective equipment, wearing a helmet may have reduced the chances of him receiving a head laceration. However, I am unable to determine whether wearing a helmet would have prevented the internal head injury cited in annex II, or the contribution Signaller McCarthy's head injuries made to his overall prognosis. The upward direction of the blast negated the protection of body armour and may have aggravated Signaller McCarthy's internal injuries. Footwear was immaterial to Signaller McCarthy's injuries.

i. The first aid applied after the incident was appropriate to the injuries and skilfully-applied, given the conditions. Patrol Advanced First Aiders generally commented upon the value of their training, but some felt further realistic training would have prepared them better for dealing with trauma cases.

j. The AME mission met the planning times expected. A risk appreciation concerning the changed AME plan was conducted by the Commanding Officer SOTG. I cannot determine whether a faster evacuation would have saved Signaller McCarthy's life as I have no contemporary medical evidence that could determine when Signaller McCarthy's condition was beyond resuscitation or surgery.

Post-Incident Procedures

50. **Mortuary Affairs and Repatriation.** The mortuary affairs process, which included the repatriation of Signaller McCarthy's remains, ran smoothly and in accordance with reference E (annex VV). This reflects learning from previous experiences. There was some ambiguity in reference E, paragraphs 71–77 about whether an autopsy must be performed. This ambiguity should be addressed.

51. **Notification.** The notification process was managed using teams from Headquarters Special Operations and The process was complicated because Signaller McCarthy's

(annex JJ). The Commanding Officer of described a considerate, well-planned and effective reception and movement process for I have not been made aware of any complaints or concerns about the notification process at the time of writing,

The death and

injuries to ADF members were promptly reported to Defence Occupational Health and Safety Branch.

53. **TTP Revision.** Remedial action has been taken by FE to change their TTP, The TTP for the wearing of personal protective equipment have not been changed.

Media Interest

54. Mr J. Walker of *The Australian* filed a story concerning the AME support to Signaller McCarthy on 26 Jul 08. This story attributed much of its information to Lieutenant Colonel E. van der Zee, Royal Netherlands Army. This story contained a number of allegations that were rejected by the ADF (annex YY). Lieutenant Colonel van der Zee did not raise his concerns with his chain of command.

55. When interviewed for this Inquiry, Lieutenant Colonel van de Zee said he developed concerns about the AME support for this incident after discussions with colleagues. He acknowledged that he did not have any first hand experience with this case. This leads me to doubt his ability to know whether Signaller McCarthy was 'alive for an hour' (as the story claimed). As a general practitioner with the Role 2 medical facility, he had no first-hand knowledge of helicopter tasking on that day and would not be in position to know the detailed availability of helicopters.

56. The SOTG Legal Officer sought, on my behalf, a copy of the email sent by Lieutenant Colonel van der Zee to his colleague and a copy of the email sent by the Australian journalist. (annex ZZ).

Alcohol and Drugs

57. There is no evidence to indicate that alcohol or drugs were a factor in this incident.

FINDINGS AND RECOMMENDATIONS

Conclusion

58. Signaller S.P. McCarthy was killed in action by the blast of an IED laid by Taliban insurgents on 8 Jul 08. While Signaller McCarthy received expert first aid after the blast, he could not be resuscitated and was certified dead soon after his arrival at Tarin Kowt. A Commission of Inquiry is unlikely to discover any further relevant material, information or evidence in the context of the Terms of reference.

Action by Defence Members

59. I found no substantial shortcomings in the actions of any Defence member prior to or subsequent to the incident.

60. The operation was conducted in accordance with the approved concept of operations and with due regard to the assessed risks involved. The planning, orders and preparation for the operations were all adequate.

61. FE followed their TTP throughout the operation. The diversion from the coalition track around the wadi culvert was considered a small diversion, and However, the commander and driver of could not see the vehicle to its immediate front, or the tyre marks of the preceding vehicles, due to the hill before the wadi, the rocky ground, the number of tracks around the wadi culvert, and the indistinct nature of the new track. Given the conditions of the operation, no blame should be attached to the commander or driver of . Given the TTP used by FE up to the time of the incident, no blame should be apportioned to either the lead patrol commander or troop commander.

63. On balance, the decisions about wearing or not wearing personal protective equipment did not make a decisive contribution to the outcome of this incident. Wearing a helmet may have ameliorated some aspects of Signaller McCarthy's head injuries, but body armour served to contain some of the blast inside his torso and aggravated the damage . The tactical-level decision not to wear helmets while driving across the is justifiable given the extreme conditions and

64. Since the question of the AME operation has been raised in the media, it is pertinent to note that Commanding Officer SOTG and Officer Commanding FE both knew of the changed support arrangement. Commanding Officer SOTG reviewed the risk to the operation, and considered that acceptable This decision was appropriate and does not constitute a shortcoming in his actions. The AME operation was conducted within the expected time-frames.

Defences Systems and Policy

65. I found no substantial weaknesses in Defence's systems and policies as they relate to the incident.

67. Since significant development work has gone into the design of the Long Range Patrol Vehicle, I am unable to offer any opinion as to whether the protection afforded to passengers in this vehicle could be improved against IED.

68. The previously mentioned criticism of the AME system makes comment on this aspect relevant to this Inquiry. The AME system in Afghanistan is generally sound and witnesses have described how evacuation can be rapid under the right conditions. On 8 Jul, the changed AME plan was made necessary due to aircraft unserviceability at Tarin Kowt. This was not unusual and the implications of the change were well understood by SOTG. Once activated, the Kandahar AME aircraft responded within their notice to move. While the aircraft stopped at Tarin Kowt en-route to the incident site, this stop was operationally-necessary and unlikely to have contributed to Signaller McCarthy's death.

Recommendations

69. I recommend that:

a. The appointment of a Commission of Inquiry into this incident is not warranted.

b. Defence's policy on autopsies for operational deaths (DI[G] Pers 20-6) be clarified.

c. Defence Science and Technology Organisation and Defence Material Organisation be given access to the vehicle, IED and autopsy information from this incident to identify any potential improvements for vehicle design and Personal Protective Equipment.

d. Patrol Advanced First Aiders, and all medical assistants attached to future ADF task groups on combat operations, be provided with more real-life training opportunities in Australia to improve their ability to perform first aid in trauma situations.

e. A review of the employment and reporting chain for the ADF Team be conducted.

f. Commanding Officer SOTG and Commanding Officer SASR should be shown this report.

D.K. CONNERY
Colonel
Inquiry Officer

August 2008

Annexes

A. Defence (Inquiry) Regulations, Inquiry Officer Instrument of Appointment of 11 Jul 08

B. Quick Assessment Regarding Death of SIG Sean Patrick McCarthy of 08 Jul 08 dated 9 Jul 08

CONOPS for FE OP for mission Jul 08

D. AD 604, Confirmation of Death (Signaller S.P. McCarthy), 8 Jul 08

YY. J. Walker, 'Botched medivac as Digger in Afghanistan lay dying', *The Australian*, 26 Jul 08; and ADF Rejection of *The Australian* article, 27 Jul 08

AAA. Correspondence between Inquiry Officer and Appointing Officer