A coroner is to urge the Ministry of Defence to review its use of cluster bombs after revelations that 30 per cent do not detonate if they hit soft ground. The request follows the inquest into the death of a bomb disposal expert who died whilst trying to clear more than 400 bomblets from farmland so that Iraqi villagers could harvest their tomatoes.

Kineton-based Staff Sergeant Chris Muir was leading a team of four bomb disposal soldiers on assignment in Iraq when the tragedy happened on March 31 this year. The inquest in Oxford, heard how the married 33-year-old, described as a “very able and respected” instructor, was en route to make safe a tank when he was accosted by worried Iraqi villagers. They ushered the small team to farmland, where to his horror, he saw more than 400 clusters bombs lying in fields and hanging from tomato plants. The M42 bomblets, which had been dropped recently by US forces, had failed to detonate and villagers had begun to pile them up in a well so they could harvest tomatoes.

The controversial cluster bomb contains 60 bomblets from which they are jettisoned from the shell after being fired by an aircraft. The bomblets are designed to explode on impact over a larger area than a single bomb could damage.

Giving evidence to Oxford Coroner Nicholas Gardiner Cpl Glen Roberts, who had only joined the small team a week before his colleagues death, said they had only planned to take a short journey that morning. “On the way, we were stopped by farmers. We did not speak the same language but we communicated by sign language and they were clearly trying to tell us something,” he said. “Suddenly we saw hundreds of bomblets and they all looked recent. I called HQ for an interpreter. We understood the situation and needed to convey that the villagers had to evacuate the farm.”

Cpl Roberts told how, although he was not qualified to do so, Sergeant Muir instructed him how to defuse the bomblets. “I took one side, and Sergeant Muir went towards a large well, measuring 20 metres by 60 metres at the opening,” he said. “Two hundred bomblets had been placed there by villagers.”

At about midnight I heard a large bang. I knew it wasn’t good.” Staff Sergeant Muir died after he had already made safe more than 100 of the bomblets. The inquest heard how the mission had originally be classified as category D - the lowest priority which usually does not require detonation by hand, but rather but remote control device.

Giving evidence, Home Office Pathologist Doctor Nicholas Hunt confirmed that Sergeant Muir had been kneeling over a bomblet when he died. “Death was caused primarily by the effect of the blast, and also the fragmentation that followed,” he said. The impact of the blast had removed the fingers of both hands and caused serious injuries to the head, abdomen, groin and upper legs. The Army launched an independent inquiry into the death, led by a Senior Ammunitions Technical Officer with the Royal Logistics Corps and discovered that as much as 30 per cent of M42s fail to detonate upon impact. Giving evidence, Major John Balding said: “I was sent to Iraqi the following day to investigate because I was not directly in the chain of command.”

The village consisted of three or four farms, and about 30 or 40 children, over a two kilometre area. I saw areas of blood on the sand where Sergeant Muir had been. There were more than 200 bomblets in the well.

The M42s are designed to detonate on impact when they hit a hard target like a building or vehicle. Unfortunately we have reports telling us that up to 30 per cent do not go off if they land on soft sand. “I saw many lying in dust or hanging from tomato fields in crops that were two feet high. There had already been a plan to send a whole squadron of Spanish engineers to the area. But I guess that Sergeant Muir felt he could help the peasant population to be safe and to clear the bombs so that they could harvest.”

He felt he was experienced enough to help these people and decided to do so. It was clear they had already started to pile these bomblets up in the well. “Describing Sergeant Muir, of Temple Hardewycke, Southam, he said: “He was a young man who grew up very quickly after he was promoted to sergeant, one of the most important positions in his field. He was very successful, respected and very well liked.”

Recording a verdict of death by misadventure, Oxford Coroner Nicholas Gardiner said: “It is unacceptable that 30 per cent of these bomblets fail to detonate, falling in areas where the local population are not likely to understand the dangers.” I propose to use my powers to report to the Ministry of Defence and urge them to investigate devices which do not fail 30 per cent of the time, or to use different devices altogether.”

A spokesman for the Ministry of Defence said: “We can confirm that the M42 cluster bombs used in this tragic incident were dropped by US forces. We do use a limited amount of other types of cluster bomb, but we do not feel we can comment on their failure rate until we receive an official request from the Oxford Coroner.”

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