

This exhibit marked "A" is the true copy.

of the document referred to in the annexed

Affidavit of Christopher John August

sworn at Wellington

this 22<sup>nd</sup> day of August 2019

22 AUG 10

Solicitor  
Wellington

PSR(S)1 PSR(S)1 TF81 FSN conducted a partnered Level 2 time sensitive deliberate detention operation (DDO) IOT kill / capture OBJ BURNHAM (B1 - ABDUL KALTA - RTAF 2307) and OBJ NOVA / PSR(S)1 (B2 - NEMATULLAH - RTAF 2306) IVO 42S VD 23036 91463 over the period 212217 - 220500 AUG 10 IOT disrupt INS atk cell, increase the security in BAMYAN and BAGHLAN province, protect ANSF, Coalition Forces and enhance the legitimacy and authority of GIRoA.

Disrupt INS network elements planning attacks on ANSF / Coalition Forces and local population in BAMYAN and BAGHLAN Province and enhance the authority and legitimacy of GIRoA.

ISAF and ANSF executed a HAF to TIGIRAN VILLAGE. On infil AWT and AC130 engaged PID armed insurgents moving to target FF. CRU TF81 moved to COI conducting callout and clearance, graduating to EMOE. All COI were cleared and found to be empty. A1 and A3 yielded a qty of INS weapons and ammunition. A2 was an agricultural building. During clearance a collapsed wall resulted in 1 x TF81 cas. Ongoing INS activity resulted in several more engagements. The des of INS ammo by charge in the vic of A1 resulted in a fire within A1. A3 also caught fire due to an unattended cooking fire left by withdrawing INS. All FF exfil by HAF to CW.

KLE conducted.  
IO posters placed on COI.

No detainees  
13 INS KIA (JACKPOT PENDING)  
1 x RPG launcher, 1 x AK47, 7 x RPG rockets, 5 x RPG rocket motors, 1 x bipod (assessed as an RPG bipod), 6 x boxes of small arms ammunition, 2 x RPK belts, 1 x AK-47 magazine (full), 1 x pistol holster, 1 x drum mag. These items were destroyed on the target location.

~~NATO / ISAF SECRET~~  
OP RAHBARI  
OBJ BURNHAM (42S VD 23036 91463)

PSR(S)1

42SVD2303691463  
OBJ BURNHAM (A1)

MAMS

PSR(S)1

CALL-OUT UNDERWAY (A1)

~~NATO / ISAF SECRET~~

133

"A"

(S116)

Classified Register  
Ser No: OCDF / 387 / 2011  
IN: 119 / 2011  
OUT: 1 / 1

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22 AUG 10

~~NATO / ISAF SECRET~~  
**OP RAHBARI**  
**OBJ BURNHAM (42S VD 23036 91463)**

PSR(A1), PSR(C)2 TF81 [ ] FSN [ ] conducted a partnered Level 2 time sensitive deliberate detention operation (DDO) IOT kill / capture OBJ BURNHAM (B1 - ABDUL KALTA - RTAF 2307) and OBJ NOVA / PSR(S)1 (B2 - NEMATULLAH - RTAF 2306) IVO 42S VD 23036 91463 over the period 212217 - 220500 AUG 10 IOT disrupt INS atk cell, increase the security in BAMYAN and BAGHLAN province, protect ANSF, Coalition Forces and enhance the legitimacy and authority of GIRoA.

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PSR(S)1

MAMS



PSR(S)1

CALL-OUT UNDERWAY (A1)

~~NATO / ISAF SECRET~~

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 ISAF 147 GRC Summary (3x/80)  
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S116

Classified Register			
Ser No:	OCDF	1 387	1 2011
IN:		1 19	1 2011
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MINISTRY OF DEFENCE/NEW ZEALAND  
DEFENCE FORCE

COVER SHEET

To accompany documents to  
Minister of Defence



Subject:	OPERATION WATEA: HQ ISAF CIVILIAN CASUALTY INVESTIGATION INTO OPERATION BURNHAM 22 AUGUST 2010		
MOD File No:	MoD Tracking #:	Minister's Tracking#: (For Minister's office)	
NZDF File No:	NZDF 03130/DSC/2 NZDF Tracking #		
Priority:	ROUTINE	Request Ministerial response by:	
Contacts:	1. PSR(IC)3 2. PSR(IC)3		

Sheet not to exceed one page. Please complete shaded areas.

Purpose:	The purpose of this note is to inform you that HQ ISAF have initiated a Civilian Casualty Investigation stemming from the operation conducted by the <del>Afghan National Security Forces</del> and TF81 on Sunday 22 August 2010, in Baghlan province, Afghanistan.
Recommendations:	<p>a. Note that there have been allegations made by the <sup>Sub</sup>Governor of the TALA WA BARFAK district that civilians were wounded and killed in the operation conducted by <del>Afghan National Security Forces</del> and TF81 on Sunday 22 August 2010.</p> <p>b. Note that HQ ISAF have initiated an investigation into the allegations and appointed a Brigadier as the investigating officer.</p> <p>c. Note that the SNO and OC TF81 have been interviewed by the investigating officer.</p> <p>d. Discuss this note with the Minister of Foreign Affairs and Prime Minister.</p>
MOD/NZDF Consultation:	NZDF
Minister's comments:	
Minister's Action:	Signed / Noted / Agreed / Approved / Declined  Referred to:
<p>Signature: _____ Date: _____</p>	

J MATEPARAE  
Lieutenant General  
Chief of Defence Force

Date

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~~SECRET REL ISAF~~

NZDF 03130/DSC/2

August 2010

Minister of Defence

**OPERATION WATEA: HQ ISAF CIVILIAN CASUALTY INVESTIGATION ON  
OPERATION BURNHAM 22 AUGUST 2010****Purpose**

1. The purpose of this note is to inform you that HQ ISAF have initiated a Civilian Casualty Investigation stemming from the operation conducted by the ~~Afghan~~ <sup>CRU</sup> ~~National Security Forces~~ and TF81 on ~~Sunday~~ <sup>22</sup> August 2010, in Baghlan province, Afghanistan.

**Background**

2. <sup>Re</sup> ~~Afghan National Security Forces~~ (Crisis Response Unit) and TF81 conducted a disruption operation targeting the insurgent group operating within the Bamyán/Baghlan north east border region. This insurgent group conducted the recent fatal attack on the NZPRT patrol on 3 August 2010. During the operation a number of armed insurgents were engaged by the ground and air force and killed. Afghan citizens within the TALA WA BARFAK region have alleged that innocent civilians were killed during the operation and HQ ISAF has commenced an investigation into the allegations.

3. HQ ISAF has a policy of investigating all alleged civilian casualties as a result of operations conducted by coalition forces. A Brigadier has been tasked to lead the investigation into the allegations and he has already spoken to the Senior National Commander (SNO) and Officer Commanding (OC) TF81 on Tuesday evening. He then reviewed the "gun tapes" from the Apache helicopters and AC-130 Gunship that were involved in the operation to determine if they had adhered to coalition Rules of Engagement (ROE). Over the next two days he plans to travel to Baghlan and speak to the German Commander of Regional Command North, and to the Governor of Baghlan province in order to ascertain the veracity of the claims and gauge the atmospherics of the region. If security permits he will travel to the TALA WA BARFAK region to meet with the local Governor of the district.

4. The investigating officer complimented the SNO and OC for their thorough post operational assessment and for providing extensive, open and honest comment. He explained that the process is not a "witch-hunt", but is intended to ensure that the

~~SECRET REL ISAF~~



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coalition treats fairly any civilians casualties that were directly attributed to the operation conducted on Sunday 22 August.

5. I will keep you <sup>apprised of</sup> apprised as to any developments and outcomes and would recommend that you discuss this with the Minister of Foreign Affairs and Prime Minister.

**Recommendations**

6. It is recommended that the Minister:

- a. <sup>Sub</sup> Note that there have been allegations made by the Governor of the TALA WA BARFAK district that civilians were wounded and killed in the operation conducted by ~~Afghan National Security Forces and TF81~~ on Sunday 22 August 2010. ~~ISAF and ANSF (TF81 and Ch)~~
- b. Note that HQ ISAF have initiated an investigation into the allegations and appointed a Brigadier as the investigating officer.
- c. Note that the SNO and OC TF81 have been interviewed by the investigating officer.
- d. Discuss this note with the Minister of Foreign Affairs and Prime Minister.

**J. MATEPARAE**  
Lieutenant General  
Chief of Defence Force

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~~SECRET REL ISAF~~



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MINISTRY OF DEFENCE/NEW ZEALAND  
DEFENCE FORCE

COVER SHEET  
To accompany documents to  
Minister of Defence



<b>Subject:</b>	CRU AND NZSAS OPERATIONS IN BAGHLAN PROVINCE AUGUST AND SEPTEMBER 2010		
<b>MOD File No:</b>	MoD Tracking #.	Minister's Tracking#: (For Minister's office)	
<b>NZDF File No:</b>	NZDF Tracking #		
<b>Priority:</b>	ROUTINE	Request Ministerial response by:	
<b>Contacts:</b>	1 PSR(sen)1, PSR(IC)3 2	Tel: PSR(IC)3, PSR(sen)1 Tel:	A/H: PSR(sen)1, PSR(IC)3 A/H:

Sheet not to exceed one page. Please complete shaded areas.

<b>Purpose:</b>	The purpose of this note is to provide releasable information to the Prime Minister of the operations conducted by the Crisis Response Unit (CRU) and NZSAS Task Force in Baghlan Province, Afghanistan on 22 August and 03 October 2010.
<b>Recommendations:</b>	<b>Note</b> the risks associated with releasing the Information.  <b>Refer</b> this note to the Prime Minister and Minister of Foreign Affairs for public release.
<b>MOD/NZDF Consultation</b>	NZDF
<b>Minister's comments:</b>	
<b>Minister's Action:</b>	Signed / Noted / Agreed / Approved / Declined  Referred to:
<div style="display: flex; justify-content: space-between;"> <div>Signature:</div> <div>Date:</div> </div>	

J MATEPARAE  
Lieutenant General  
Chief of Defence Force

Date

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## CRU AND NZSAS OPERATIONS IN BAGHLAN PROVINCE AUGUST AND OCTOBER 2010

1. On 3 August 2010, a daytime NZPRT Patrol led by Lt O'Donnell was ambushed in the North Eastern region of Bamian province by an insurgent group that had an active history of targeting Afghan National Security and coalition forces within the Baghlan-Bamian border region. This insurgent group was based in the neighbouring province of Baghlan, centred on the Talewa Berfak district (approx 20km away).

2. Following this attack, the Afghan Ministry of Interior (MOI) Crisis Response Unit (CRU) supported by the NZSAS Task Force and other ISAF coalition partners, commenced planning to disrupt this insurgent groups capacity and capability to target coalition forces, including the NZPRT within the Baghlan-Bamian border region. ~~The mission~~ was launched on the night 21 August and was approved by the MOI and Commander ISAF. The MOI issued Arrest Warrants for the two principal insurgent commanders and these were to be enforced by the members of the CRU.

*The CDF approved the operation and it*

*after gaining additional approval from*

3. ~~The~~ combined ground force comprising PSR(S)1 CRU personnel, PSR(S)1 NZSAS personnel supported by coalition helicopters and aircraft landed at 00.30am on Sunday 22 August. The force was on the ground for approximately three hours and during that time a large number of armed insurgents, operating in small groups attempted to outflank the force and fire on them from high ground. The armed insurgents were engaged by coalition helicopters and aircraft. The ground force searched three buildings and destroyed a quantity of weapons, ammunition and explosives, but did not locate the two insurgent leaders. The ground force departed at approx 3.30am. During the operation nine armed insurgents were killed by the coalition helicopters and aircraft and one NZSAS soldier was wounded when a wall collapsed on him and he was evacuated and subsequently returned to NZ for further medical treatment.

*which was a success including the*

4. Following the operation allegations were made that up to twenty (20) civilians had been killed by aerial bombardment and twenty (20) houses destroyed by fire<sup>1</sup>. Based on these allegations a joint assessment team composed of representatives from the Afghan Ministries of Interior and Defence and ISAF officials conducted a full assessment of the operation. The assessment team visited the provincial and district capitals, the hospital where the alleged casualties were receiving treatment, viewed the gun tapes from the coalition aircraft and spoke to NZSAS personnel. As a result of their investigation the assessment team concluded that "having reviewed the evidence there is no way that civilian casualties could have occurred" and the actions of the ground force and coalition air were cleared of all allegations.

5. Headquarters ISAF assess that as a result of this operation the insurgent group's capacity and capability to conduct further operations had been disrupted. A follow-on operation was conducted on the night of 2 October, but passed without incident with no insurgents encountered nor any shots fired.

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**Risk Associated with Releasing Information**

6. The most obvious risk is posed from the Talewa Berfak insurgent group and others operating within the Baghlan province, who still possess an ability to target the Afghan National Security Forces (ANSF) and NZPRT operating within the Baghlan-Bamian border region. These groups have recently been reported making threats to target ANSF, coalition forces and the NZPRT. Up to this point in time, no ISAF coalition member has been singled out and identified as participating in the operations of 22 August and 3 October. If New Zealand is identified as the main coalition force on these operations, then there is the potential that the insurgent groups will be more determined in their actions to target the NZPRT along similar lines to their attack on 3 August 2010.

7. **Risk Mitigation.** As a result of the ambush on 3 August and recent threats by these insurgent groups, the NZDF and NZPRT have taken active measures to increase their force protection when operating in this border region.

**Note:**

1. During the operation two of the three buildings searched caught fire, the first was caused by explosives igniting the structure and the second was caused by an unattended cooking fire left burning when the local inhabitants departed.

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**MINISTRY OF DEFENCE/NEW ZEALAND  
DEFENCE FORCE**

**COVER SHEET**

**To accompany documents to  
Minister of Defence**



<b>Subject:</b>	<b>NZSAS (TF81) OPERATIONS IN BAGHLAN PROVINCE AUGUST AND SEPTEMBER 2010</b>		
<b>MOD File No.</b>	MoD Tracking #.	<b>Minister's Tracking#:</b> (For Minister's office)	
<b>NZDF File No.</b>	NZDF 3130/DSO/4 NZDF Tracking #		
<b>Priority:</b>	ROUTINE	<b>Request Ministerial response by:</b>	
<b>Contacts:</b>	1 PSR(sen)1, PSR(IC)3 2	Tel: PSR(sen)1, PSR(IC)3 Tel:	A/H: PSR(sen)1, PSR(IC)3 A/H:

**Sheet not to exceed one page. Please complete shaded areas.**

<b>Purpose:</b>	The purpose of this note is to inform the Prime Minister of the operations conducted by the NZSAS Task Force and Crisis Response Unit (CRU) in Baghlan Province, Afghanistan on 22 August and 03 October 2010.
<b>Recommendations:</b>	<p>Note that the intelligence concluded that the insurgent group responsible for the ambush of the NZPRT patrol on 3 August 2010, was commanded and comprised of personnel from the village of Tigran, located within the adjacent province of Baghlan. Note that the Response Task Force comprising CRU and NZSAS personnel and supported by PSR(S)2, PSR(S)3, ISAF ISR assets and coalition air targeted the insurgent group located within the village of Tigran on 22 August and 3 October 2010.</p> <p>Note that ISAF has determined that the Tigran based insurgent group's capacity and capability to conduct further operations has been severely disrupted as a result of the operations.</p> <p>Note that the allegations into civilian casualties and destroyed houses were investigated by a joint assessment team and they concluded that the allegations were baseless and cleared the actions of the Response Task Force and coalition air of all allegations.</p> <p><b>Refer this note to the Prime Minister and Minister of Foreign Affairs.</b></p>
<b>MOD/NZDF Consultation:</b>	NZDF
<b>Minister's comments:</b>	
<b>Minister's Action:</b>	Signed / Noted / Agreed / Approved / Declined  Referred to:
<b>Signature:</b>	<b>Date:</b>

**J MATEPARAE**  
Lieutenant General  
Chief of Defence Force

Date

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3130/DSO/4

December 2010

Minister of Defence

**NZSAS (TF81) OPERATIONS IN BAGHLAN PROVINCE AUGUST AND OCTOBER 2010****Purpose**

1. The purpose of this note is to inform the Prime Minister of the operations conducted by the NZSAS Task Force and Crisis Response Unit (CRU) in Baghlan Province, Afghanistan on 22 August and 03 October 2010.

**Background**

2. On 3 August 2010, a daytime NZPRT Patrol led by Lt O'Donnell was ambushed in the North Eastern region of Bamian province by an insurgent group, which operated from the Talewa Berfak district of Baghlan province, approximately 20km away.
3. As a direct result of this insurgent activity, the NZSAS Task Force supported by PSR(S)2, PSR(S)3 and ISAF Intelligence, Surveillance and Reconnaissance (ISR) assets, commenced active intelligence gathering on this insurgent group. The intelligence gathered over a two week period established that the insurgent group's leadership and base of operations was centred on the village of Tigiran, within the Talewa Berfak district of Baghlan. Commander ISAF, General Petraeus, approved the designation of the two principal insurgent commanders of this group as "medium value targets" and their names were added to the ISAF Joint Prioritisation Effects List (JPEL)<sup>1</sup>.
4. From the intelligence provided the CRU, supported by the NZSAS, developed an operation plan targeting the insurgent leadership which was approved by the Afghan Ministry of Interior (MOI) and Commander ISAF to disrupt the insurgent operations centred on Tigiran village. The operation was conducted on the night and early morning of 21/22 August, and a follow-on operation was conducted on the night 2/3 October.

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<sup>1</sup> PSR(S)1

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2 of 3

**Outcome: Operation One 21/22 August 2010**

5. The intent of the combined CRU/NZSAS Response Task Force (RTF) operation was to disrupt the Tigran based insurgent group's capacity and capability to target coalition forces, including the NZPRT within the Baghlan-Bamian border region. Prior to the launch of the operation the Ministry of Interior Criminal Investigations Division Issued two Arrest Warrants for the two principal insurgent commanders and these were to be enforced by the members of the CRU participating in the operation.

6. The combined RTF comprising <sup>PSR(S)1, PSR(S)2, PSR(S)3</sup> CRU personnel, <sup>PSR(S)2, PSR(S)3</sup> NZSAS personnel, and supported by ISAF ISR assets, and coalition air support from helicopters and planes operated in the vicinity of Tigran village. The RTF landed near the village at 0030 hours on Sunday 22 August. The RTF was on the ground for approximately three hours and in that time sustained one casualty (<sup>PSR(sen)1, PSR(IC)3</sup> - please protect). Coalition air support and the RTF engaged a number of Insurgents throughout the operation and it is estimated that up to nine Insurgents were killed by the coalition air support. The RTF searched three buildings and destroyed a quantity of weapons, ammunition and explosives. During the operation two of the three buildings searched caught fire, the first was caused by explosives igniting the structure and the second was caused by an unattended cooking fire left burning when the inhabitants departed.

7. Following the operation Afghan citizens from the Talewa Berfak district alleged that up to twenty (20) civilians had been killed by aerial bombardment and twenty (20) houses destroyed by fire. Based on these allegations and reported in the New York Times, a joint assessment team composed of representatives from the Afghan Ministries of Interior and Defence and ISAF officials conducted a full assessment of the operation. The assessment team visited the provincial and district capitals, the hospital where the alleged casualties were receiving treatment, viewed the gun tapes from the coalition air assets and spoke to the NZSAS personnel. As a result of their investigation, the joint assessment team concluded that the allegations were baseless and categorically cleared the actions of the RTF and coalition air of all allegations. The assessment concluded that "having reviewed the evidence there is no way that civilian casualties could have occurred". The joint assessment team's report has not been released beyond Headquarters ISAF and our knowledge of the findings are based on the comments provided by the NZSAS Task Force commander, who was permitted to read the report.

8. Furthermore, Headquarters ISAF has determined that the Tigran based insurgent group's capacity and capability to conduct further operations has been severely disrupted as a result of the operation, with nine insurgents killed, a quantity of weapons, ammunition and explosives destroyed and the two insurgent commanders reported to have moved to safer areas, including Pakistan and more remote areas of Baghlan province.

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3 of 3

#### Outcome: Operation Two 2/3 October 2010

9. Following on from the successful operation of 22 August, further intelligence reported that the principal insurgent commander had returned to Tigran village and was located at his house. The RTF then commenced planning for a follow-on operation based on this new intelligence; this was approved by the Ministry of Interior and Headquarters ISAF. The operation was conducted in a similar style to the previous mission, but utilised different landing and recovery zones. The Task Force comprised <sup>PSR(S)1, PSR(S)2, PSR(S)3</sup> CRU personnel, <sup>PSR(S)2, PSR(S)3</sup> personnel, and was supported by ISAF ISR assets, and coalition air helicopters and planes. Upon landing the Task Force quickly secured the target building and searched the premises, but no Afghans were present and the force extracted from the area without incident.

10. Headquarters ISAF assess that this operation had a further disrupting effect on the insurgent group, notwithstanding the fact that the insurgent commander was not detained by the CRU.

#### Recommendations

11. It is recommended that the Minister:

- a. **Note** that the intelligence concluded that the insurgent group responsible for the ambush of the NZPRT patrol on 3 August 2010, was commanded and comprised of personnel from the village of Tigran located within the adjacent province of Baghlan.
- b. **Note** that the Response Task Force comprising CRU and NZSAS personnel and supported by <sup>PSR(S)2, PSR(S)3</sup> ISAF ISR assets and coalition air targeted the insurgent group located within the village of Tigran on 22 August and 3 October 2010.
- c. **Note** that ISAF has determined that the Tigran based insurgent group's capacity and capability to conduct further operations has been severely disrupted as a result of the operations.
- d. **Note** that the allegations into civilian casualties and destroyed houses were investigated by a joint assessment team and they concluded that the allegations were baseless and cleared the actions of the Response Task Force and coalition air of all allegations.
- e. **Refer** this note to the Prime Minister and Minister of Foreign Affairs.

**J. MATEPARAE**  
Lieutenant General  
Chief of Defence Force

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From N2SAS SNO at the time...

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..." Firstly yesterday I put you wrong in that I stated an Investigation was being conducted. In fact what has been occurring has been an IAT (Initial Assessment Team) has been convened to look at the operation and decide if an Investigation into a CIVCAS incident needs to occur. Yesterday the IAT interviewed the District Governor of TWB.

PSR(S)1, PSR(R)1, PSR(IC)4

Reference to content of partner-controlled video of operation.

PSR(S)1, PSR(IC)4

This is good news. It has to date verified that our actions were correct and in accordance with the threat presented. This will likely be looked at by IJC from two fronts. Actions by the ground force, (no problems I can see) and actions by the Airborne force. There is no indication at this stage on the evidence presented to the IAT that there was anything other than the correct application of force to a clear and present INS threat, and that any CIVCAS caused by the AWT would be collateral and unintended. This point is still to be verified"...

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Fully withheld document (three pages) which formed part of Exhibit A.









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This exhibit marked "B" is the true copy  
of the document referred to in the annexed

Affidavit of Christopher Howard Brown  
sworn at Wellington

on the 23 day of August 2019  
before me:- St John Christopher Howard Brown  
Solicitor

A Solicitor of the High Court of New Zealand

## DOT POINT BRIEF FOR VCDF

### TALKING POINTS FOR MEETING WITH PM ON 22 MAR

#### Origins

- On 3 Aug 10 Lt Tim O'Donnell was killed in NE Bamian Province during an ambush. Attack carried out by an insurgent group with a history of targeting Afg National Security and coalition forces within the Baghlan-Bamian border region.
- The insurgent group were centred in Talewa Berfak district. The ambush on coalition forces was interpreted as an escalation of the threat to the NZ PRT.
- In the wake of the ambush Afghan MOI's CRU supported by SAS and coalition partners started gathering intelligence and planning to disrupt this insurgent group that posed a threat to NZ PRT within Baghlan-Bamian border region.
- MOI issued arrest warrants for two insurgent commanders and mission to capture or kill insurgents was approved by the MOI and Cdr ISAF. CDF NZ and Min Def also in Afghanistan and briefed on mission.

#### The 21 – 22 Aug 10 Operation

- The mission ground force comprised <sup>PSR(R)2</sup> CRU personnel and <sup>PSR(I)2</sup> NZ SAS, supported by coalition helos and aircraft. Ground force landed at 0030 on 22 Aug and were on the ground for approximately 3 hours.
- During the op a large number of insurgents working in small groups attempted to outflank the force. These insurgents were engaged by coalition helos and aircraft. The ground force searched 3 buildings and destroyed a quantity of weapons, ammo and explosives but did not locate the two insurgent leaders.
- During op 9 insurgents were killed by coalition aircraft. 1 x NZSAS was wounded when wall collapsed on him. One insurgent killed by NZ SAS.
- Post operation Battle Damage Assessment did not find any non-combatant casualties.

#### Post Operation Allegations

- After operation allegations that 20 civilians had been killed and 20 houses destroyed by fire was reported in various international media. In reaction an Initial Assessment Team (Afghan Ministries of Interior and Defence, and ISAF officials) was initiated.
- The IAT visited the provincial and district capitals, the hospital where the alleged casualties were taken, viewed the coalition aircraft gun tapes and spoke to NZ SAS. The IAT interviewed the Provincial Governor and Chief of Police.
- The Governor reported that 3-4 days after operation 15 local nationals met with him stating that large operation had been conducted. The locals claimed that 4 adult males, 1 female adult and 1 child were killed, and two adult females in hospital.

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- IAT described operation to the Governor and Chief of Police including report of two buildings damages and pictures of arms cache. . At end of meeting the Governor change stance from 'this happened' to 'investigation was needed'.
- The IAT was specifically established to investigate such allegations. PSR(R)1 that it was possible that civilian casualties occurred because two buildings were used by insurgents as cover and that women and children were in those buildings.
- The insurgents put non-combatants at risk by using the compounds as a base for their operations. Insurgents with machine guns and probable RPGs were clearly visible.
- Buildings were not a target, however a gun sight malfunction in one of the helicopters may have lead to rounds falling short. One building caught fire after ammo cache was destroyed and one other fire occurred as insurgents fled and left a stove unattended.

PSR(IC)3

DCoord

OCDF

PSR(IC)3

22 Mar 17

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"C"

RECEIPT FOR THE EXHIBIT marked "C" Is the true copy

Serial Number	Date of Entry	Sender or Originator	Date of Origin	Reference Number	of the document referred to in the annexed Affidavit of Christopher John Augustine Hooy sworn at Wellington this 23 day of August 1981 before me:- [Signature] Solicitor Wellington	Total No. Received or Produced	Cop. No.
(a)	(b)	(c)	(d)	(e)		(g)	(h)
					A Solicitor of the High Court of New Zealand		

SLIG	1 Sep	CODE	1 Sep	Reaching [redacted] on [redacted] casually [redacted] label Am 2010		
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## DISPOSAL

Copy No.	Classifica- tion	TEMPORARY			FINAL			REMARKS
		Referred to or Returned to	Received		Despatched to (address details) or Enclosed in (ref. number of files etc.)	Date	Date Receipt Returned	(To include destruction particulars w. applicable or signature of recipient if receipt form not used)
			On (date)	Receipt				
(i)	(j)	(k)	(l)	(m)	(n)	(o)	(p)	

5								
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Fully withheld document (two pages) which formed part of Exhibit A.







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**From:** Colonel Blackwell  
**Sent:** Tuesday, 1 July 2014 10:15 a.m.  
**To:** @CO  
**Subject:** FW: ISAF Op Assessment Summary  
**Attachments:** 2010-08-26 ISAF - Incident Assessment Team Executive Summary for Op 22 Aug 10.docx

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**From:** HQNZDF.DSO-SOANLST  
**Sent:** Tuesday, 1 July 2014 10:12 a.m.  
**To:** HQNZDF.DSO  
**Subject:** ISAF Op Assessment Summary

<>





Please file

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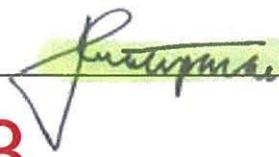
DSO / 120 (25)  
12/8/10  
79

**DIRECTORATE OF SPECIAL OPERATIONS**  
**COVER SHEET**

RECEIVED  
12/8/10  
OCDF 448/10

To accompany documents to the  
Chief of Defence Force

<b>Subject:</b>	OPERATION RAHBARI Mission Approval		
<b>NZDF File No.</b>	3130/DSO/4	Original Held in: DSO Safe	
<b>Priority:</b>	<b>URGENT</b>	Request CDF response by: 1000 13 AUG 10	
<b>Contacts</b>	1. DSO 2. CO TG 6	Tel: <b>PSR(IC)3</b> Tel:	A/H: <b>PSR(IC)3</b> A/H:

<b>Purpose:</b>	CDF Approval required for TF 81 to commence detailed planning to conduct mission outlined in supporting documentation.
<b>Recommendations:</b>	Mission approval conferred. Operation is outside RC-Capital and six surrounding districts and requires CDF approval.
<b>Consultation:</b>	TF 81 and DSO
<b>CDF Comments:</b>	
<b>CDF Action:</b>	Signed / Noted / Agreed / <u>Approved</u> / Declined  Referred to:
<b>Signature:</b>	 Date: 12 Aug 10

**PSR(IC)3**

Director Special Operations

DSO 
<b>CLASSIFIED DOCUMENT</b>
Received: 12 AUG 2010
File No: 3130/DSO/4
DO NOT DESTROY EXCEPT VIA COORD

Please return this cover sheet and original accompanying documents to DSO,  
Office 5.76, Level 5, Defence House.

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TF81

OP RAHBARI  
TIME SENSITIVE OPERATION  
XX AUG 10

OBJ BURNHAM



LEVEL 2

Who: CRU, FSN TF81 PSR(S)2

What: KILL / CAPTURE

Where: TALAWE BERFAK DISTRICT, BAGHLAN PROVINCE (GR TBC)

When: ON TRIGGER. DTG TBC (XX AUG 10)

Why: DISRUPT INS NETWORK ELEMENTS PLANNING ATTACKS ON  
ANSF / COALITION FORCES AND LOCAL POPULATION AND ENHANCE  
THE AUTHORITY AND LEGITIMACY OF GIROA.

**INTENT:**

DISRUPT INS NETWORKS AND LEADERSHIP, DETAIN POI, PREVENT ATTACKS AGAINST  
ANSF / COALITION FORCES AND LOCAL POPULATION AND ENHANCE THE AUTHORITY AND  
LEGITIMACY OF GIROA WHILST ENABLING NDS TO SERVE ARREST WARRANT AND  
ENFORCE GIROA LAW.

**METHOD:**

PSR(S)1, PSR(S)2, PSR(S)3, NIGHT INFIL ONTO TARGET AREA BY HELO. INSERT CORDON IOT  
ISOLATE THE COI PRIOR TO ASSAULT FORCE CLEARING COI AND DETAINING POI. RAPID  
TSE WILL BE CONDUCTED PRIOR TO BACKLOADING DETAINED POI AND MOVING ONTO  
SUBSEQUENT OBJ. SEQUENCE OF EVENTS FOR PROSECUTION OF SUBSEQUENT OBJ  
REMAINS THE SAME AS PREVIOUS OBJ. EXFIL WILL BE BY HELO.

**ENDSTATE:**

OBJ BURNHAM DETAINED, TSE COMPLETE, TU RECOVERED TO CW AND CRU HQ, INTACT  
AND POSTURED FOR FUTURE OPERATIONS.

**SCHEME OF MANOEUVRE:**

PRELIMS: CONFIRM POI IN BDL. STAGE CRU TO CW

PHASE 1: MOVE TO OBJ 1. CORDON AND CONTAIN.

PHASE 2: KILL / CAPTURE POI AT OBJ 1.

PHASE 3: TSE

PHASE 4: MOVE TO OBJ 2. CORDON AND CONTAIN.

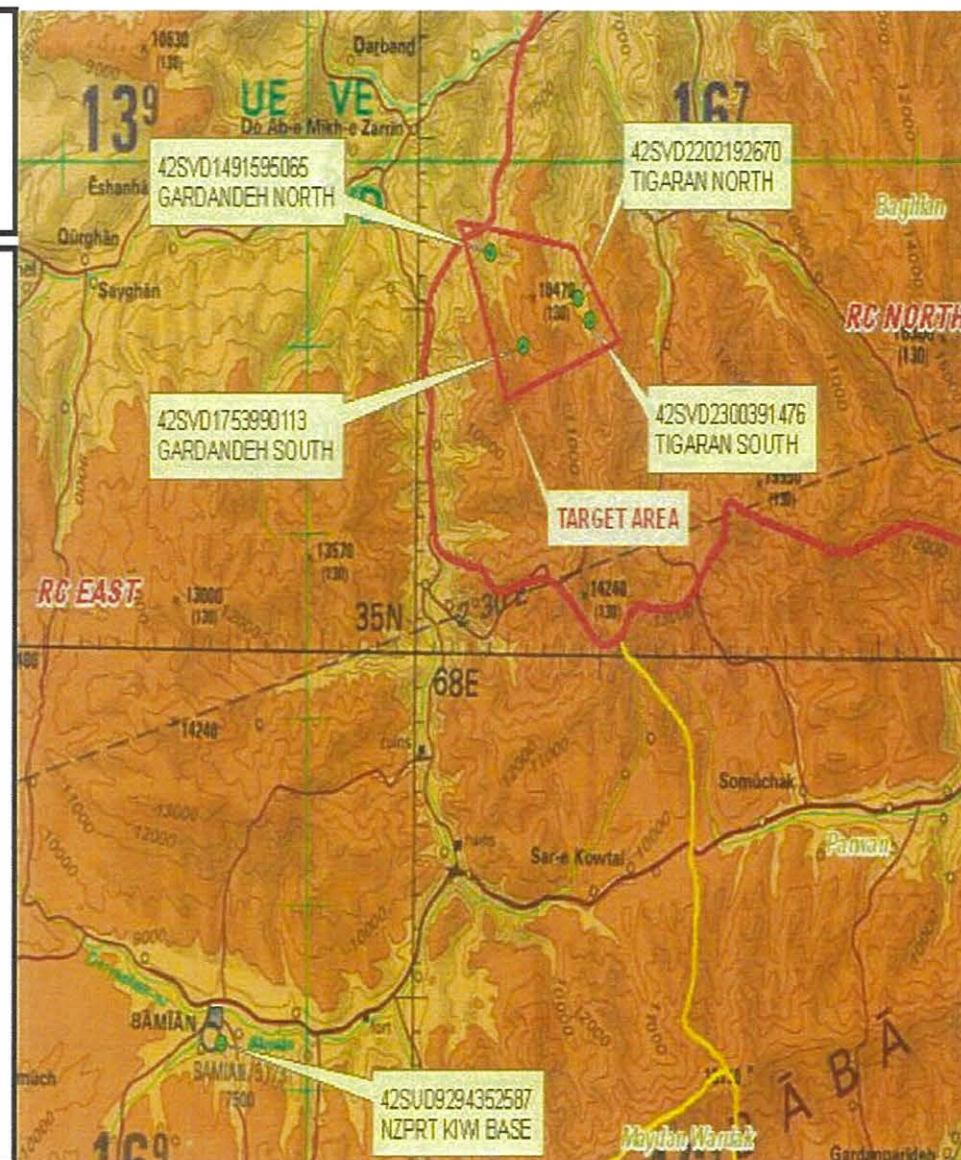
PHASE 5: KILL / CAPTURE POI AT OBJ 2.

PHASE 6: TSE AND BSHO

PHASE 7: RTU KABUL

**SUMMARY OF EXECUTION:**

ON RECEIVING CONFIRMATORY INTEL, THE TU WILL STAGE FROM CW AND DEPLOY A  
HELO CORDON AND ASLT FORCE TO THE TARGET AREA IN ORDER TO CONTAIN AND  
ISOLATE COI AND CLEAR IOT KILL / CAPTURE ANY POI. COI WILL BE SEARCHED AND ITEMS  
OF INTEREST EXPLOITED. MAMS WILL BE DETAINED BY NDS PROSECUTOR AND  
TRANSPORTED TO NDS FACILITIES FOR DETAINMENT PROCESSING. TU WILL CONDUCT  
BSHO PRIOR TO EXFIL TO KABUL.





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OPSUM/SINCREP

OP-RAHBARI-OBJ-BURNHAM-OPSUM

FROM: TF81

OPSUM AT DTG: 220800DE AUG 10

PRECEDENCE: IMMEDIATE

ALL TIMINGS: LOCAL

SER	SUBJECT	DETAIL
1	TYPE OF OPERATION	DELIBERATE DETENTION OPERATION TIME SENSITIVE TARGET
2	TARGET	OBJ BURNHAM (B1 - ABDUL KALTA - RTAF 2307) OBJ NOVA / PSR(S)1 (B2 - NEMATULLAH - RTAF 2306)
3	DTG OF OPERATION	<b>212215 - 220700 AUG 10</b>
4	LOCATION OF OPERATION (GRID & DESCRIPTION)	COI IVO 42S VD 23036 91463 TIGIRAN VILLAGE, TALAWE BERFAK DISTRICT, BAGHLAN PROVINCE
5	SUMMARY OF OPERATION (ALL TIMINGS IN KABUL LOCAL)	<p><b>21 - 22 AUG 10 JUL 10</b></p> <p><b>NOTE- MOI APPROVED CRU PARTNERED TIME SENSITIVE TARGET CONDUCTED WITH TF81.</b></p> <p><b>212215-</b> 2 x CH-47 ARRIVE CAMP WAREHOUSE. TU EMBARK FOR MOVEMENT TO BAF.</p> <p><b>212217 -</b> 2 x CH-47 DEPART CAMP WAREHOUSE FOR BAF.</p> <p><b>212250 -</b> 2 X CH-47 ARRIVE BAF.</p> <p><b>212340-</b> TU ON HELOS DEPART BAF TOWARDS TARGET AREA.</p> <p><b>220000-</b> PSR(S)1 ON TARGET AREA COMMENCED</p> <p>Support aircraft PSR(S)1</p> <p><b>220026-</b> AC-130 ON STATION. HOLDING OFF TARGET.</p> <p><b>220030-</b> TU INFIL AT PRI LZ</p> <p><b>220035-</b> SQUIRTERS POSITIVELY ID WITH WEAPONS ON THE HILL TO THE SOUTH OF A1. ENGAGED.</p> <p><b>220039-</b> SQUIRTER RUNNING EAST TO WEST 42S VD 23061 91485.</p> <p>Support aircraft</p> <p><b>220042-</b> PSR(S)1 OFF STATION</p> <p>Support aircraft</p> <p><b>220045-</b> PSR(S)1 HAS BEEN RELEASED.</p> <p><b>220048-</b> SECOND CHINOOK ON THE GROUND</p> <p><b>220053-</b> ASSAULT FORCE MADE ENTRY THROUGH EMOE INTO A1 AFTER CALL OUT AND ESCALATION OF FORCE.</p> <p>Support aircraft</p> <p><b>220100-</b> 42S VD 22880 91420 PSR(S)1 ENGAGE ARMED MAMS.</p> <p>Support aircraft</p> <p><b>220117-</b> COMPOUND OF INTEREST A1 AND A2 CLEAR.</p> <p><b>220119-</b> PSR(S)1 (2 X AH-64) HAS ENGAGED PID INS TO THE WEST OF OVERWATCH POSN. ONE PER MOVING TOWARDS OVERWATCH POSN.</p> <p><b>220126-</b> ARF DEPLOYED TO A1.</p>

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		<p><b>220128-</b> OVERWATCH ENGAGE 1 X PER. 1 X INS NO LONGER MOVING.</p> <p><b>220131-</b> ASSAULT GROUP ABOUT TO BREACH A3.</p> <p><b>220149-</b> ASSAULT FORCE MADE ENTRY TO A3. CLEARING A3. BDA COMMENCED.</p> <p><b>220154-</b> SHOTS FIRED FROM A3.</p> <p><b>220210-</b> A3 CLEAR. THERE IS A SMALL FIRE IN THIS LOCATION. 1 X FRIENDLY <sup>PSR(S)2, PSR(C)2, PSR(C)3</sup> CAS GOING TO BE UP LIFTED BY AIR ASSETS. INJURY SUSTAINED IN A1.</p> <p><b>220211-</b> CS PREP TO WDR. CASEVAC 15MINS.</p> <p><b>220231-</b> ASSAULT FORCE MOVING BACK TO A1.</p> <p><b>220237-</b> FF CAS <sup>PSR(S)2, PSR(C)</sup></p> <p><b>220237-</b> NO DETAINEES AT THIS STAGE.</p> <p><b>220245-</b> TU REQUEST EXFIL FROM PRI PZ AT 220330 AUG 10.</p> <p><b>220252-</b> AC-130 ENGAGING EIGHT PERS TO THE WEST OF THE HLZ ON HIGH GND.</p> <p><b>220256-</b> CASUALTY REASSESSED AS <sup>PSR(S)2, PSR(C)</sup></p> <p><b>220322-</b> AWT ENGAGE FOUR MAMS AT 42S VD 23507 90115 CLEARED HOSTILE</p> <p><b>220345-</b> ALL C/S OFF THE POSN.</p> <p><b>220408-</b> AC-130 CONFIRMED FOUR INS MAMS KIA FROM 0252HRS ENGAGEMENT.</p> <p><b>220432-</b> C/S IN BAMYAN REFUELING.</p> <p><b>220508-</b> ARRIVE AT CAMP WAREHOUSE.</p> <p><b>220605-</b> TF CONDUCTING HOTWASH.</p> <p><b>220700-</b> TF COMPLETE CAMP WAREHOUSE.</p>
6	ISAF PERSONNEL INVOLVED	TF81 <sup>PSR(C)2</sup>
7	OTHER FRIENDLY FORCES INVOLVED	CRU <sup>PSR(R)1</sup> FNS (3)
8	FR MILITARY HARDWARE	<p><sup>PSR(S)1</sup> AWT (2 X AH -64)</p> <p><sup>PSR(S)1</sup> 2 X CH-47 1 X AC-130</p> <p><sup>PSR(S)1</sup></p> <p style="text-align: right;">Support aircraft</p>
9	FR CASUALTIES/EVACUEES	1 X <sup>PSR(S)2, PSR(C)</sup> CAS
10	ENEMY FORCES INVOLVED	YES. ASSESSED BETWEEN 20 - 30MAMS.
11	ENEMY MILITARY HARDWARE	1 X RPG LAUNCHER, 7 X RPG ROCKETS, 5 X RPG ROCKET MOTORS, 1 X BIPOD (ASSESSED AS AN RPG BIPOD), 6 X BOXES OF SMALL ARMS AMMUNITION, 2 X RPK BELTS, 1 X AK-47 MAGAZINE (FULL), 1 X PISTOL HOLSTER, 1 X DRUM MAG.
12	ENEMY CASUALTIES/EVACUEES/ CAPTURED PERSONS	13 KIA CONFIRMED
13	CIVILIANS INVOLVED	ALL CIVILIANS WERE PROTECTED THROUGHOUT.
14	CIVPOL/PROVOST INVOLVEMENT	NIL
15	MEDIA INVOLVEMENT/INFORMED	NIL

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16	ACTION TO DATE (TO INCLUDE WHEN/WHERE/TO WHOM THE HANDOVER OF THE CAPTURED PERSON OCCURRED)	NIL MAMS DETAINED.
17	FUTURE INTENTIONS	TF81 WILL MONITOR AND ADVISE ACCORDINGLY SHOULD THIS OPERATION NEED TO BE PROSECUTED AGAIN.
18	EFFECT DESIRED	DISRUPT INS NETWORKS AND COORDINATED ATTACKS IN BAMYAN AND BAGHLAN TO PREVENT FURTHER ATTACKS
19	T/SSE	LIMITED TSE WAS CONDUCTED DUE TO HOSTILE THREAT ON THE TARGET AREA.
20	KIA	13 MAMS KIA
21	DETAINED	NIL
22	DOCEX/CELLEX/MEDEX	NIL
23	EXPLOSIVES/WEAPONS	NIL
24	REMARKS	<ul style="list-style-type: none"> <li>• NO CIVCAS</li> <li>• ALL WOMEN AND CHILDREN WERE PROTECTED THROUGHOUT</li> <li>• A1 AND A3 SHOWED SIGNS OF RECENT HABITATION AND IMMEDIATE DEPARTURE. A1 AND A3 HAD WPNS AND MUNITIONS WHICH WERE DESTROYED.</li> </ul> <p>OBJ BURNHAM WAS A LEVEL 2 PARTNERED OPERATION. COI WERE SEARCHED AND THESE WERE INITIATED WITH A SOFT KNOCK. KLE WAS ATTEMPTED BETWEEN TF81 AND THE VILLAGE, THROUGH LOUDSPEAKER. VILLAGERS DISPLAYED RETICENCE TO LEAVE THE SAFETY RESIDENCES. IO MESSAGE WAS REINFORCED. AT THE COMPLETION OF THE TSE CRU/TF81 WITHDREW FROM THE TARGET AREA AND RETURNED BACK TO CW.</p> <p>A1 AND A3 SUBSEQUENTLY CAUGHT ON FIRE NEAR COMPLETION OF THE OPERATION PRIOR TO EXFIL. A1 FIRE WAS DUE TO COMPONENTS OF MUNITIONS, ONCE DESTROYED OUTSIDE THE BUILDING LANDING IN THE VICINITY OF A1. A3 CAUGHT FIRE DUE TO AN UNATTENDED COOKING FIRE INSIDE THE DWELLING.</p>

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# OBJECTIVE BURNHAM

**Who:** TF81<sup>PSR(R)1, PSR(C)2</sup> FSN (2) **CRU**

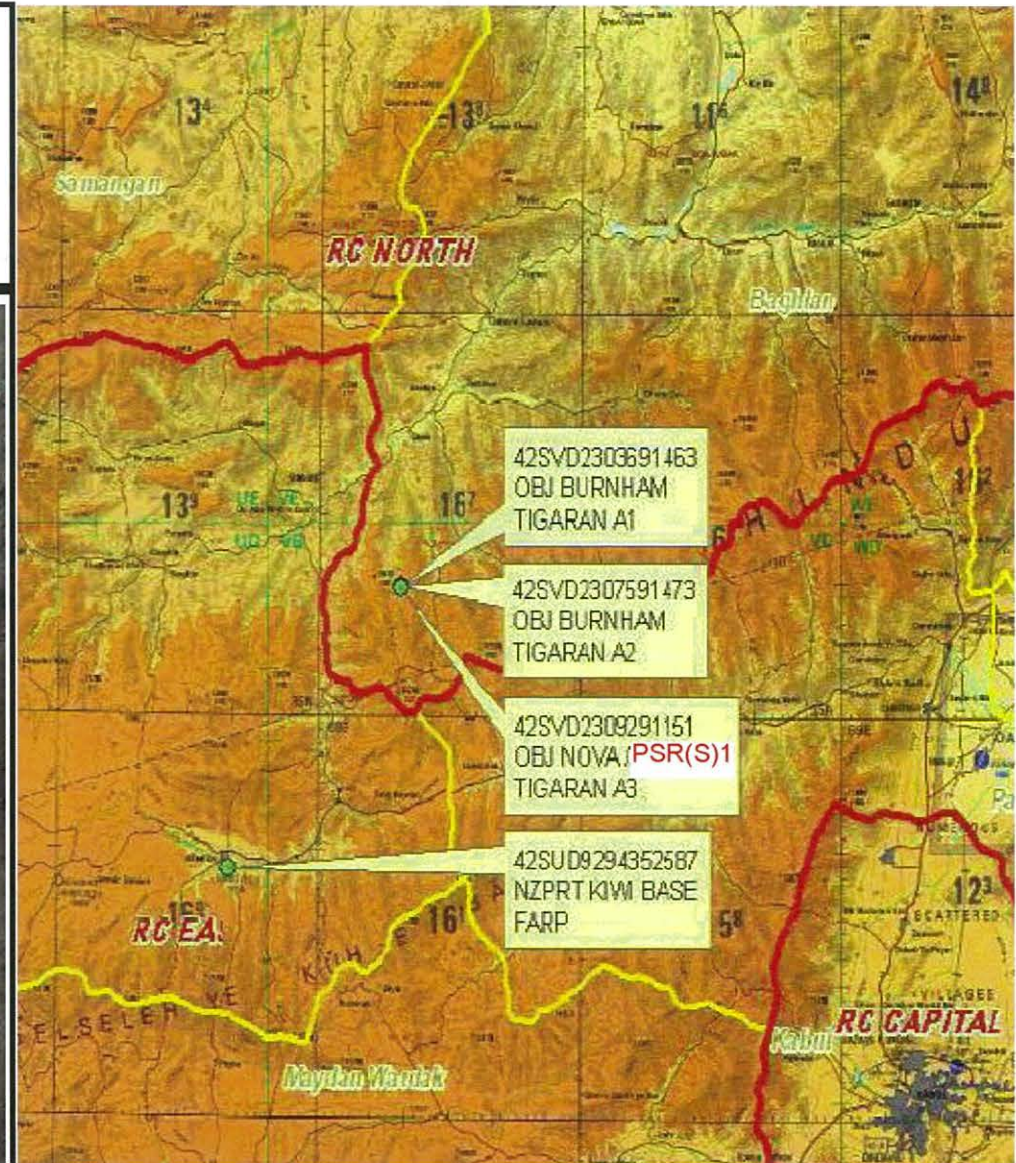
**What:** DDO

**Where:** TALAWE BERFAK DISTRICT, BAGHLAN PROVINCE

(A1 - 42SVD2303691463, A2 - 42SVD2307591473, A3 - 42SVD2309291151)

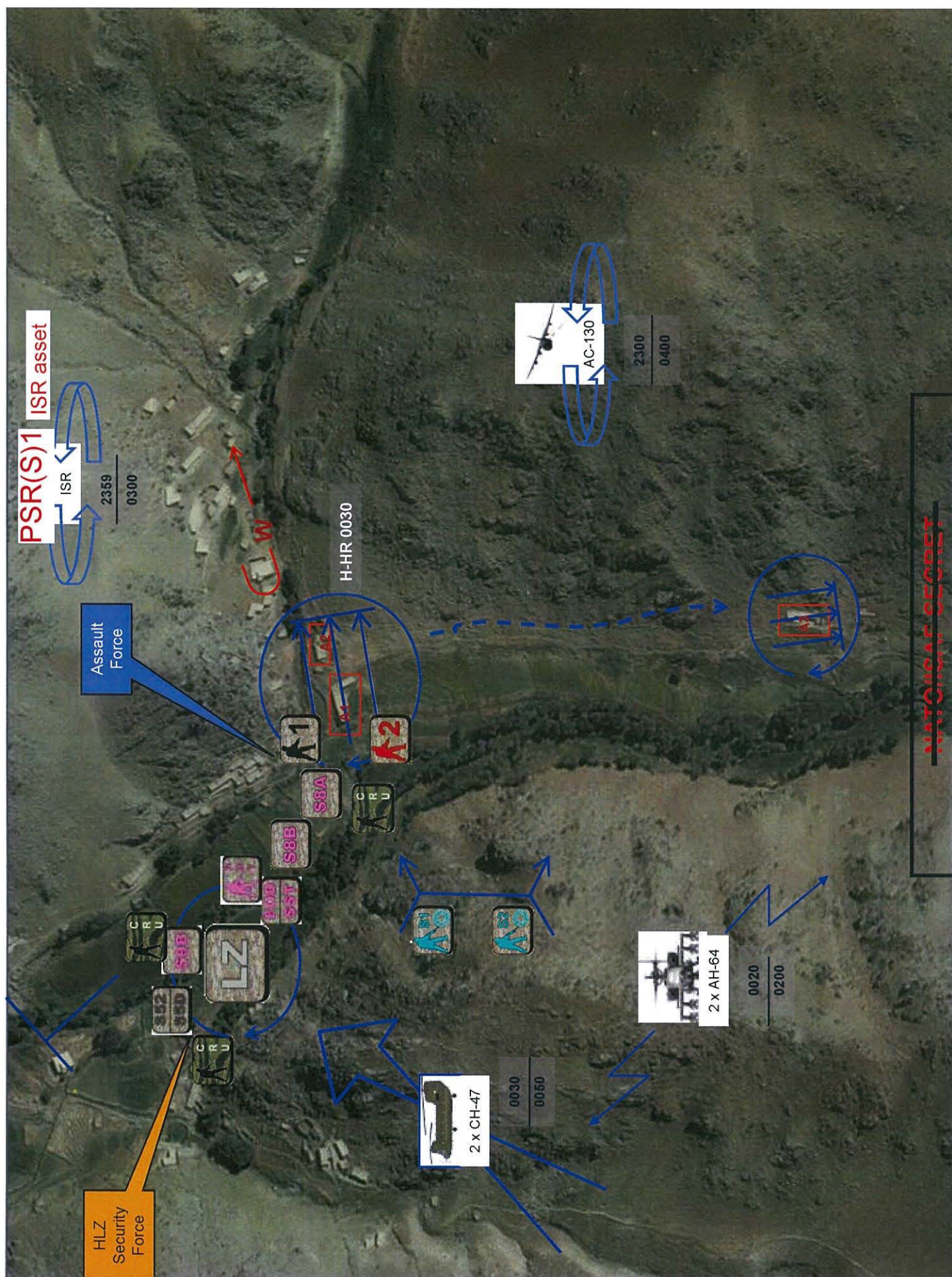
**When:** ON TRIGGER. (POD 21-22AUG 10)

**Why:** DISRUPT INS NETWORK ELEMENTS PLANNING ATTACKS ON ANSF / COALITION FORCES AND LOCAL POPULATION AND ENHANCE THE AUTHORITY AND LEGITIMACY OF GfRoA.



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### Summary of Incident CRU

On 22 August PSR(R)1 (Afghan MOI) and TF-81 (ISAF SOF) conducted a partnered operation IOT kill/capture Obj Burnham (Abdul Kalta) and Obj Nova/PSR(S)1 (Nematullah) in Tigiran Village, Talawe Berfak District, Baghlan Province, RC North. The site has no GIRoA presence and is a Taliban (TB) controlled.

At 22/0030L the first of two CH-47 infilled. The Assault Force (AF) debarked and moved towards compound A1 (the first of three to be cleared). Immediately INS were positively identified (PID) by Air Weapons team (AWT) south east of the AF and engaged by a supporting AH-64 AWT and AC130. Several surviving INS moved to the west. Shortly thereafter the second CH-47 landed on the HLZ and an over-watch team was airlanded to a HLZ on the high ground to the South and took up a position on a hill to the West of the target compounds. The AF conducted a call out of compound A1 with no response. The compound A1 was entered/cleared and in the process a wall collapsed injuring a FF (PSR(S)2, PSR cas). No occupants were found; however, cache was located (1 RPG launcher, 7 RPG rockets, 5 RPG motors, 1 Bipod, 6 Boxes of small arms ammo, 1 AK-47 Mag, 1 pistol holster, and 1 drum mag). The cache was blown in-place w/several RPG motors igniting and landing on A1's roof causing a fire. Compound A2 was unoccupied w/nothing of significance found. Compound A3 showed signs of recent occupation--stove burning w/warm food and drinks. A RPG motor and an AK-47 were found. Compound A3 was damaged by fire w/the likely cause being the damaged stove.

A total of five aerial and one ground engagements occurred:

1. AWT - AH-64 AWT previously mentioned on infil (0035L)
2. AWT - PID INS to the west of the infil HLZ (0119L) (Note for BG PSR(S)1, PSR(IC)4 this is the engagement that occurred close to residential buildings).
3. AWT - Fired PSR(S)1 in support of 2nd engagement AC130 (number 5).
4. AC-130 - Engaged MAMs at 0100L at loc mentioned for AWT first ENG (number 1).
5. AC-130 - Engaged eight INS w/four EKIA massing on hill South East from compound A3 (0252L);
6. The Ground Force: Over-watch engagement—one EKIA, squirting INS from AWT engagement 1. (0128L).

The operation was complete at aprox 0420L with 20-30 MAMs engaged, 13 EKIA confirmed, no CIVCAS reported.

Extensive BDA of compounds was conducted w/aerial BDA (gun tapes) outside AF operating area.

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FF81

ORDERS OP RAHBARI  
POD 21/22 AUG 10

OBJ BURNHAM



## PRELIMS

- Seating
- Sterile on infil
- Atts
- Dets

PSR(S)2, PSR(S)3

- OPSEC
- Generic Orders

This document is accompanied by another set of orders and was produced to brief NZSAS/CRU prior to the operation.  
This document contains partner controlled imagery which have been redacted. Where possible the description of the image has been kept.



TF81

ORDERS OP RAHBARI  
POD 21/22 AUG 10

OBJ BURNHAM



## TASKORG

TF 81  
Camp Warehouse

OPS

Sqn HQ

ARF

HLZ Sy

Assault Force

PSR(S)2, PSR(S)3

TF81 = <sup>PSR(S)2</sup>
<sup>PSR(S)1, PSR(S)2, 1</sup> = <sup>PSR(S)2</sup> **CRU**
Misc = <sup>PSR</sup>TOTAL FORCES DEPLOYED = <sup>PSR(S)2</sup>

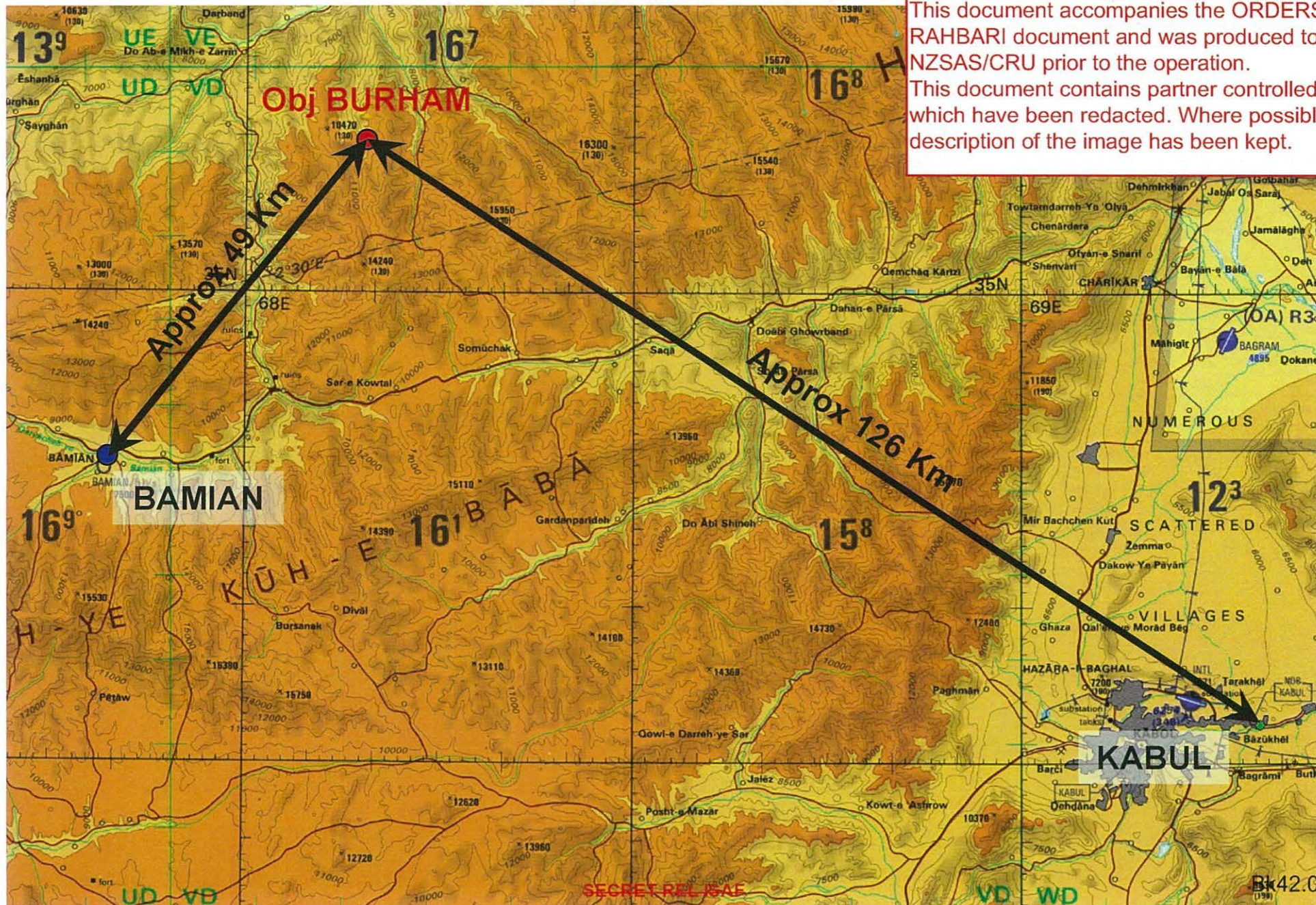
PSR(S)2, PSR(S)3



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## RELATIVE POSTION TO KABUL



This document accompanies the ORDERS OP RAHBARI document and was produced to brief NZSAS/CRU prior to the operation. This document contains partner controlled imagery which have been redacted. Where possible the description of the image has been kept.



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# COMD & SIGS

OC Loc

Loc

Chain of  
Comd

PSR(S)2, PSR(S)3

PSR(S)2, PSR(S)3

With overwatch and

PSR(S)2, PSR(S)3

JTAC

Behind Assault Force

PSR(S)2, PSR(S)3

14-Jun-19

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**HEADQUARTERS**  
**International Security Assistance Force/**  
**United States Forces-Afghanistan**  
**Kabul, Afghanistan**  
**APO AE 09356**



COMISAF/CDR USFOR-A

1 August 2010

FOR The Soldiers, Sailors, Airmen, Marines, and Civilians of NATO ISAF and US Forces-Afghanistan

SUBJECT: COMISAF's Counterinsurgency Guidance

Team, here is my guidance for the conduct of counterinsurgency operations in Afghanistan. In keeping with the admonition in this guidance to "learn and adapt," I will update this document periodically in the months ahead. Indeed, this edition is my first update, as I received useful feedback on the initial draft from Afghan partners and also received advice from elders and Special Forces teams in Herat Province's Zericho Valley. I welcome further feedback.

As I noted during my assumption of command remarks, it is a privilege to serve with each of you in this hugely important endeavor. And I appreciate all that you will do in helping to turn this guidance into reality on the ground.

**Secure and serve the population.** The decisive terrain is the human terrain. The people are the center of gravity. Only by providing them security and earning their trust and confidence can the Afghan government and ISAF prevail.

**Live among the people.** We can't commute to the fight. Position joint bases and combat outposts as close to those we're seeking to secure as is feasible. Decide on locations with input from our partners and after consultation with local citizens and informed by intelligence and security assessments.

**Help confront the culture of impunity.** The Taliban are not the only enemy of the people. The people are also threatened by inadequate governance, corruption, and abuse of power – recruiters for the Taliban. President Karzai has forthrightly committed to combat these threats. Work with our Afghan partners to help turn his words into reality and to help our partners protect the people from malign actors as well as from terrorists.

**Help Afghans build accountable governance.** Afghanistan has a long history of representative self-government at all levels, from the village shura to the government in Kabul. Help the government and the people revive those traditions and help them develop checks and balances to prevent abuses.

**Pursue the enemy relentlessly.** Together with our Afghan partners, get our teeth into the insurgents and don't let go. When the extremists fight, make them pay. Seek out and eliminate those who threaten the population. Don't let them intimidate the innocent. Target the whole network, not just individuals.



COMISAF

SUBJECT: COMISAF's Counterinsurgency Guidance

**Fight hard and fight with discipline.** Hunt the enemy aggressively, but use only the firepower needed to win a fight. We can't win without fighting, but we also cannot kill or capture our way to victory. Moreover, if we kill civilians or damage their property in the course of our operations, we will create more enemies than our operations eliminate. That's exactly what the Taliban want. Don't fall into their trap. We must continue our efforts to reduce civilian casualties to an absolute minimum.

**Identify corrupt officials.** President Karzai has said, "My government is committed to fighting corruption with all means possible." Help the government achieve that aim. Make sure the people we work with work for the people. If they don't, work with partners to enable action, or we will appear to be part of the problem. Bring networks of malign actors to the attention of trusted Afghan partners and your chain of command. Act with your Afghan partners to confront, isolate, pressure, and defund malign actors – and, where appropriate, to refer malign actors for prosecution.

**Hold what we secure.** Together with our Afghan partners, develop the plan to hold an area (and to build in it) before starting to clear or secure it. The people need to know that we will not abandon them. Prioritize population security over short-duration disruption operations. And when we begin to transition to Afghan lead, thin out rather than handing off and withdrawing, maintaining headquarters even as we reduce combat elements.

**Foster lasting solutions.** Help our Afghans partners create good governance and enduring security. Avoid compromises with malign actors that achieve short-term gains at the expense of long-term stability. Think hard before pursuing initiatives that may not be sustainable in the long run. When it comes to projects, small is often beautiful.

**Money is ammunition; don't put it in the wrong hands.** Institute "COIN contracting." Pay close attention to the impact of our spending and understand who benefits from it. And remember, we are who we fund. How we spend is often more important than how much we spend.

**Be a good guest.** Treat the Afghan people and their property with respect. Think about how we drive, how we patrol, how we relate to people, and how we help the community. View our actions through the eyes of the Afghans and, together with our partners, consult with elders before pursuing new initiatives and operations.

**Consult and build relationships, but not just with those who seek us out.** Earn the people's trust, talk to them, ask them questions, and learn about their lives. Inquire about social dynamics, frictions, local histories, and grievances. Hear what they say. Be aware of others in the room and how their presence may affect the answers you get. Cross-check information and make sure you have the full story. Avoid knee-jerk responses based on first impressions. Don't be a pawn in someone else's game. Spend time, listen, consult, and drink lots of tea.

COMISAF

SUBJECT: COMISAF's Counterinsurgency Guidance

**Walk.** Stop by, don't drive by. Patrol on foot whenever possible and engage the population. Take off your sunglasses. Situational awareness can only be gained by interacting face-to-face, not separated by ballistic glass or Oakleys.

**Act as one team.** Work closely with our international and Afghan partners, civilian as well as military. Treat them as brothers-in-arms. Unity of effort and cooperation are not optional.

**Partner with the ANSF.** Live, eat, train, plan, and operate together. Depend on one another. Hold each other accountable at all echelons down to trooper level. Help our ANSF partners achieve excellence. Respect them and listen to them. Be a good role model.

**Promote local reintegration.** Together with our Afghan partners, identify and separate the "reconcilables" from the "irreconcilables." Identify and report obstacles to reintegration. Help our partners address grievances and strive to make the reconcilables part of the local solution, even as we work with our partners to identify and kill, capture, drive out, or "turn" the irreconcilables.

**Be first with the truth.** Beat the insurgents and malign actors to the headlines. Preempt rumors. Get accurate information to the chain of command, to Afghan leaders, to the people, and to the press as soon as possible. Integrity is critical to this fight. Avoid spinning, and don't try to "dress up" an ugly situation. Acknowledge setbacks and failures, including civilian casualties, and then state how we'll respond and what we've learned.

**Fight the information war aggressively.** Challenge disinformation. Turn our enemies' extremist ideologies, oppressive practices, and indiscriminate violence against them. Hang their barbaric actions like millstones around their necks.

**Manage expectations.** Avoid premature declarations of success. Note what has been accomplished and what still needs to be done. Strive to under-promise and over-deliver.

**Live our values.** Stay true to the values we hold dear. This is what distinguishes us from our enemies. We are engaged in a tough endeavor. It is often brutal, physically demanding, and frustrating. All of us experience moments of anger, but we must not give in to dark impulses or tolerate unacceptable actions by others.

**Maintain continuity through unit transitions.** From day one, start building the information you'll provide to your successors. Share information and understanding in the months before transitions. Strive to maintain operational tempo and local relationships throughout transitions to avoid giving insurgents and malign actors a rest.

COMISAF  
SUBJECT: COMISAF's Counterinsurgency Guidance

**Empower subordinates.** Resource to enable decentralized action. Push assets and authorities down to those who most need them and can actually use them. Flatten reporting chains (while maintaining hierarchical decision chains). Remember that it is those at tactical levels – the so-called “strategic sergeants” and “strategic captains” – who turn big ideas in counterinsurgency operations into reality on the ground.

**Win the battle of wits.** Learn and adapt more quickly than the enemy. Be cunning. Outsmart the insurgents. Share best practices and lessons learned. Create and exploit opportunities.

**Exercise initiative.** In the absence of guidance or orders, figure out what the orders should have been and execute them aggressively.



David H. Petraeus  
General, United States Army  
Commander, International Security Assistance Force/  
United States Forces-Afghanistan



Article Information	
Article Title	"Defence Force—Afghan Civilian Deaths Allegations in Hit & Run"
Source	Oral Parliamentary Question
Date Published	22/03/2017

## Defence Force—Afghan Civilian Deaths Allegations in Hit & Run

["Defence Force—Afghan Civilian Deaths Allegations in Hit & Run"](#)

22 March 2017

### Oral Questions — Questions to Ministers

Defence Force—Afghan Civilian Deaths Allegations in *Hit & Run*

**3. ANDREW LITTLE (Leader of the Opposition)** to the **Prime Minister**: Will he commission an independent inquiry into the allegations made in the book *Hit & Run*?

**Rt Hon BILL ENGLISH (Prime Minister)**: Not at this stage. The book came out less than 24 hours ago, and as I have said, the Government will not be rushed into an independent inquiry. I have had an initial briefing from the New Zealand Defence Force (NZDF) about the incident and the inquiries that have already taken place. I have also been briefed on some aspects of the allegations. On the face of it, the allegations are difficult to substantiate. I will discuss these matters further with the Minister of Defence and Chief of Defence Force when they return from Iraq, where New Zealand has a significant number of serving Defence Force personnel. In the interim I have asked for some written advice from the NZDF.

**Andrew Little**: Given the high regard with which New Zealanders hold their Defence Force, and from the advice he has received, can he be sure that no civilians were killed or injured in the NZ SAS raids in Khak Khuday Dad and Naik in August 2010?

**Rt Hon BILL ENGLISH**: I have asked that question. The New Zealand Defence Force stands by the release that it put out last night—that is, that on the basis of independent investigation by the Afghan Government and the coalition forces back in 2011, they believe that New Zealand Defence Force personnel conducted themselves according to the rules of engagement and that civilian casualties have not been substantiated.

**Ron Mark**: Are we seriously suggesting that Lieutenant General Rt Hon Sir Jerry Mateparae GNZM, QSO, and Knight of the Order of St John would have approved of the killing of innocent civilians by soldiers under his command and would have been complicit in a cover-up?

**Rt Hon BILL ENGLISH:** Certainly the Government is not suggesting that. The authors of the book seem to be implying it, but it would be fair to say they have not been able to substantiate that kind of allegation.

**Andrew Little:** Based on the advice he has received, does he know whether New Zealand personnel made any requests during the raids for fire support from the US Apache helicopters that are alleged to have killed and injured civilians on that day?

**Rt Hon BILL ENGLISH:** Again, we will be asking for more written advice following on from the briefing today, but I think there has been a series of press releases, actually, that have outlined the fact that American helicopters were involved in the operation.

**Andrew Little:** Based on the advice he has received, does he know whether New Zealand personnel shot the two people found dead, allegedly from gunshot wounds, near the SAS position?

**Rt Hon BILL ENGLISH:** Again, I would not want to comment in detail on that matter. However, I have been reassured that, in participating in the action, New Zealand Defence Force personnel did follow the rules of engagement in the way that would be expected, and I think both the Parliament and the general public need to understand there is close legal scrutiny of the planning of these operations and in review of them.

**Andrew Little:** Based on the advice he has received, does he know whether New Zealand SAS personnel returned to the two villages to destroy the same houses they targeted in the initial raid; if so, does he know the objective behind that decision?

**Rt Hon BILL ENGLISH:** I have not received any advice on that matter.

**Andrew Little:** Based on the advice he has received, does he know whether New Zealand SAS personnel were aware that Qari Miraj was likely to be tortured when he was handed over to the Afghan National Directorate of Security; if so, why did they hand him over?

**Rt Hon BILL ENGLISH:** Again, I have not had any advice on that particular matter. The SAS is deployed subject to very well defined terms of engagement. We expect them at all times to stick to those terms of engagement, even when they are in very stressful situations. The advice I have had so far indicates that is exactly what they have done.

**Andrew Little:** In light of his answers on these important questions and the risk these allegations pose to the reputation of New Zealand's Defence Force, is it not right to commission an independent inquiry to reassure the public about our soldiers' conduct?

**Rt Hon BILL ENGLISH:** As I have said, we are not going to be rushed into such an inquiry on the basis of a book launched yesterday in a manner that you would have to describe, at least, as partially politically motivated. As I said to the co-leader of the Greens, rebutting allegations that may or may not be substantiated—and, in this case, have not been substantiated—is not a good reason to embark on such a serious type of inquiry.