

NEW ZEALAND DEFENCE FORCE
Headquarters NZDF Military Police
MINUTE

CONF

20170503001

Aug 17

HQ JFNZ (Attention: SOCC)

For Information:

1 NZSAS Regt (Attention: CO)
HQ NZDF (Attention: PM)

NZDF MP FINAL REPORT: ILL-TREATMENT OF A DETAINEE

References:

- A. NZDF / SOC/1 of 11 Apr 17
- B. NZDF MP Incident Report 20170503001 dated 4 May 17

1. IAW ref A, NZDF MP commenced an investigation into an allegation made in the book *'Hit and Run: the New Zealand SAS in Afghanistan and the Meaning of Honour'* by N. Hager and J. Stephenson, specifically that an Afghan national had been assaulted by a member of the NZDF, while he was being transported to an Afghani run detention facility.

2. The aim of the NZDF MP investigation was to ascertain:

- a. What occurred during the initial detention and transportation of Mr Qari MIRAJ to the Afghan detention facility;
- b. Who from the NZDF was involved in the operation; and
- c. Identify and interview witnesses and/or evidence to support the allegation that Mr Qari MIRAJ had been assaulted by a member of the NZDF.

All

3. During the course of the investigation it was established that ^{PSR(S)} NZDF personnel were on the ground and involved in the operation to detain Mr Qari MIRAJ. All ^{PSR(S)} have been spoken with and the following has been established:

- a. On the night of 15 Jan, morning of 16 Jan 11, Mr Qari MIRAJ was located within a mosque in residential area of Kabul;
- b. NZDF personnel deployed and put in a cordon around the mosque;
- c. Members of the Afghani Critical Response Unit (CRU) entered the mosque and took Mr Qari MIRAJ into custody. NZDF personnel did not

take part in the detention, as they were not permitted to enter any religious buildings in Afghanistan;

- d. Mr Qari MIRAJ confirmed his identity and accompanied the members of the CRU without resistance;
- e. Once outside the mosque, members of the NZDF conducted an initial search and secured Mr Qari MIRAJ, before placing him a vehicle and transporting him to the Afghani National Directorate of Security (NDS) detention facility;
- f. At the NDS detention facility, a thorough search was conducted of Mr Qari MIRAJ, he was photographed, a visual check was conducted by the New Zealand Medical Officer (MO) and he was committed into the detention facility;
- g. The time spent on the ground outside the mosque was minimal, due to security threat at the time. They were in a residential area, it was dark, and a search of the mosque was not permitted.

4. All personnel spoken with dispute the allegation that they were 'angry' or that they assaulted or witnessed an assault on Mr Qari MIRAJ. Moreover they questioned the ability of witness, mentioned in the book, to be able to see an assault due to the narrowness and high walls on either side of the carriageway, which meant the vehicles, had to be parked in line. one behind each other and the fact it was dark, the PSR(S)2, PSR(S)3 vehicle features which greatly reduces the ability for anyone to see inside.

5. Additionally the soldier who took the photographs mentioned in the book stated they were actually taken at the NDS detention facility just prior to his committal and not outside the mosque. This was because they did not want to remain outside the mosque longer then necessary and they would have needed to use lighting, which would have been tactically irresponsible.

6. The investigation concluded that there was no evidence to support allegation that a member of the NZDF assaulted Mr Qari MIRAJ. No further reports will be submitted regarding this to matter, unless some information or evidence is revealed during the interview with the final witness.

7. Any queries regarding this matter can be referred to PSR(sen)1, PSR(IC)3 .
, RNZMP, NZDF MP Serious Investigation Branch, DTelN^{PSR(sen)1, PSR(IC)3}

PSR(sen)1, PSR(IC)3

CO

DTelN: PSR(sen)1, PSR(IC)3