

Air Chief Marshal Sir Angus Houston AK, AFC (Ret'd)

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To Whom it May Concern

Thank you for your letter of 4 June 2019 requesting I provide answers to a number of specific questions posed by Counsel for the villagers. With respect the incident of 12 February 2009 involving civilian casualties as a result of Australian Defence Force operations I would refer the Inquiry to some releases by the Australian Department of Defence under Freedom of Information. Two examples are:

<http://www.defence.gov.au/FOI/Decisions/DisclosureLog201011.asp>

http://defence.gov.au/FOI/Docs/Disclosures/305_1516_Statement.pdf

Responses to the specific questions from Counsel for the villagers are:

1. What is your view of the strategic effectiveness from a military perspective of night raids in Afghanistan during 2009/2010?

Choosing whether to conduct operations during the night or day is part of a consideration process military forces undertake. It is a part of tactics. In Afghanistan, operating at night enabled coalition forces to maximise their technological and equipment advantage. In the fight against the insurgency in 2009/2010 operations at night were extremely effective. They focussed on key leaders, commanders and designated high level facilitators in the insurgency. On many occasions, operating at night enabled coalition forces to maximise the chance of success of an operation while also reducing the potential risk to our own personnel. The strategic effectiveness of such tactics were obvious: they reduced the capability and capacity of the insurgency to harm Afghans and coalition forces or to undermine the Government of the Islamic Republic of Afghanistan.

As I detailed in my presentation, COIN became the operational method in Afghanistan from around 2008 as a means by which to counter the insurgency. In this context, operations at night were as equally effective however their use and frequency had to be carefully balanced against the objective of gaining and maintaining the support of the civilian population. This was done through a calculated, formal and robust operational approval process which required specific mitigation and control measures in order to try and safeguard civilians.

2. Night raids: please talk us through what factors you would expect defence personnel to be considering to prevent civilian deaths. Please describe any civilian risk mitigation procedures that could be undertaken when planning a night raid.

First and foremost military personnel look to their Rules of Engagement (ROE) and commitment to the Laws of Armed Conflict (LOAC) as bedrocks for preventing civilian casualties in times of conflict.

As part of a planning process for any operation a variety of factors are considered. On occasion there will be a large amount of information available, while on other occasions there

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may be less information available. It is the nature of war that military operations must be conducted at times in the knowledge that it is not possible to gather every piece of intelligence and information.

Some of the factors (not all) that military forces may consider to assist in minimising civilian casualties include:

- The physical geography. How is the area they are planning to operate in physically laid out.
- Information and intelligence. This may include things such as an understanding of specific or suspected locations of units, individuals or facilities; the daily schedules and pattern of life of people in the area; known or suspected threats (people or weapon systems); likely or possible reactions from any adversary; known locations of sensitive areas (for example schools, hospitals, places of worship); and likely reaction of the adversary.
- The demographics of the area where the military operation is to be conducted. Military planners will seek to understand how many and where civilians are likely to be located.

It may sound counter-intuitive, however operations at night lessened the risk to civilians. This assessment was supported by operational experience and acknowledged in the Tactical Directives. The tactical and operational challenge in 2009/2010, was when conducting night operations they had to be done in a way that reduced their impact on the civilian population. Some procedures adopted to do this included:

- A thorough planning and approval process.
- Gaining as much information prior to an operation of the pattern-of-life of an area.
- Operating alongside Afghan partner forces.
- Having interpreters.
- Using what is known as a 'soft knock' and 'call out' process.
- Having medical support available.
- Using loud hailers.
- Having females integrated among the force.
- Having specific procedures for handling and/or managing any civilians in an area.
- Reaffirming ROE and following escalation of force measures.

3. Night raids: In relation to the above question, to what degree would assessments regarding distinction, proportionality and precautions in attack factor in the impact upon women and children?

The Laws of Armed Conflict, of which distinction and proportionality are principles, were considered and applied throughout the planning process for military operations. The potential impact of an operation on all civilians (not just women and children) would have been considered as part of the appreciation and planning process. Inherent in the approval process for operations was consideration of the impact on the civilian population.

4. Would you agree that Operation Burnham – the use of air support for troops in contact – was considered to be a high risk type of military operation in terms of civilian casualties in 2010?

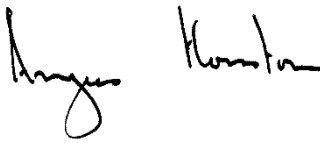
I have not been briefed on the detail of Operation Burnham and therefore I am not in a position to offer specific comment.

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5. Two Tactical Directives were issued by General McChrystal and General Petraeus in July 2009 and on 1 August 2010 concerning minimising civilian casualties from airstrikes. Please describe how each of those Tactical Directives impacted upon the military strategy by ISAF/NATO forces.

See answer to questions one and two. As outlined, ISAF forces put the protection of the civilian population at the forefront of their operations. This required ISAF to array its forces and efforts across three lines: governance, development, security.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Angus Houston', written in a cursive style.

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