

**RESTRICTED**

**COPY**

**NEW ZEALAND DEFENCE FORCE**  
Headquarters NZDF Military Police  
Serious Investigation Branch

**MINUTE**

20170503001

06 Sep 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
- C. AFDA s 102

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 Afghan run detention facility.
2. The NZDF MP SIB investigation has established the following:
  - a. on the night of 15 Jan, Mr Qari MIRAJ was located within a mosque in a residential area of Kabul;
  - b. a NZDF patrol deployed and put in a cordon around the mosque;
  - c. members of the Afghan Critical Response Unit (CRU) entered the mosque and took Mr Qari MIRAJ into custody;
  - d. the NZDF patrol did not take part in the detention, as they were not permitted to enter any religious buildings in Afghanistan;
  - e. Mr Qari MIRAJ confirmed his identity to the CRU and was escorted out of the Mosque without resistance;
  - f. outside the mosque members of the NZDF patrol conducted an initial search of Mr Qari MIRAJ, prior to placing him in a vehicle and transporting him to the National Directorate of Security (NDS) detention facility;

**RESTRICTED**

**RESTRICTED**

-2-

- g. at the NDS detention facility, a thorough search was conducted of Mr Qari MIRAJ by members of the NZDF patrol;
  - h. Mr Qari MIRAJ was then photographed and given an initial medical check by a New Zealand Medical Officer (MO);
  - i. no evidence of any ill-treatment or assault was observed by the MO or recorded on the photographs taken of Mr Qari MIRAJ; and
  - j. Mr Qari MIRAJ was then handed back into the custody of the NDS.
3. NZDF MP SIB inquiries identified that <sup>PSR(S)2</sup> NZDF personnel deployed on the patrol. <sup>PSR(S)2</sup> personnel have been interviewed with one witness, now a civilian, being unavailable.
4. The NZDF MP SIB investigation has concluded that there is insufficient evidence to support the allegation that a member of the NZDF assaulted Mr Qari MIRAJ. No further reports will be submitted regarding this matter, unless further information or evidence is obtained.
5. IAW ref C, the decision to proceed with any disciplinary action is for SOCC to make. It is further requested that any decision and the results of any unit action regarding this matter, including any findings and / or punishment awarded, be forwarded to **PSR(sen)1, PSR(IC)3** ; NZDF MP, NZDF MP Criminal Intelligence Cell, DTeIN <sup>PSR(IC)3, PSR(sen)1</sup> or Email **PSR(IC)3**
6. Any queries regarding this matter can be referred to <sup>PSR(sen)1, PSR(IC)3</sup> NZDF MP, OIC SIB, DTeIN <sup>PSR(IC)3, PSR(sen)1</sup>

**PSR(IC)3, PSR(sen)1**

CO /

DTeIN: <sup>PSR(sen)1, PSR(IC)3</sup>

**RESTRICTED**