



TASK FORCE 81 WARRANT BASED OPERATIONS

04 JAN 11



'The object in war is a better state of peace – even if only from your own point of view. Hence it is essential to conduct war with constant regard to the peace you desire.'

Liddell Hart

GIRQAF/ISAF SECRET



HISTORY

- 04 Jan 10 TF81's first operation in support of an MOI Arrest order (warrant).
- By Mar 10 Most TF81 operations based on arrest orders
- Apr 10 TF81 draft the extant 'Arrest Warrant' and the template is promulgated across ISAF SOF
- TF81 meet regularly with MOI investigative branches ('extramural OCG') to coordinate and prioritise cases for 'high risk arrest'
- Nov 10 TF81 refine the process to include an annex authorising seizure of evidence connected with the crime alleged by the person to be arrested.

RELEVANT AFGHAN LAW



Afghan law authorises a primary prosecutor to make an order for the arrest of a person suspected of having committed a moderate to serious criminal offence (felony or misdemeanour) and for the seizure of any evidence connected with the alleged criminal offending (Interim Criminal Code for Courts 2004). The term 'Warrant' is borrowed from the international community and it appears to have stuck.

Afghan law also authorises the entry into and search of any dwelling where any person to be arrested is believed to be without the need for a judicial search warrant (Police Law 2009).

The TF81 designed Search Warrant has been accepted by MOI. It is signed pre-mission by the Prosecutor. The warrant and its annex supports the RoL and has simplified procedures during TSE.

TF81 started using warrants because:

- they support the RoL and
- it was faster than getting Level 2 CONOP approval.

Legal Implications of Warrants



When using Warrants there are some restrictions to TTPs.

Minimum force

Precision - only detain/arrest person(s) on the warrant.

Warrant based arrests and searches connected with them are one a step within a criminal case.

Legal Implications of Warrants



Building a case

High risk arrest

Collecting evidence *'detecting the crime'*

Making it stick *'prosecution'*



Arrest Warrant



PSR(sen)1

Republic of Afghanistan Ministry of Interior



PSR(sen)1

GIRoA / ISAF Partnering Operation

PSR(sen)1

Warrant of Arrest:

Who:

When: Immediate and until served

This arrest warrant is served on the above named person for suspicion of terrorist activities within the Islamic Republic of Afghanistan.

Due to the threat level a night operation is authorised if necessary.

This warrant will be effective on signature of the official undersigned GIRoA prosecutor

Pashto content



Search Warrant



PSR(sen)1

Islamic Republic of Afghanistan Ministry of Interior

PSR(sen)1

GIRoA / ISAF Partnering Operation

IT IS REQUESTED TO EXECUTE IN THE JURISDICTION OF GIRoA LAW

PSR(sen)1

PSR(sen)1

Execution of Search Warrant:

Where:

Compound associated with

In line with the execution of the attached arrest warrant, searches of the above compound and areas associated with the individual mentioned above are authorized. During these searches, on the authority of the Afghanistan National Prosecutor identified below, the following items may be removed:

- Items believed to be involved in the making of explosives
- Military weapons and equipment (including uniforms and marked clothing)
- Identification documents
- Maps
- Drawings thought to be associated with insurgent activities
- Finance Documents
- Handwritten notes
- Photographs showing male persons of areas of interest
- Computers and Computer Equipment
- Photographs thought to have connection with insurgent activities
- Handheld radios
- Cameras associated with the person of interest
- Large amounts of monies, cards or phone cards thought to be connected to financing of insurgent activities.

In support of their Afghan partners TFOs are required to surrender all confiscated items to MJO or the persons from whom they were taken within 48 hours of receipt.

Pashto content

FIND



PSR(S)1, PSR(S)2, PSR(S)3

Intelligence to locate target

FIX

PSR(S)1, PSR(S)2, PSR(S)3

Intelligence to confirm target's location at time of operation

FINISH



CRU partnered with TF81

F3EA-C

ANALYSE

PSR(S)1, PSR(S)2, PSR(S)3

Post-operation Battle Damage Assessment and analysis of intelligence

EXPLOIT

PSR(S)1, PSR(S)2, PSR(S)3

Immediate intelligence collection and analysis

PSR(S)1, PSR(S)2, PSR(S)3

**CONVIC
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SECRET-NZEO



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LESSONS

The long way round is sometimes the quick way home

- When Afghans create their own solutions progress is arguably more long lasting.

We have had to learn to ‘fight like soldiers but think like policemen’ when partnered with a police force

- Soldiers are proactive, good planners and prepared to work from intel.
- But we also need to know how to collect and protect evidence to obtain a conviction.

Arresting the right individual(s), i.e. prosecutable, with minimum force helps build normalcy

- Convictions can demonstrate the administration of justice by a legitimate authority and therefore help to create a sense of normalcy.
- Minimum force protects rather than polarizes the populace (TF81: 95% no shots fired).



Way Forward

Relationship between Prosecutor on site and Police investigators.

Whether there is a legal requirement to take a prosecutor on site.

Different levels of knowledge and skill of prosecutors and differing perceptions of the prosecutors role on site.

Adjudicated Target List.

F3EA-C.



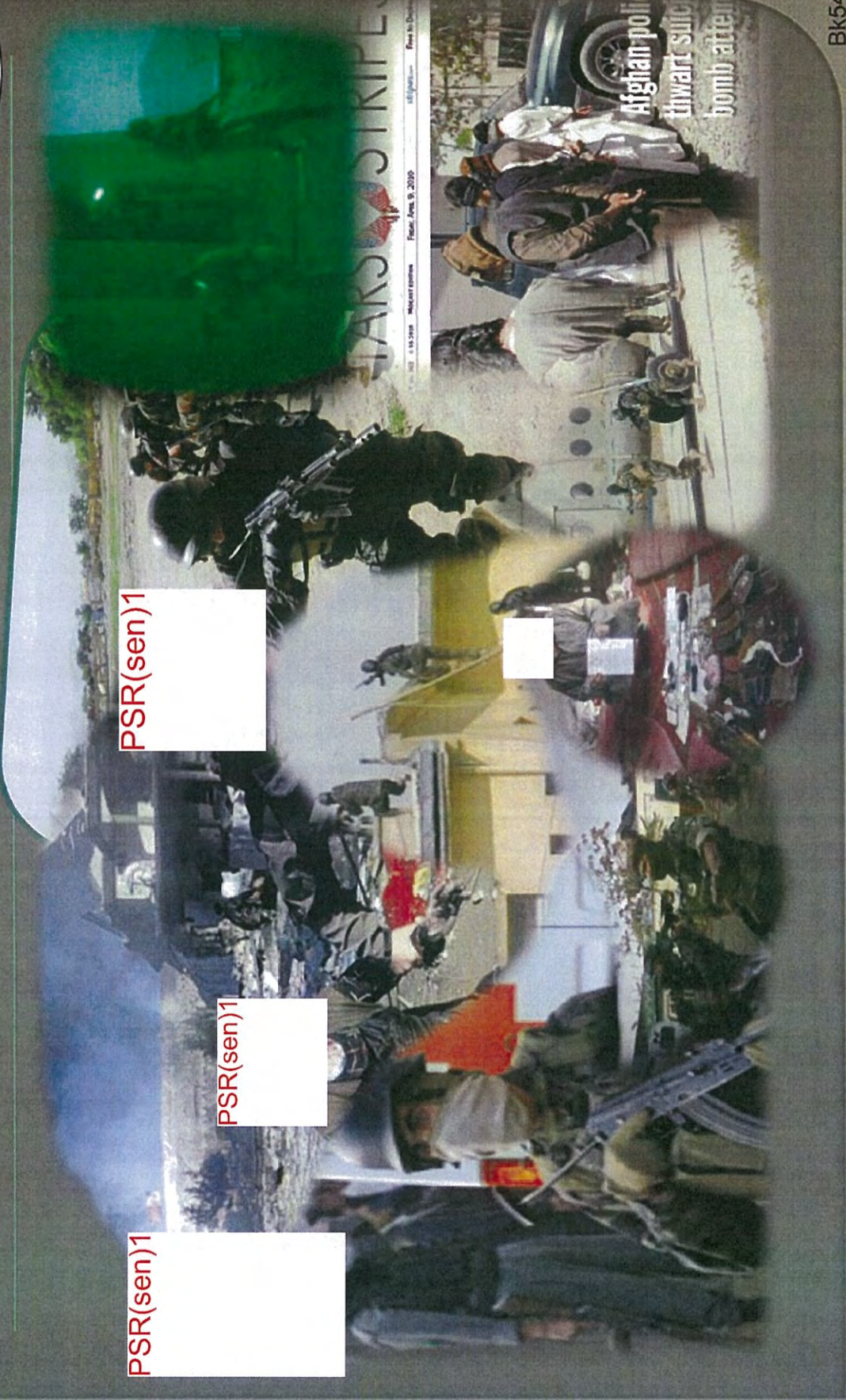
QUESTIONS



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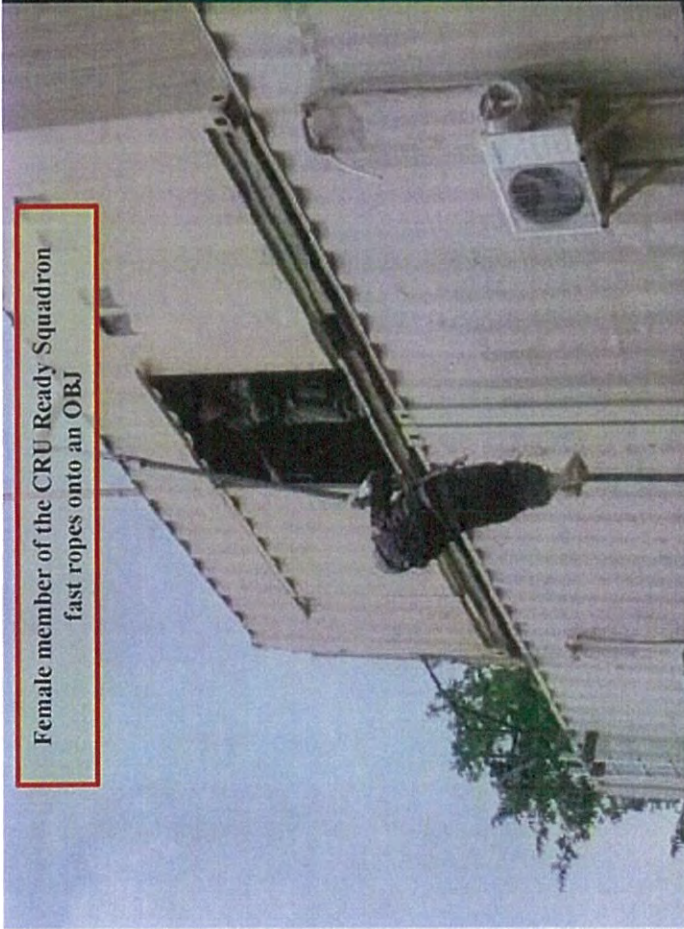
MISSIONS



PSR(sen)1

PSR(sen)1

PSR(sen)1



Female member of the CRU Ready Squadron fast ropes onto an OBF



CRU Night Training



CRU Ready Squadron members conduct Room Combat pairs drill

PSR(sen)1



CRU female team members train alongside their male counterparts

PSR(sen)1

~~GIRCA/ISAF-SECRET~~

SHONNA BI SHONNA

PSR(sen)1

PSR(sen)1

PSR(sen)1



