



**He Uiuinga i a
Inquiry into
OPERATION BURNHAM**

Inquiry Bundle for Hearing 16-20 September 2019

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Article Information	
Article Title	“Nations Approve Civilian Casualty Guidelines”
Source	NATO Press Release
Date Published	06 08 2010

Nations Approve Civilian Casualty Guidelines NATO (6 August 2010):

https://www.nato.int/cps/en/SID-9D9D8832-42250361/natolive/official_texts_65114.htm

In an effort to find a common approach to deal with the tragedy of civilian casualties, NATO nations have agreed on a set of guidelines which have now been promulgated to the Chain of Command. These guidelines reflect the efforts NATO/ISAF is making to reduce the impact of the conflict on the people of Afghanistan. The centre of gravity of NATO's mission remains the Afghan people, and ISAF does everything within its power to avoid harming civilians. When combat-related civilian casualties or damage to civilian property occur, NATO/ ISAF considers that easing civilian suffering is of tremendous importance. In Afghanistan, the pain of losing a family member can also have financial implications, which could be eased through payments. Afghans have made it clear that payments to the families of civilian casualties is a culturally-appropriate response to combat-related civilian death or damage to private property. For this reason, NATO nations have agreed on the following set of non-binding policy guidelines for when they deal with cases of civilian combat-related casualties.

1. Promptly acknowledge combat-related cases of civilian casualties or damage to civilian property.
2. Continue to fully implement the ISAF standard operating procedures for investigating possible cases of civilian casualties, or damage to civilian property, and endeavour to provide the necessary information to the ISAF civilian casualties tracking cell.
3. Proactively offer assistance for civilian casualty cases or damages to civilian property, in order to mitigate human suffering to the extent possible. Examples of assistance could include ex-gratia payments or in-kind assistance, such as medical treatment, the replacement of animals or crops, and the like.
4. Offers of such assistance, where appropriate, should be discussed with, and coordinated through, village elders or alternative tribal structures, as well as district-level government authorities, whenever possible. Assistance should also, where possible, be coordinated with other responsible civilian actors on the ground.
5. Offering and providing such assistance should take into account the best way to limit any further security risk to affected civilians and ISAF/PRT personnel.
6. Local customs and norms vary across Afghanistan and should be fully taken into account when determining the appropriate response to a particular incident, including for potential ex-gratia payments.

7. Personnel working to address cases of civilian casualties or damage to civilian property should be accessible, particularly, subject to security considerations, in conflict-affected areas, and local communities made fully aware of the investigation and payment process.

8. The system by which payments are determined and made should be as simple, prompt and transparent as possible and involve the affected civilians at all points feasible.

9. Payments are made and in-kind assistance is provided without reference to the question of legal liability.

From: ^{PSR(S)2, PSR(C)2, PSR(IC)3}
 Sent: Sunday, 22 August 2010 2:40 p.m.
 To: PSR(S)2, PSR(C)2, PSR(IC)3
 Subject: ~~(SECRET)~~ External Release OP BURNHAM

CLASSIFICATION: ~~SECRET~~

CLASSIFICATION: ~~SECRET~~

Gents

OP COMPLETE all TF81 pers now recovered to CW les 1 x WIA ^{PSR(S)2, PSR(C)2, PSR(IC)3} currently in BAF Role 3 Hosp. TF81 Doc in location. Injuries non life threatening. Cause of Injury, Per was trapped under debris when roof and wall collapsed at entry point of A1.

No Detainees from this operation. 3 x Compounds of interest. All empty of pers, however A1 and A3 showed signs of habitation and immediate abandonment. Including hot cooking fires, hot food and warm bedspaces. Compound A1 had abandoned Ammunition for RPG, DSHKA and abandoned 1 x RPG launcher. A3 had abandoned AK47 and ammunition.

Compound A1 caught fire. This fire was caused by Exploit pers after demolition charge on ammunition scattered flaming incendiary onto compound roof. Compound A3 also caught fire. Fire Caused by flashbang and or unattended cooking fire during clearance. A3 had a secondary explosion, unknown cause, possibly ammunition cache. Neither fire was extinguished by TF81 due to INS threat.

Offensive support assets and TF81 pers engaged a number of Armed INS either massing or manoeuvring to attack Rotary assets or TF81 pers on the ground. Air Weapons team estimate 7 x INS KIA, AC130 estimates 4 x INS KIA, TF81 confirm 1 x INS KIA. All KIA MAM's. BDA not confirmed due to threat, ground and INS locations on high ground overlooking Operation area.

Soft Knock call out conducted IAW rehearsed procedures. Escalated to EMOE when no response on A1 and A3.

Key Leader Engagement attempted however not overly successful given INS threat and reticence of locals to leave safe buildings. Loud Hailer with Foreign Speaking National and posters used to convey leave behind IO messages.

No Women or children seen in target area. 2 x women identified in building adjacent to HLZ and reassured by Afghan Partner Unit and left alone.

That's all I have for now. I am sure with time there will be more clarity especially from enabling assets. I recommend no public comment.

Regards

^{PSR(S)2, PSR(C)2, PSR(IC)3}

0000000000

From: WAATEA.SNO
Sent: Sun, 22 Aug 2010 23:39:24 +1200
To: PSR(sen)1, PSR(IC)3 HQNZDF.DSO'
Subject: [~~SECRET~~] External Release RE: 9 location
Attachments: ISAF News Release.jpg

CLASSIFICATION: ~~SECRET~~

Hi PSR(sen)1, I as requested this is going out today.

PSR(sen)1

ISAF News Release.jpg

From: PSR(sen)1, PSR(IC)3
Sent: Sunday, 22 August 2010 4:08 a.m.
To: WAATEA.OPS
Cc: WAATEA.SNO
Subject: RE: [~~SECRET~~] 9 location

CLASSIFICATION: ~~SECRET~~

I know you are all busy, but if you could advise if/when tonight's activities hit the international or Afghan media that would be useful. We are monitoring NZ media this end. Hoping we still have a fair amount of time up our sleeves – but also need to stay ahead of the power curve this end.

From: WAATEA.OPS
Sent: Sunday, 22 August 2010 11:35 a.m.
To: PSR(sen)1, PSR(IC)3
Subject: RE: [~~SECRET~~] 9 location

CLASSIFICATION: ~~SECRET~~

Ack

From: PSR(sen)1, PSR(IC)3
Sent: Sunday, 22 August 2010 12:22 a.m.
To: WAATEA.OPS; WAATEA.SNO
Subject: RE: [~~SECRET~~] 9 location

CLASSIFICATION: ~~SECRET~~

PM advised of kick off and has acknowledged.

CO

From: PSR(sen)1, PSR(IC)3
Sent: Sunday, 22 August 2010 7:51 a.m.

To: WAATEA.OPS; WAATEA.SNO
Subject: [SECRET] 9 location

CLASSIFICATION: ~~SECRET~~

PSR(sen)1: PSR, I am in the office – should the SNO need to get hold of me on PSR(S)2, P:
WDW.

CO



NEWS RELEASE

International Security Assistance Force – Afghanistan[illegible]

1010-86-DRAFT

Numerous insurgents killed

Kabul, Afghanistan (August 22) – Afghan National Security Forces and coalition forces conducted a combined operation in the BAGHLAN province Saturday resulting in 12 dead insurgents.

Two Taliban commanders were the target of the operation. They are both known to lead insurgent attacks on ANSF and coalition forces.

On arrival in the target area, numerous armed insurgents moved to target ANSF and ISAF Forces. The combined forces immediately engaged the insurgents. The operation continued with loud speaker callouts for building occupants to exit their dwellings. Further insurgent activity throughout the operation resulted in several more engagements with ANSF and ISAF Forces.

"This operation will have a significant disruptive effect on the command and coordination of Taliban elements throughout the Baghlan province. The goal of partnered operations will be to continue to actively hunt down these criminals whose main goal is to cause misery to the local Afghans and target coalition forces," said U.S. Army Col. Rafael Torres, International Security Assistance Force Joint Command Combined Joint Operations Center director.

From: WAATEA.SNO
Sent: Mon, 23 Aug 2010 17:06:20 +1200
To: SWAN - HQNZDF.DSO
Subject: [~~SECRET~~] External Release RE: ISAF MEDIA RELEASE

CLASSIFICATION: ~~SECRET~~

Hi Boss I have confirmed that it has been released already. Yesterday 22 Aug 10

PSR(IC)3

-----Original Message-----

From: HQNZDF.DSO PSR(IC)3
Sent: Monday, 23 August 2010 8:42 a.m.
To: WAATEA.SNO; @CO
Subject: ISAF MEDIA RELEASE
Importance: High

PSR(IC)3, P

Any chance of getting this release delayed by 24 to 48 hrs?

I believe the PM will make an statement at some time over the next 24 hrs informing the public that a member of the TF was injured in a recent operation. They do not want to be caught out or off guard by the ISAF msg even though it is non-attributable.

Could you chase this up and let me know how you get on soonest over the course of your working day? MFAT are pushing hard on this one.

Has any TB media come out about the incident at this time?

Cheers

PSR(IC)3, PSR(sen)1

DSO
 HQNZDF

Wk: PSR(sen)1, PSR(IC)3
Mob: PSR(sen)1, PSR(IC)3
Sec Mob: PSR(sen)1, PSR(IC)3

Restricted: PSR(sen)1, PSR(IC)3
Secret PSR(sen)1, PSR(IC)3

From: PARSONS Chris
Sent: Mon, 23 Aug 2010 08:47:22 +1200
To: WAATEA.SNO;SWAN - HQNZDF.DSO;SWAN - HQNZDF.DDSO
Subject: RE: [EXTERNAL RELEASE] External Release Issues External to the Sitrep

CLASSIFICATION: EXTERNAL RELEASE

Cheers ^{Rian} Copy all.

Spoke to PM last night, he seemed relaxed. Primarily concerned that this would make it safer for PRT.

From: WAATEA.SNO
Sent: Monday, 23 August 2010 1:53 a.m.
To: SWAN - HQNZDF.DSO; ^{PARSONS Chris} SWAN - HQNZDF.DDSO
Subject: ~~[SECRET]~~ External Release Issues External to the Sitrep

CLASSIFICATION: ~~SECRET~~

CLASSIFICATION: ~~SECRET~~

Hi Gents

OBJ Burnham: attached is the Storyboard for Obj Burnham. I have also attached for you a copy of the OPSUM. I do not normally send this through however feel that this will give you some more clarity on what occurred last night on the OBJ. I gave a very generic brief to the Min Def on the conduct of the op. kept it at Min level, told him about cas. Told him about engaging INS but did not give specifics such as number of KIA. All KIA from AH64 or AC130 interdiction of INS less 1 x INS killed by TF81 Marksman from overwatch position as INS approached Sqn command group overwatch location.

I will update the situation with ^{PSR(sen)1, PSR(IC)3} separately as this unfolds. Currently Doctor is with him at BAF Role 3. Trying to move ^{PSR(sen)} and Doc tonight to Germany. Will keep you posted.

The visit by the CDF and the Min of Def has now concluded. ^{PSR(S)2, PSR(S)3}

Logistics of
 supporting visit
 at same time as
 Op Burnham

^{PSR(S)1}

Update on CRU personnel
 management issues

Today we took delivery of the first run of weekly fresh water supplies to the lads at ^{PSR(S)1} camp. This will occur every Sunday and will alleviate the drinking water problem at ^{PSR(S)1} until the well is built. This temporary fix, of bottled water has been over 2 months in the making so it is good news to see it finally delivered.

Regards

RM

100822-ISAF-SOF-NSI-TF81-OP-RAHBARI-OBJ-BURNHAM-OPSUM.doc

100822-ISAF-SOF-NSI-TF81-OP-RAHBARI-OBJ-BURNHAM-STORYBOARD.ppt

100822-ISAF-SOF-NSI-TF81-OP-RAHBARI-OBJ-BURNHAM-OPSUM.doc

100822-ISAF-SOF-NSI-TF81-OP-RAHBARI-OBJ-BURNHAM-STORYBOARD.ppt

Article Information	
Article Title	"Numerous Insurgents Killed and
Source	Weapons Recovered" NATO ISAF Press
Date Published	23/08/2010

"Numerous Insurgents Killed and Weapons Recovered" ISAF Press release - (23 August 2010):

(<https://web.archive.org/web/20100914213051/http://www.isaf.nato.int/article/isaf-releases/numerous-insurgents-killed-and-weapons-recovered.html>)

KABUL, Afghanistan (Aug. 23) - Afghan National Security Forces and coalition forces conducted a combined operation in Baghlan province Sunday leading to the deaths of 12 insurgents and the seizure of weapons. Two Taliban commanders known to lead insurgent attacks on ANSF and coalition forces were the target of the operation.

On arrival in the target area, numerous armed insurgents moved to target ANSF and coalition forces. The combined forces immediately engaged the insurgents. The operation continued with loud speaker call outs for occupants to exit the buildings.

Further insurgent activity throughout the operation caused several more engagements with ANSF and International Security Assistance Force servicemembers. Combined forces located and destroyed a rocket-propelled grenade launcher, several RPGs and several boxes of small arms ammunition.

"This operation will have a significant disruptive effect on the command and coordination of Taliban elements throughout Baghlan province. The goal of partnered operations will be to continue to actively hunt down these criminals whose main purpose is to cause misery to the local Afghans and target coalition forces," said U.S. Army Col. Rafael Torres, ISAF Joint Command Combined Joint Operations Center director.

No civilians were injured or killed during this operation.

From: WAATEA.SNO
Sent: Tue, 24 Aug 2010 16:43:24 +1200
To: **PARSONS Chris**
Subject: FW: ~~[SECRET]~~ External Release OBJ Burnham Update
Attachments: Update Obj Burnham Op 21 Aug 10.doc
Importance: High

CLASSIFICATION: ~~SECRET~~

As discussed.

Update Obj Burnham Op 21 Aug 10.doc

From: WAATEA.SNO
Sent: Monday, 23 August 2010 10:20 p.m.
To: SWAN - HQNZDF.DSO
Subject: ~~[SECRET]~~ External Release OBJ Burnham Update
Importance: High

CLASSIFICATION: ~~SECRET~~

CLASSIFICATION: ~~SECRET~~

Hi Boss

Today has seen a number of new developments in the Op BURNHAM. Around 1500 I received reporting that the INS had reported that there had been an attack in TIGIRAN and that 20 houses were burned and 20 civilians had been killed. We have reinforced the IO message today to counter. Gen Petraeus was briefed on the Op this morning as part of his daily CUB. We have also reinforced back to ISAF SOF our results of the operation as reported in the storyboard which is the situation as we believe it to be at this stage.

Throughout today we have been receiving HUMINT, Int from ^{PSR(sen)1, PSR(IC)3} and reviewing ISR feeds etc so we can fuze together an accurate picture of the true BDA of the operation. It is early days and reporting is wildly inaccurate. The attached cut is my attempt to let you know what we have at this stage from the HUMINT side. A separate report from ^{PSR(IC)3, PSR(sen)1} has been sent through ^{PSR(S)2, PSR(S)3} and ^{PSR(IC)3, PSF} **PSR(S)2, PSR(S)3** to you this morning. I am anticipating that early reporting and INS IO may get some people excited about the conduct of the operation and the outcomes particularly where reporting of any possible non combatant casualty reporting is concerned as this is likely to contradict reporting that all those engaged by FF were INS. I want to reassure you that establishing these outcomes is my highest priority. At this stage I have yet to establish any action by FF that would indicate a less than robust application of the ROE.

I am providing this information for you and request that if required you provide a sanity check and level of realism to any reactions from NZ at this early stage. This will take some time to evolve and my intent is to provide you with a nightly update until we can lock the BDA down.

Regards

Rian

Update Obj Burnham Op 21 Aug 10.doc

Update Obj Burnham Op 21 Aug 10.doc

~~SECRET~~**Update Obj Burnham Op 21 Aug 10**

Various reports from a number of sources have been received following the Op against Obj Burnham the night of 21-22 Aug 10 in TIRIGAN Village BAGHLAN Province. Reports have indicated that a number of TB INS and a small number of civilians, most likely family members, have been killed or wounded. At this stage the reporting is from uncorroborated HUMINT.

Early reflections indicate that between four to seven INS have been killed, five INS wounded and four INS are currently missing. Various names have been supplied by sources but again these can not be corroborated.

The following outlines those individuals listed in the various reports who have been killed; wounded or injured to date. This will be up dated as further reports are received

Likely Killed	Possibly Killed	Likely Injured	Missing
PSR(IC)4, PSR(R)1 (INS) father of PSR(R)1, PSR(IC)4	PSR(R)1, PSR(IC)4 (NFI)	PSR(R)1, PSR(IC)4 son (INS)	Abdullah KULTTA (INS)
PSR(R)1, PSR(IC)4 (INS)	PSR(R)1, PSR(IC)4 (NFI)	Daughter of PSR(R)1, PSR(IC)4	Maulawi NEMATULLAH (INS)
Sister PSR(R)1, PSR(IC)4		Unk Female	Unk
			Unk

TF81 S2 COMMENT: Information regarding the operation is still filtering in, it is assessed that once the funerals are over sources will be able to confirm who has been killed/wounded. **COMMENT ENDS.**

In the table above, names and other details that identify individuals have been redacted from this document for reasons of privacy and because some identifying informations may have been obtained by means that would cause prejudice to protected interests if disclosed.

However, and noting that some individuals have since been publicly identified, the individuals identified in this table appear to correlate with some of those who have been publicly identified.

~~SECRET~~

000019

Export

From: **MCKINSTRY RIAN** LI COL Sent: Tue, 24 Aug 2010 05:53:23 GMT
 To: **PARSONS CHRIS** LTCOL; **KELLY PETER** COL; **CUMMINS KARL** LTCOL; **PSR(IC)3** MAJ
 Subject: RE:
 Ack

From: **PARSONS CHRIS** LTCOL
Sent: Tuesday, 24 August 2010 17:40
To: **KELLY PETER** COL; **MCKINSTRY RIAN** LT COL; **CUMMINS KARL** LTCOL; **PSR(IC)3** MAJ
Subject: RE:

cheers

From: **KELLY PETER** COL
Sent: Tuesday, 24 August 2010 5:34 p.m.
To: **PARSONS CHRIS** LTCOL; **MCKINSTRY RIAN** LT COL; **CUMMINS KARL** LTCOL; **PSR(IC)3**, MAJ
Subject: FW:

On the wire.....

From: **PSR(IC)3** (ISED) **PSR(IC)3** @mfat.govt.nz]
Sent: Tuesday, 24 August 2010 4:30 p.m.
To: **KELLY PETER** COL
Subject:

~~[SEEMAIL] [UNCLASSIFIED]~~

Peter you may have already seen this NYT article, but if not, might be of interest

Afghans Say NATO Troops Killed 8 Civilians in Raid

By THE NEW YORK TIMES

Published: August 23, 2010

KABUL, Afghanistan — Officials and residents of Baghlan Province, in northern Afghanistan, accused NATO troops on Monday of killing eight civilians during an early morning raid.

Mohammed Ismail, the governor of the Talah wa Barfak District, said troops entered a district house at 2 a.m. and killed 8 civilians, injured 12 and took 9 prisoners.

The province's governor, Munchi Abdul Majid, confirmed the attack, but could not provide details.

Maj. Michael Johnson, a spokesman for the International Security Assistance Force, as the NATO force is known, said NATO authorities were unaware of any such attack.

Also on Monday, five NATO soldiers were killed — two French, one Hungarian, one American, and one whose nationality had not yet been released. The deaths took place in eastern, northern and southern parts of Afghanistan. On Sunday, four NATO soldiers were killed.

The killing on Monday of the two French soldiers brought the total number of French troops killed in the Afghan war to 47, The Associated Press reported. There are about 4,000 troops in the French contingent of the NATO-led international force.

The Hungarian Defense Ministry said that the Hungarian soldier had been killed when his convoy was hit by a bomb, then strafed by gunfire from all sides. The attack occurred 12 miles northwest of the town of Pul-e Khumri in Baghlan Province. Hungary administers development projects in the province.

In all, 47 international troops have been killed in Afghanistan this month, including 30 Americans, The Associated Press reported.

In July, 66 Americans were killed in the country, making it the deadliest month for the United States since the 2001 invasion that overthrew the hard-line Islamist Taliban government.

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Export

From: STEE
R
JACK
R
ADM
To: MATEPARAE JERRY, LTGEN
Subject: FW:

Sent: Tue, 24
Aug
2010
08:59:0
3 GMT

Sir
Another version of events

J.R Steer
RA
VCDF

DTeLN: PSR(IC)3

From: KELLY PETER COL
Sent: Tuesday, 24 August 2010 17:32
To: STEER JACK, R ADM
Subject: FW:

Sir,

FYI.

PK

From: PSR(IC)3 (ISED) PSR(IC)3 @mfat.govt.nz]
Sent: Tuesday, 24 August 2010 4:30 p.m.
To: KELLY PETER COL
Subject:

~~[SEEMAIL]~~ [UNCLASSIFIED]

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By THE NEW YORK TIMES

Published: August 23, 2010

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Covering ~~SECRET~~

MINISTRY OF DEFENCE/NEW ZEALAND
DEFENCE FORCE

COVER SHEET
To accompany documents to
Minister of Defence

DCOS
COPY
OCDF 478/10
S109

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 # 375/10		
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 has initiated a Civilian Casualty Investigation stemming from the operation conducted by the Crisis Response Unit and TF81 on Sunday 22 August 2010, in Baghlan province, Afghanistan.
Recommendations:	<ul style="list-style-type: none"> a. Note that there have been allegations made by the Sub Governor of the TALA WA BARFAK district that civilians were wounded and killed in the operation conducted by ISAF and ANSF (TF81 and CRU) on Sunday 22 August 2010. b. Note that HQ ISAF has 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.
MOD/NZDF Consultation	NZDF
Minister's comments:	
Minister's Action:	Signed / Noted / Agreed / Approved / Declined
	Referred to:
Signature:	Date:

Antiparae
J. MATEPARAE
Lieutenant General
Chief of Defence Force

Date 25 Aug 10

Covering ~~SECRET~~

~~SECRET REL ISAF~~

NEW ZEALAND DEFENCE FORCE

Te Ope Kaatua o Aotearoa

HEADQUARTERS NEW ZEALAND DEFENCE FORCE

Private Bag, Wellington, New Zealand

PSR(IC)3

NZDF 03130/DSC/2

25 August 2010

Minister of Defence

OPERATION WĀTEA: 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 has initiated a Civilian Casualty Investigation stemming from the operation conducted by the Crisis Response Unit and TF81 on Sunday 22 August 2010, in Baghlan province, Afghanistan.

Background

2. The Crisis Response Unit and TF81 conducted a disruption operation targeting the insurgent group operating within the Bamyān/Baghlan 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 forces 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 spoken to the Senior National Officer (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 Sub Governor of the district.

~~SECRET REL ISAF~~

~~SECRET REL ISAF~~

2


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

5. I will keep you apprised of 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. **Note** that there have been allegations made by the Sub Governor of the TALA WA BARFAK district that civilians were wounded and killed in the operation conducted by ISAF and ANSF (TF81 and CRU) on Sunday 22 August 2010.
- b. **Note** that HQ ISAF has 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

~~SECRET REL ISAF~~

From: PSR(S)2, PSR(C)2, PSR(IC)3

Sent: Wednesday, 25 August 2010 5:33 a.m.

To: PSR(C)2, PSR(C)3

Subject: ~~(SECRET)~~ External release Update Obj Burnham Op 21 Aug 10 Update 2

Importance: High

CLASSIFICATION: ~~SECRET~~

CLASSIFICATION: ~~SECRET~~

Hi Boss update on BDA attached, however we are still building this picture.

Tonight we (myself, PSR(S)1, PSR(S)2, PSR(IC)2, (Ground Commander) Cpl PSR(S)1, PSR(S)2, PSR(S)1, PSR(S)2, PSR(C)2, PSR(C)1) attended a VTC meeting with MG PSR(S)1, PSR(S)2, PSR(S)1, PSR(S)2, PSR(S)1, PSR(S)2, PSR(C)2, PSR(C)1 from ISAF HQ DCOS SPA. Also involved in that VTC was IJC Ops Chief, ISAF SOF Ops PSR(S)1, and BG PSR(S)1, PSR(S)2 US Airforce (IJC air plans projects officer). The aim of the VTC was to establish the facts as they are know around the conduct of Obj Burnham. The meeting was convened to keep key ISAF leaders apprised of this Afghan claimed CIVCAS event. PSR(R)1, PSR(IC)4

Not an easy task and I understand that in the past, a payment may not necessarily mean an acknowledgement of fault, rather a strategy of COIN to do the right thing if the facts are unclear. Over the past 48 hours the task force has worked hard to develop post action product to understand our actions and those of other contributing forces. This definitely played out well. PSR(R)1, PSR(IC)4

PSR(B)1, PSR(IC)4

Bottom line at this stage is that there may or may not have been some CIVCAS. This is to be determined by the investigation team in order to inform command action in the matter. The intelligence coming off the OBJ is still very raw and this investigation is welcomed in order to help to clarify ISAF and TF81 actions. I am confident our actions

Reference to conversation which took place in confidence on the fact that compensation may be paid by ISAF for CIVCAS and the need to establish the facts of the matter

Reference to conversation which took place in confidence, NZDF co-operation welcome, process of investigation explained

Reference to conversation which took place in confidence, details of proposed ISAF investigation steps

and tactics on the objective were sound and in accordance with ROE, LOAC and the Comd ISAF Tactical Directive. It will be saddening if there has been unnecessary CIVCAS as a result but the reason for looking into this matter is sound.

I will keep you posted.

PSR(S)2, I

Update Obj Burnham Op 21 Aug 10 Update 2.doc

Update Obj Burnham Op 21 Aug 10 Update 2.doc

From: PSR(S)2, PSR(C)2, PSR(I)C)2

Sent: Tuesday, 24 August 2010 7:17 p.m.

To: PSR(S)2, PSR(C)2, PSR(I)C)3

Subject: ~~(SECRET)~~ Update Obj Burnham Op 21 Aug 10 Update 2

CLASSIFICATION: ~~SECRET~~

Sir

Please find attached update 2. We will continue to monitor reflections over the next few days, then we will possibly be able to make a final assessment.

PSR(S)2, P

Update Obj Burnham Op 21 Aug 10 Update 2.doc

000034

~~SECRET~~**24 Aug 10 – Int Update Obj Burnham Op 21/22 Aug 10 (Update 2)**

Various reports from a number of sources have been received following the Op against Obj Burnham on the night of 21-22 Aug 10 in TIRIGAN Village BAGHLAN Province. Reports have indicated that a number of TB INS and a small number of civilians, have been killed or wounded.

Early reflections indicate that between six and nine people have been killed, five people wounded and a number (2-4) people are currently missing. Various names of individuals have been supplied by sources including those of known INS but again these can not yet be corroborated and some of this reporting may be circular.

The following outlines those individuals listed in the various reports who have been reported by sources as killed; wounded or injured to date. In time more accuracy will be put to this list as it priority effort for TF81.

Likely Killed	Possibly Killed	Injured	Missing
PSR(R)1, PSR(IC)4 (INS) father of PSR(R)1, PSR(IC)4	PSR(R)1, PSR(IC)4 (NFI)	Son of PSR(R)1, PSR(IC)4 (INS)	Abdullah KULTTA (INS – Obj BURNHAM)
PSR(R)1, PSR(IC)4 (INS)	PSR(R)1, PSR(IC)4 (NFI)	(Possibly) Daughter of PSR(R)1, PSR(IC)4	Maulawi NEMATULLAH (INS – Obj NOVA)
2x Sons of PSR(R)1, PSR(IC)4 both (INS)	Sister of PSR(R)1, PSR(IC)4	(Possibly) Unk Female	Four UNK LN
Son of PSR(R)1, PSR(IC)4 (INS)		PSR(R)1, PSR(IC)4 (INS)	
1 x Unidentified male (INS)		PSR(R)1, PSR(IC)4 (INS)	

In the table above, names and other details that identify individuals have been redacted from this document for reasons of privacy and because some identifying informations may have been obtained by means that would cause prejudice to protected interests if disclosed. However, and noting that some individuals have since been publicly identified, the individuals identified in this table appear to correlate with some of those who have been publicly identified.

Confidential source PSR(R)1, PSR(IC)4 have reported that the remains of four men have been recovered on a hillside near Tigiran Village. Two of them were the sons of PSR(R)1, PSR(IC)4 and one was the son of PSR(R)1, PSR(IC)4. The fourth individual remains unidentified. PSR(R)1, PSR(IC)4 were unaware of the actual names of the deceased, but confirmed that all four were INS under the command of Abdullah KULTTA.

Confidential source

Confidential source The reporting has been received from four sources plus intelligence passed from PSR(R)1, PSR(IC)4. All sources are assessed as being C3. There are reflections that NEMATULLAH (Obj NOVA) and KULTTA (Obj BURNHAM) may be still alive, this can not be confirmed at this time.

~~SECRET~~

000035

~~SECRET~~

TF81 S2 COMMENT: The ages of these siblings is unconfirmed however those identified as INS are assessed to be FAM. Obj BURNHAM is reported to be aged between 40-50 years and is assessed to have adult children. **COMMENT ENDS.**

000036

~~SECRET~~

PSR(S)1 PSR(S)1

PSR(S)1

DTG: 25AUG10: New case of civilian deaths investigated in Afghanistan. A team of investigators from the American-led forces here headed to a volatile corner of northeast Afghanistan on Tuesday after local officials reported that a nighttime raid by NATO commandos there had left 8 civilians dead and 12 wounded. Details were sketchy, but the governor of Tala Wa Barfak, a district in Baghlan Province, said the Afghans had been killed in the village of Naik early Sunday by what appeared to have been a raid carried out by special forces. *See notes for full report*
(Source: New York Times)

PSR(S)1

This text appeared as a partner Commander's Daily Intelligence Brief dated 25 August 2010.

Export

From: STEE
R
JACK
R
ADM
To: THOMPSON MIKE, COL
Subject: FW:

Sent: Wed, 25
Aug
2010
00:43:0
2 GMT

RA J.R. Steer
VCDF

DTelN **PSR(IC)3**
Mob **PSR(IC)3**

From: KELLY PETER COL
Sent: Tuesday, 24 August 2010 5:32 p.m.
To: STEER JACK, R ADM
Subject: FW:

Sir,

FYI.

PK

From: **PSR(IC)3** (ISED) **PSR(IC)3** @mfat.govt.nz
Sent: Tuesday, 24 August 2010 4:30 p.m.
To: KELLY PETER COL
Subject:

~~[SEEMAIL] [UNCLASSIFIED]~~

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By THE NEW YORK TIMES

Published: August 23, 2010

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The province's governor, Munchi Abdul Majid, confirmed the attack, but could not provide details.

Maj. Michael Johnson, a spokesman for the International Security Assistance Force, as the NATO force is known, said NATO authorities were unaware of any such attack.

Also on Monday, five NATO soldiers were killed — two French, one Hungarian, one American, and one whose nationality had not yet been released. The deaths took place in eastern, northern and southern parts of Afghanistan. On Sunday, four NATO soldiers were killed.

The killing on Monday of the two French soldiers brought the total number of French troops killed in the Afghan war to 47, The Associated Press reported. There are about 4,000 troops in the French contingent of the NATO-led international force.

The Hungarian Defense Ministry said that the Hungarian soldier had been killed when his convoy was hit by a bomb, then strafed by gunfire from all sides. The attack occurred 12 miles northwest of the town of Pul-e Khumri in Baghlan Province. Hungary administers development projects in the province.

In all, 47 international troops have been killed in Afghanistan this month, including 30 Americans, The Associated Press reported.

In July, 66 Americans were killed in the country, making it the deadliest month for the United States since the 2001 invasion that overthrew the hard-line Islamist Taliban government.

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From: (CEO Office)
Sent: Wednesday, 25 August 2010 10:05 a.m.
To: ALLEN, John (CEO)
Subject: FW: NYT Coverage

John, fyi - follow up reporting on the Afghanistan incident that was the subject of the meeting with the Minister on Monday.

-----Original Message-----

From: DPMC FPA [mailto:DPMC FPA]
 Sent: Wednesday, 25 August 2010 9:32 a.m.
 To: (ISED); MFA PS
 Cc: (ISED); (CEO Office); (ISED); (MEA);
 Subject: Re: NYT Coverage

Thanks ISED for spotting this, as this is pretty significant. A little surprised that either Defence (NZDF) weren't aware of this, or if they were, that they hadn't thought to get in touch immediately? Would certainly want to be copied into any subsequent notes, as this needs to be brought to the PM's attention too. Thanks -----Original

Message-----

From: (ISED)" MFAT DPMC FPA
 To: MFA PS inisterial Services.External Domain>
 Cc: >
 To: DPMC FPA
 Cc: (ISED)
 Cc: (ISED)
 Cc: (MEA)
 Cc: (MEA)

Sent: 25/08/2010 8:53:01 a.m.
 Subject: NYT Coverage

MFA PS DPMC FPA found this article below in the NYT. I followed up with NZDF who confirmed that ISAF HQ are indeed investigating the allegations. The team will be headed by a Brigadier, who will travel to Baghlan. The team will review the actions of the forces involved, the assets used and whether the rules of engagement were adhered to. NZDF noted that as a matter of course, ISAF HQ will always investigate any allegations of civilian casualties. But NZDF added that allegations of these sort are nearly always made after such operations - often a tactic by the other side. As the ISAF press release noted, no civilians were killed or injured.

NZDF is preparing a note on this for CDF's approval, which will then be sent to MinDef. I requested that a copy be provided to MFA (you might want to follow up with later today).

MFA PS

Min Def PS

Cheers,

ISED

New Case of Civilian Deaths Investigated in Afghanistan By Dexter Filkins Published 24 August 2010 KABUL, Afghanistan - A team of investigators from the American-led forces here headed to a volatile corner of northeast Afghanistan on Tuesday after local officials reported that a nighttime raid by NATO http://topics.nytimes.com/top/reference/timestopics/organizations/n/north_atlantic_treaty_organization/index.html?inline=nyt-org commandos there had left eight civilians dead and 12 wounded. Details were sketchy, but the governor of Tala Wa Barfak, a district in Baghlan Province, said the Afghans had been killed in the village of Naik early Sunday by what appeared to have been a raid carried out by special forces.

The governor, Mohammed Ismail, said a group of tribal elders he had dispatched to the village had returned with details. Among the dead were two women and one child, he said. Six of the dead were found in Naik and two more villagers were found later in a field further away, he said.

"It was a cruel act against the civilians," he said.

Eyewitnesses said the raid began Sunday morning at about 2 a.m., when a number of helicopters descended on Naik. Group of commandos entered a pair of houses, where the gunfire began, the witnesses said.

"As they entered our neighbor's house, we heard some shouting and yelling and then gunshots," Ahmad Shah, a resident of Naik, said.

In Kabul, a spokesman for the American-led coalition said a team of investigators had been sent to the scene.

Though insurgents cause the overwhelming majority of civilian deaths in Afghanistan, the issue is a sensitive one between NATO and the Afghan government. In recent months, NATO commanders have sharply curtailed airstrikes and night raids in order to reduce the number of civilian deaths.

But special forces commandos are being dispatched at high tempo, in a campaign to kill mid-ranking Taliban <http://topics.nytimes.com/top/reference/timestopics/organizations/t/taliban/index.html?inline=nyt-org> leaders. Those commandos often carry out their raids at night, exploiting darkness and surprise.

Afghanistan is a tribal society, and the results of botched raids are often difficult to overcome. Mahmood Haqmal, a spokesman for the governor of Baghlan Province, put it this way.

"If coalition forces kill one civilian, twenty other family members will pick up weapons and stand against them."

Also in northern Afghanistan, a group of 21 Taliban fighters surrendered their weapons and gave up fighting last week, officials said Tuesday. The surrender offered a glimpse of what Afghan and American officials hope might one day grow into a larger movement.

The fighters, led by a Taliban commander named Mullah Obeidi, gathered Friday at a government building in Muqoor, a district in Badghis Province, and promised to fight no more. Each of the erstwhile fighters received a "re-integration certificate" and congratulations from several hundred tribal elders who had come to celebrate.

Most important, the provincial governor, Delbar Jan Arman, promised to provide the men with jobs to help ensure they will not return to fighting.

"All of our angry brothers came in, " said Sharafuddin Majidi, a spokesman for the Badghis governor. "And we hope we will get some more."

Afghan and American officials hope the small ceremony in Badghis is a harbinger of a larger phenomenon, one that perhaps might rival the movement in Iraq known as the Awakening. There, beginning in late 2006, tens of thousands of insurgents gave up fighting and took jobs with the government.

The idea underlying the initiative is that many if not most of the Taliban's fighters are not especially committed to the cause. The Afghan government and its NATO backers have pledged \$150 million for the effort.

But so far, the defections have amounted to a relative trickle, limited to small, isolated groups like the one in Badghis.

One of the fighters who gave up was Abdul Karim, a 45 year-old father of three who had been fighting with the Taliban for more than four years. In an interview Tuesday, Mr. Karim said he lost heart over what the Taliban were doing to his fellow Afghans.

Mr. Karim said he had initially been persuaded to fight by Taliban recruiters who told him the Afghan government was backed by non-Muslims.

Mr. Karim said his salary was \$12 month-not enough to feed his family. His commander, Mr. Obeidi - as well as Taliban advisors who travelled from Pakistan - urged him to attack construction crews upgrading the national highway. The road runs through Badghis and links the province to the rest of Afghanistan.

"If you see the engineers or the laborers, try your best to kill them," Mr. Karim said. "This is what our Pakistani advisors were telling us."

Finally, Mr. Karim said, the Taliban's local leaders were earning large sums smuggling opium.

"When I heard all these things, I thought this is not the fight of Islam," he said. "Why would we blow up a school or a clinic or a road-these things are for all of us?"

Reporting was contributed by Sharifullah Sahak in Kabul and an employee of The New York Times in Baghlan Province.

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From: PSR(S)2, PSR(C)2, PSR(IC)3

Sent: Thursday, 26 August 2010 8:08 a.m.

To: PSR(R)2, PSR(R)3

Subject: RE: ~~(SECRET)~~ External Release Update Obj Burnham Op 21 Aug 10 Update 3

CLASSIFICATION: ~~SECRET~~

CLASSIFICATION: ~~SECRET~~

Hi Boss

PSR(R)1, PSR(IC)4

Confidential details
of ISAF
investigation
regarding process
and timing

Yes the ISAF SOF PAO has been monitoring media as of yesterday they had 5 hits in the media but these were all small paragraphs, not major stories.

As for PSR(IC)2 and the team they are aware of the heightened risk. We are getting much of this reporting from the Crib S2

PSR(C)2,1

From: PSR(S)2, PSR(C)2, PSR(IC)3

Sent: Wednesday, 25 August 2010 9:22 p.m.

To: PSR(R)2, PSR(R)3

Subject: RE: ~~(SECRET)~~ External Release Update Obj Burnham Op 21 Aug 10 Update 3

PSR(S)2, PSR(R)

PSR(R)1, PSR(IC)4

Confidential details of ISAF
investigation regarding process
and timing

Lastly, does HQ ISAF monitor all international media releases reporting on events in Afghanistan. MINDEF is concerned at the potential wide distribution of the two stories that were in the NYT. He was wondering how many other media outlets have reported the events in Tala Wa Barfak. Don't go crazy on this one, suffice to say we have passed on his concern but there is little that can be done unless HQ ISAF maintain a searchable database on all outside media.

PSR(C)2, PSR(C)3, PSR(IC)3

PSR(IC)

From: PSR(S)2, PSR(C)2, PSR(IC)3**Sent:** Thursday, 26 August 2010 4:42 a.m.**To:** PSR(S)2, PSR(C)2**Subject:** ~~(SECRET)~~ External Release Update Obj Burnham Op 21 Aug 10 Update 3CLASSIFICATION: ~~SECRET~~CLASSIFICATION: ~~SECRET~~

Hi Boss all little more clarity today has emerged. See attached brief.

No word yet on when we might see the gun tapes. We will keep tracking that. Otherwise there are no significant developments to report today.

Regards

PSR(IC)3

Update Obj Burnham Op 21 Aug 10 Update 3.doc

Update Obj Burnham Op 21 Aug 10 Update 3.doc

000038

~~SECRET~~**25 Aug 10 – Int Update Obj Burnham Op 21/22 Aug 10 (Update 3)**

Various reports from a number of sources continue to be received following the Op against Obj Burnham on the night of 21-22 Aug 10 in TIRIGRAN Village BAGHLAN Province.

Reflections indicate that between eight and nine people have been killed with three to five people wounded. Various names of individuals have been supplied by sources including those of known INS but again these can not yet be corroborated.

The following outlines those individuals listed in the various reports who have been reported by sources as killed; wounded or injured to date. In time more accuracy will be put to this list as it priority effort for TF81.

Likely Killed	Possibly Killed	Injured	Missing
PSR(R)1, PSR(IC)4 (INS) father of PSR(R)1, PSR(IC)4	Sister of PSR(R)1, PSR(IC)4	Son of PSR(R)1, PSR(IC)4 (INS)	
PSR(R)1, PSR(IC)4 (INS)		(Possibly) Daughter of PSR(R)1, PSR(IC)4	
2 x Sons of PSR(R)1, PSR(IC)4 both (INS)		(Possibly) Unk Female	
Son of PSR(R)1, PSR(IC)4 (INS)		PSR(R)1, PSR(IC)4 (INS)	
1 x Unidentified male (INS)		PSR(R)1, PSR(IC)4 (INS)	
PSR(R)1, PSR(IC)4 (NFI)			
PSR(R)1, PSR(IC)4 (NFI)			

In the table above, names and other details that identify individuals have been redacted from this document for reasons of privacy and because some identifying information may have been obtained by means that would cause prejudice to protected interests if disclosed. However, and noting that some individuals have since been publicly identified, the individuals identified in this table appear to correlate with some of those who have been publicly identified.

Reporting has been received from four sources plus intelligence passed from PSR(R)1, PSR(IC)4

All sources are assessed as being C3. There are reports that NEMATULLAH (Obj NOVA) and KULTTA (Obj BURNHAM) are still alive and may have been involved in the funerals which occurred on 23 Aug, with up to 400 attendees. Some of those that attended were armed with RPG, PK and AKs.

Confidential sources A report from PSR(R)1, PSR(IC)4 states that only one civilian may have been injured and that all others killed/injured were INS.

~~SECRET~~

000039

~~SECRET~~

Reporting suggests 12 weapons, 11 mines and ammo were destroyed in the operation at KALTA's house. **COMMENT:** Two weapons, seven RPG rounds and a quantity of ammunition (2 x belt 7.62mm, 1 x box 14.5mm) was removed and destroyed by FF. It is likely that additional weapons were destroyed when INS in the hills were engaged by Air Assets. **END COMMENT.**

Several reports indicate that TB plan to attack PRT patrols and ANP CP as revenge for the Op conducted in TIRIGRAN. It is currently quiet in TIRIGRAN and people are staying away from the district centre.

000040

~~SECRET~~

This document has been removed from the bundle.

OP BURNHAM

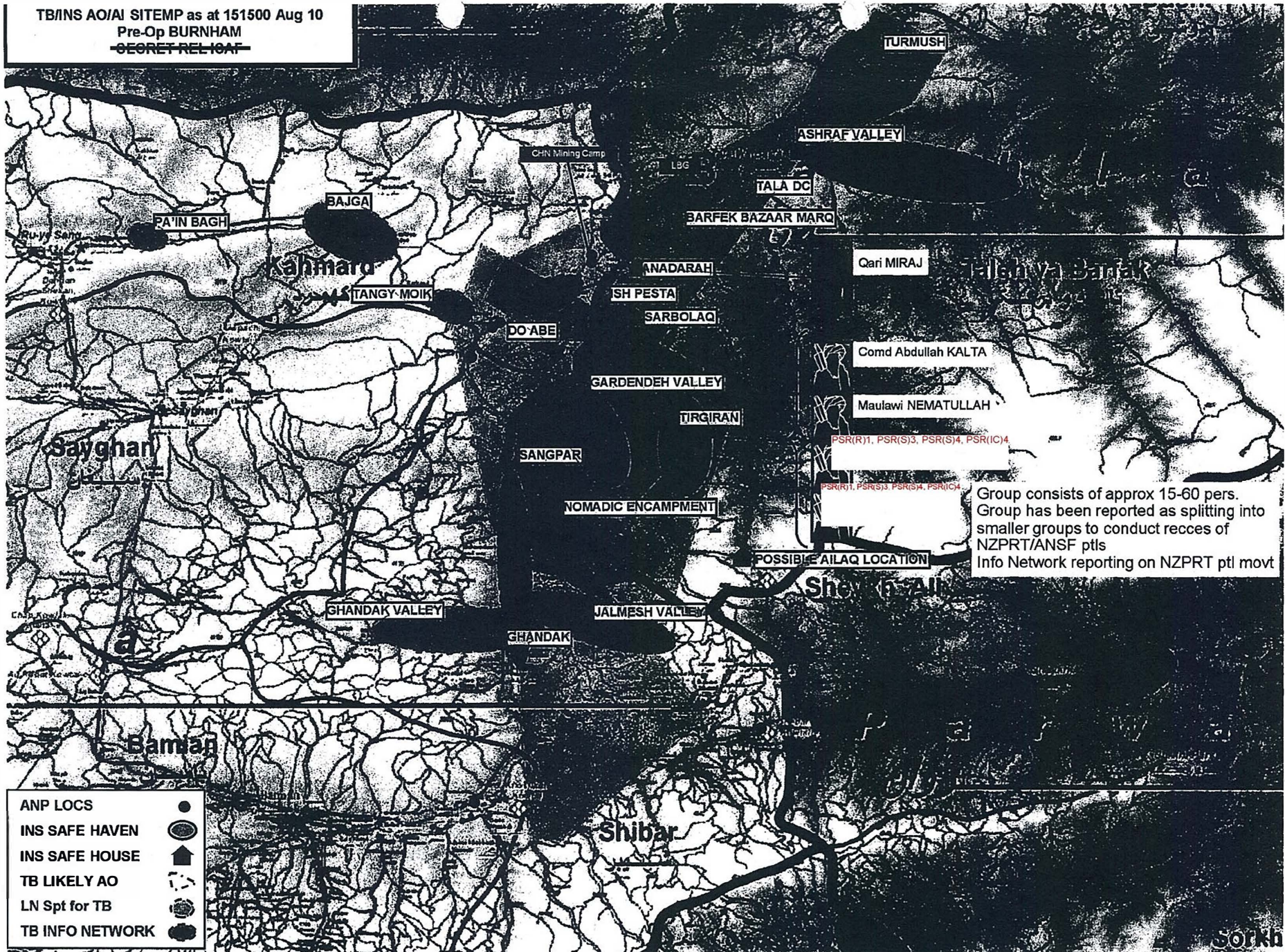
BDA and current NZPRT analysis

Correct as at 261130DAUG10

000049

TB/INS AO/AI SITEMP as at 151500 Aug 10
Pre-Op BURNHAM
~~SECRET REL 10AF~~

000050



OP BURNHAM SUMMARY

Background:

In the early hours of 22 AUG, ANSF/CF conducted a partnered operation in TIRGIRAN to capture prominent TB leaders in confirmed TB compounds. These INS were directly involved in the 3 AUG KARIMAK attack.

Subsequent ISAF reporting from KABUL states that 13 INS were killed.

Casualties:

On the balance of much HUMINT reporting received by NZPRT, the following casualties are likely:

Killed

PSR(R)1, PSR(IC)4

PSR(R)1, PSR(IC)4 (father of PSR(R)1, PSR(IC)4

PSR(R)1, PSR(IC)4 (brother of PSR(R)1, PSR(IC)4

PSR(R)1, PSR(IC)4

(armed TB)

(armed TB)

(armed TB)

In this list, names and other details that identify individuals have been redacted from this document for reasons of privacy and because some identifying informations may have been obtained by means that would cause prejudice to protected interests if disclosed.

However, and noting that some individuals have since been publicly identified, the individuals identified in the list above appear to correlate with some of those who have been publicly identified.

LN females (incl daughter of PSR(R)1, PSR(IC)4

Four additional bodies have been reported by NDS (NFI).

Wounded

Four LN (2 x MAM in PEK Hospital)

Current Disposn:

KALTA, NEMATULLAH and MIRAJ escaped.

KALTA is currently in TIRGIRAN. Armed LNs have gone to TIRGIRAN to pledge support for the TB.

MIRAJ may be in ANADARAH after escaping from TIRGIRAN to N TWB.

NEMATULLAH's location is unknown.

The remaining TB are continuing to move between the mosque in TIRGIRAN and tents in nearby valleys in DAHANE NAYAK.

ALLOWUDIN is distributing IED materials from TURMUSH.

Intent:

It is likely that TB will plan revenge attacks against ANSF/NZPRT targets. Unless there is an immediate (and rash) individualistic response, INS will meet over next few days to plan a complex attack to coincide with end of RAMAZAN. SHIKARI VY, DO-ABE and ISH PESHTA area are most probable target areas. Deliberate action during the elections is also probable.

000051

CASUALTIES (based on NZ PRT HUMINT reporting)

PROBABLY KILLED:

PSR(R)1, PSR(IC)4

PSR(R)1, PSR(IC)4 (F/O PSR(R)1, PSR(IC)4

PSR(R)1, PSR(IC)4 (B/O PSR(R)1, PSR(IC)4

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

LN Female(s)

TB fighter

TB linked: Likely to be PSR(R)1, PSR(IC)4

TB: Involved in 9 APR 10 KT2 atk

Unknown LN

Possibly PSR(R)1, PSR(IC)4 daughter?

POSSIBLY KILLED:

Cousin of PSR(R)1, PSR(IC)4

PSR(R)1, PSR(IC)4

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

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

B/O PSR(R)1, PSR(IC)4

Nephew of PSR(R)1, PSR(IC)4

Relative of PSR(R)1, PSR(IC)4

Comd KALTA or PSR(R)1, PSR(IC)4

Either Maulawi NEMATULLAH or PSR(R)1, PSR(IC)4

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

Possibly B/O PSR(R)1, PSR(IC)4

Unknown

Maulawi NEMATULLAH or PSR(R)1, PSR(IC)4

Unknown

WOUNDED:

1 x TB

2 x WIA MAM moved to POL-E KHUMRI

Unknown

Unknown-being investigated

MISSING:

4 x LNs reported missing

Likely to be TB

CONCLUSION

Reporting very confused.

3 x TB probably killed. 4 x TB possibly killed. Several LN killed.

1 x TB probably wounded. Several LN wounded.

4 x TB likely to be missing

In the list above, names and other details that identify individuals have been redacted from this document for reasons of privacy and because some identifying informations may have been obtained by means that would cause prejudice to protected interests if disclosed. However, and noting that some individuals have since been publicly identified, the individuals identified in the list above appear to correlate with some of those who have been publicly identified.

INS KILLCHART as at 261130DAUG10

INS ORBAT based on 3 AUG
KT2 Ambush

LEGEND

Probably Killed Possibly Killed Probably Wounded Possibly Wounded 

PSR(R)1, PSR

Comd
Abdullah
KALTAMaulawi
NEMATULLAH

Confirmed Leaders



Probable Involvement



Possible Involvement

Name	No. of Reports
1. PSR(R)1, PSR(IC)4 (F/O PSR(R)1, PSR(IC)4)	3
2. PSR(R)1, PSR(IC)4 (B/O PSR(R)1, PSR(IC)4)	3
3. PSR(R)1, PSR (BOI)	2
4. Cousin of PSR(R)1, PSR(IC)4	1
5. S/O PSR(R)1, PSR	1
6. S/O PSR(R)1, PSR(IC)4	1
7. PSR(R)1, PSR(IC)4 LN	1
8. PSR(R) (Wounded)	2
9. B/O PSR(R)1, PSR	1
10. Nephew of PSR(R)1, PSR	1
11. Relative of PSR(R)1, PSR(IC)4	1
12. 2 x WIA moved to POL-E KHUMRI	1

Initial reports 13 x TB KIA

Information still not confirmed

NFI on potential detainees

NZPRT S2 ASSESSMENT:

4-5 x KIA (3 x low-level TB)

4 x WIA (1 x TB?)

4 x MIA (4 x TB?)

In the list above, names and other details that identify individuals have been redacted from this document for reasons of privacy and because some identifying informations may have been obtained by means that would cause prejudice to protected interests if disclosed. However, and noting that some individuals have since been publicly identified, the individuals identified in the list above appear to correlate with some of those who have been publicly identified.

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Threat Considerations

- Names of casualties do not match TB ORBAT from 3 AUG contact. This suggests that INS groups are likely to be intact.
- KALTA, NEMATULLAH and MIRAJ likely to be alive and considering options. NEMATULLAH may have lost support due to his absence at the funerals 24 and 25 AUG 10.
- ALLOWUDIN has resupplied INS with IED materiel from TURMUSH. Despite losing resources during operation (weapons, ammo, IED materiel), INS still possess sufficient resources to conduct several complex attacks.
- Numbers of low-level volunteer fighters may increase due to LN backlash. TB may infiltrate trained fighters from BAGHLAN, PARWAN or even PAK.
- LN funerals 24 and 25 AUG were recorded. TB swore on camera to retaliate against NZPRT and GIRoA officials.
- Some LNs in S TWB reported to support CF action. Most LN likely to at least tolerate TB presence. LNs in N TWB still broadly intolerant of TB. Exception is BARFAK-where ANP have an increased presence. LNs elsewhere in NE AO BAMYAN are supportive of CF action.
- TB group(s) assessed to still be IVO DAHANE NAYAK. Likely to be at nomadic (KUCHI) encampments and hills surrounding village. Likely to move every few days due to ongoing fear of CF airpower and 'spies'.
- Leaders likely to concentrate covertly to conduct planning for subsequent offensive action. Likely to be in an isolated *ailaq*.
- NZPRT patrols and ANP CPs are reported to be the primary targets. Revenge is a strong motive.
- Auspicious dates during RAMAZAN include 27, 28, 29, 31 AUG and night 5/6 SEP 10.
- EID al-FITR (approx 10-13 SEP) may see family groups concentrate for festivities in home locs.
- Post-Eid period sees a few days before 18 SEP election. This may see sharp spike in violence.
- BAMYAN and TWB ANP appear to be more active: special task group has been estb. ANP keen to patrol SHIKARI. Increased presence in BARFAK
- Ongoing threat reports relate to AKF Bank in S SHIBAR and FPB ROMERO in MADR VY. These may offer 'interim targets' pending a large, retaliatory 'spectacular' event at end of RAMAZAN.

TB Capabilities

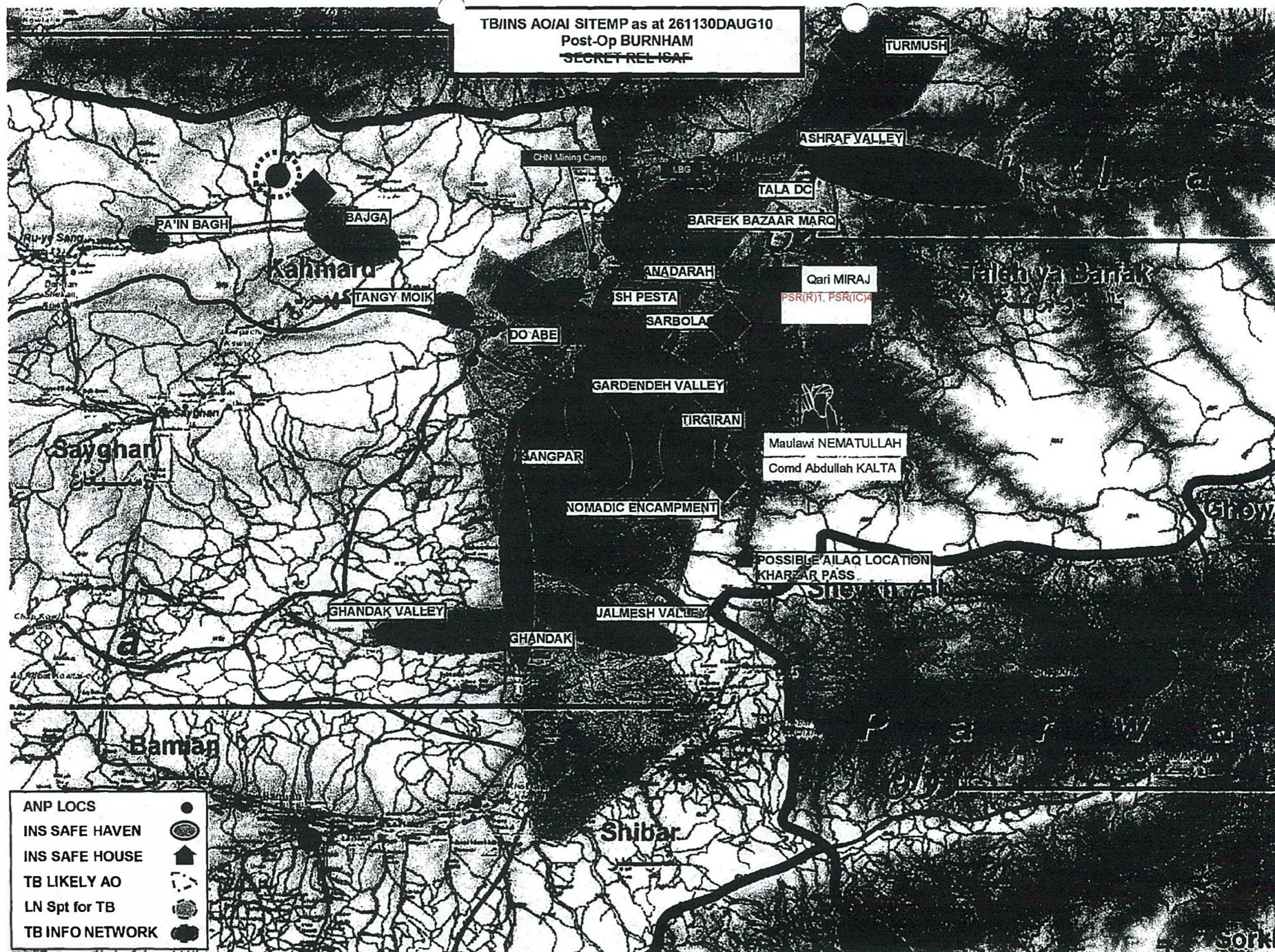
- Despite losing resources during operation (weapons, ammo, IED materiel), INS still possess sufficient resources to conduct several complex attacks. IED materiel includes AT-mines, other mil grade munitions, access to HME and access to suitable CW and det systems.
- Sufficient manpower to allow INS to conduct several concurrent IED/RPG/SAF attacks.
- INS leaders possess good knowledge of the ground and may have sound surveillance/information networks to gain good SA of CF and ANP actys.
- Despite losing key safe-houses, INS retain safe areas in which to consolidate. These are likely to be in isolated *ailaqs* where a support network exists among local villagers and nomadic *KUCHI*.
- A suicide capability is possible.

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000059

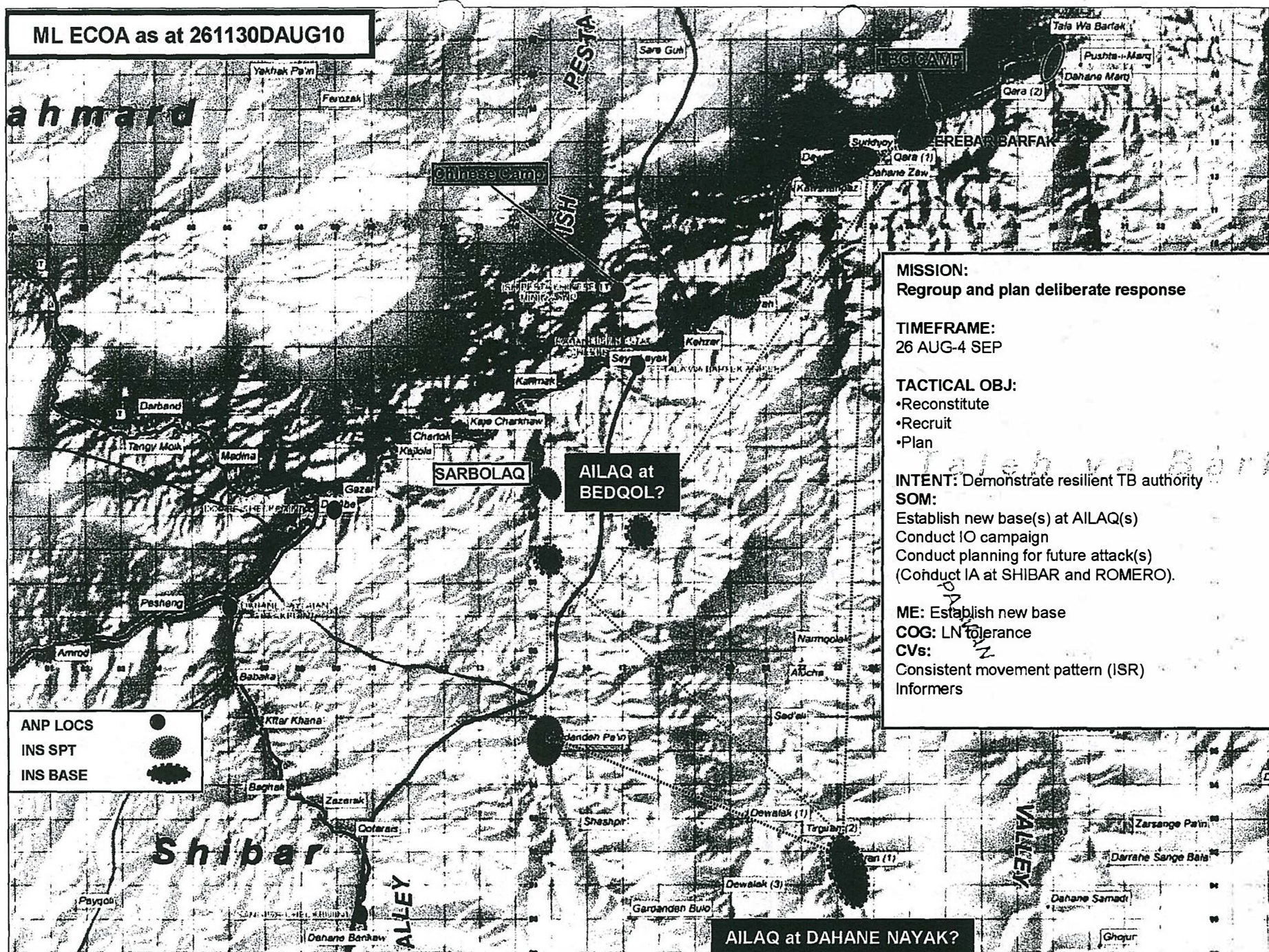
Broad ECOA

- No nothing – minimal response
- Major retaliation – immediate response
- BAU approach – normal tempo
- Activate wider INS network
- Rash 'revenge' response – aggrieved individual (suicide bomber)
- Review situation, reconstitute, deliberate offensive plan
- Combination of these COA

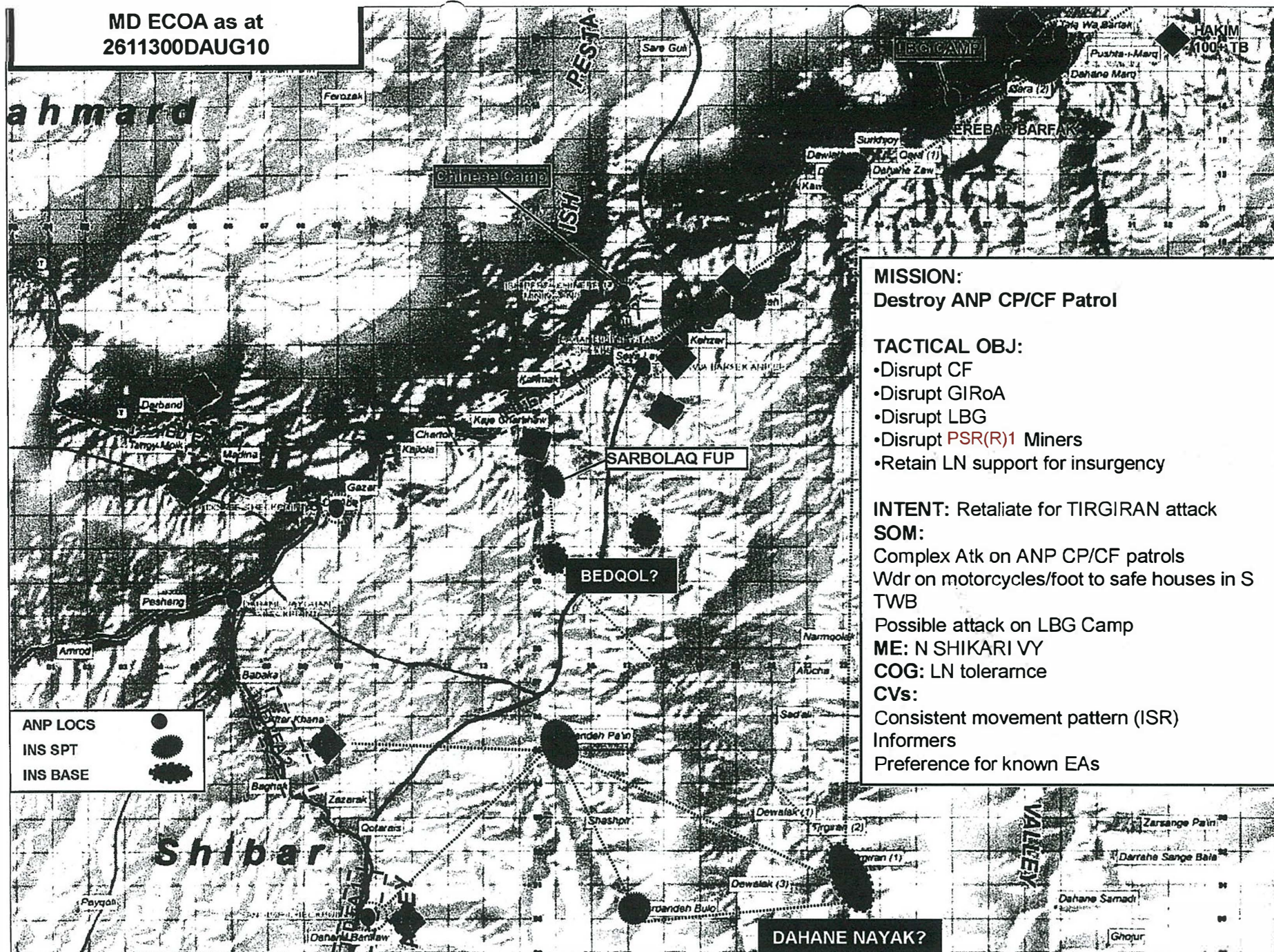


CCO 2

000058

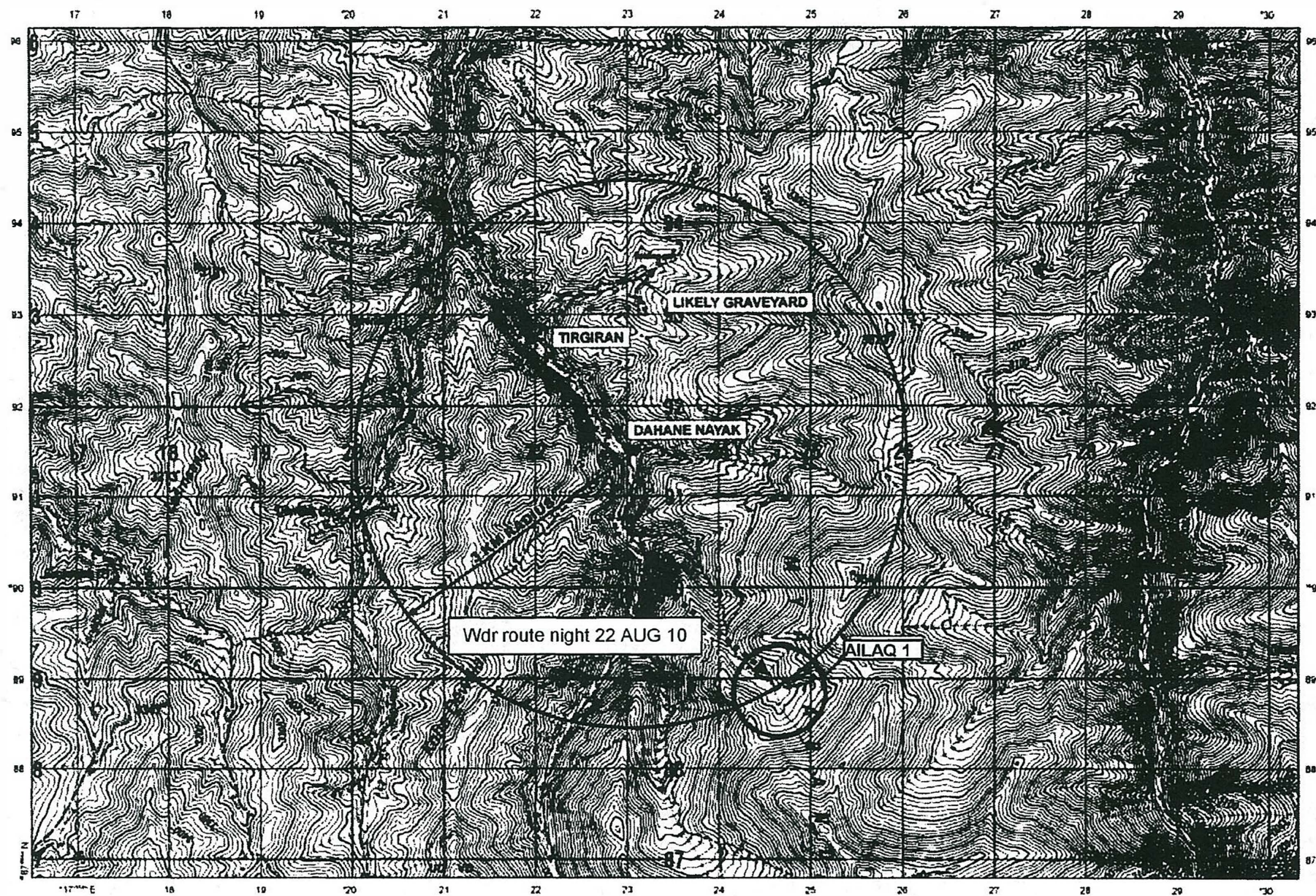


MD ECOA as at
2611300DAUG10



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AILAQ 1: DAHANE NAYAK



24

25

IMAGERY 2006 GEOEYE

AILAQ 1

DAHANE NAYAK

IVO GR 42S UD 246 889

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89° 00' 00" E

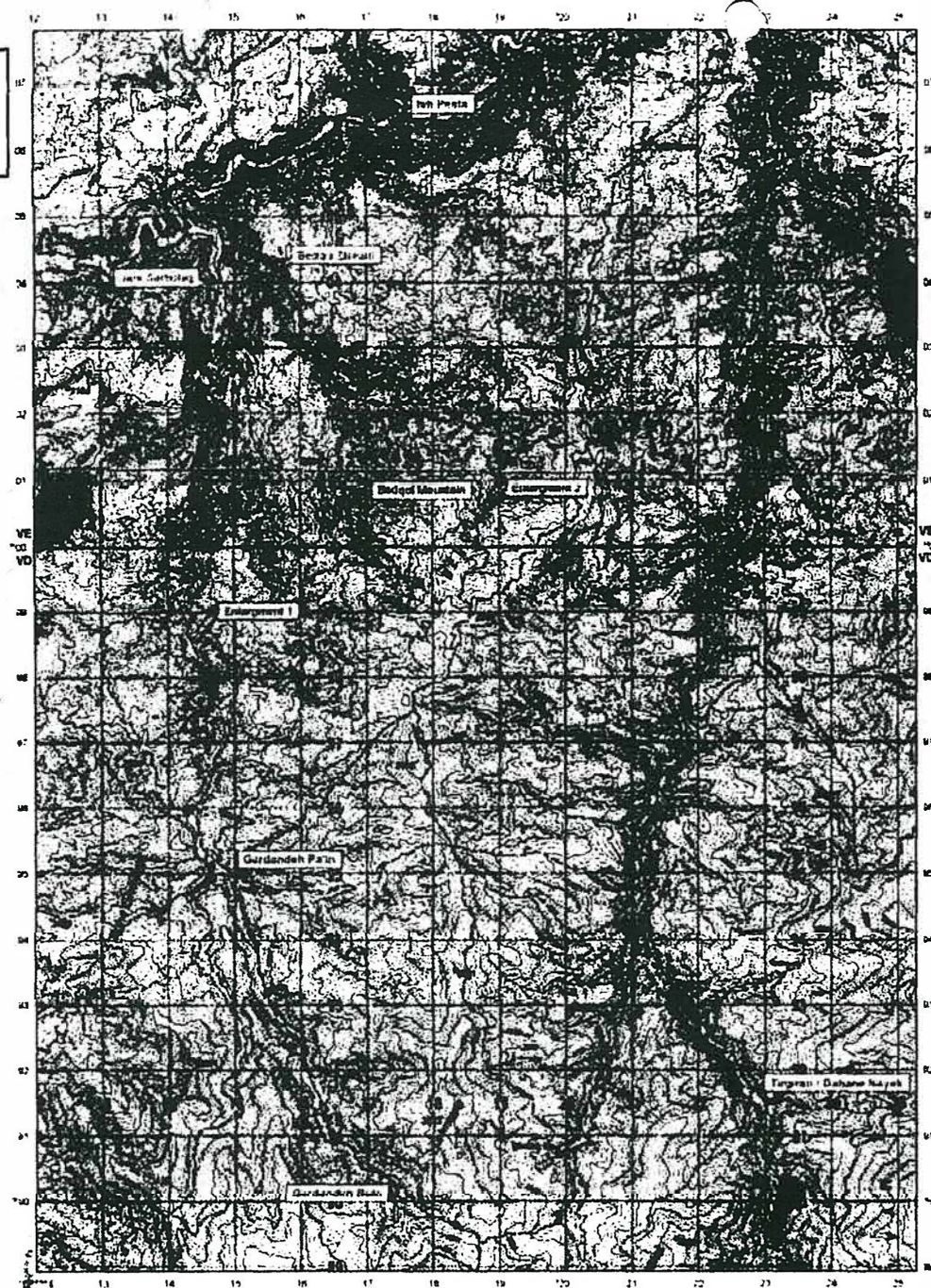
89

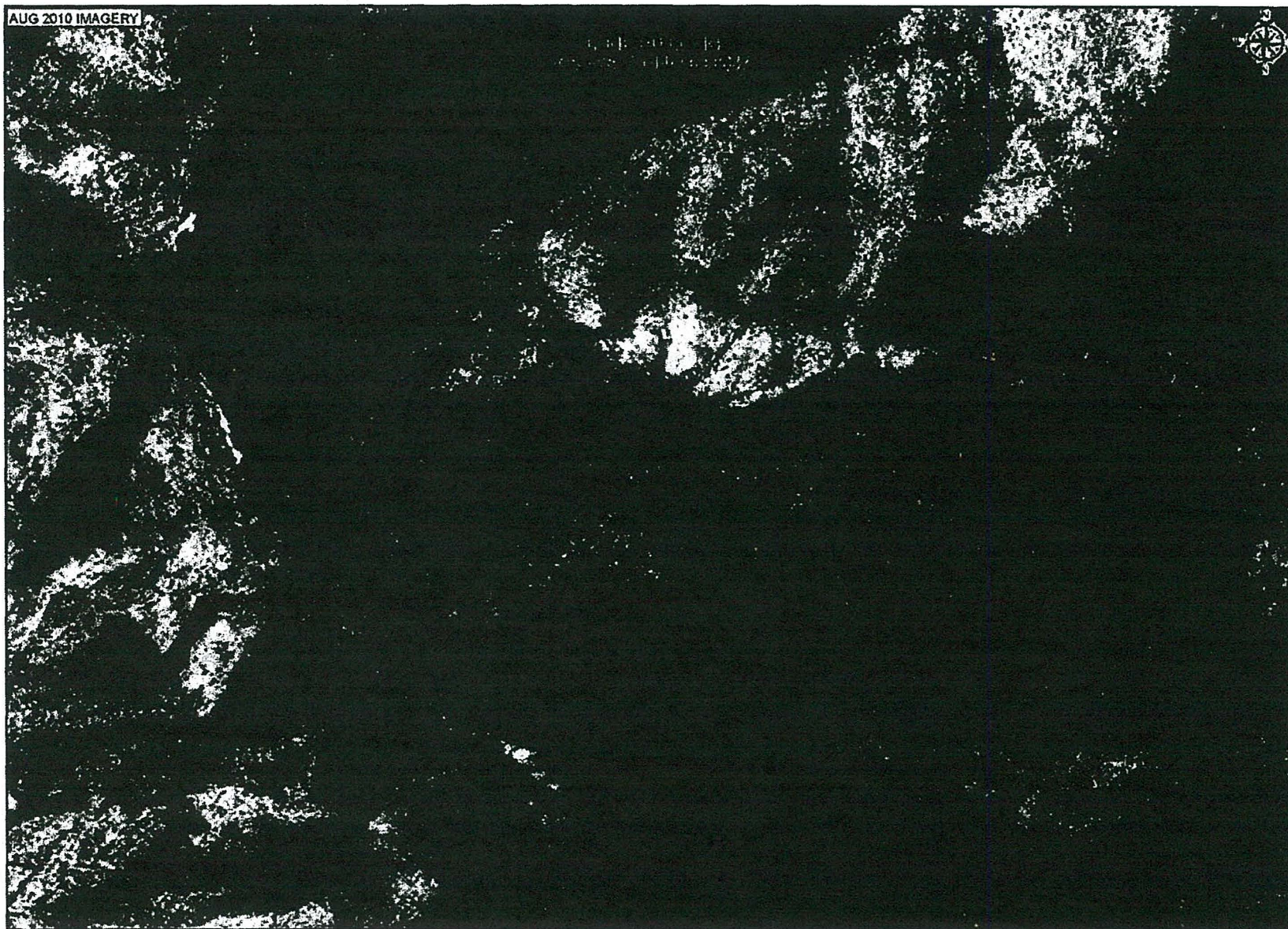
24° 00' 00" E

25

000062

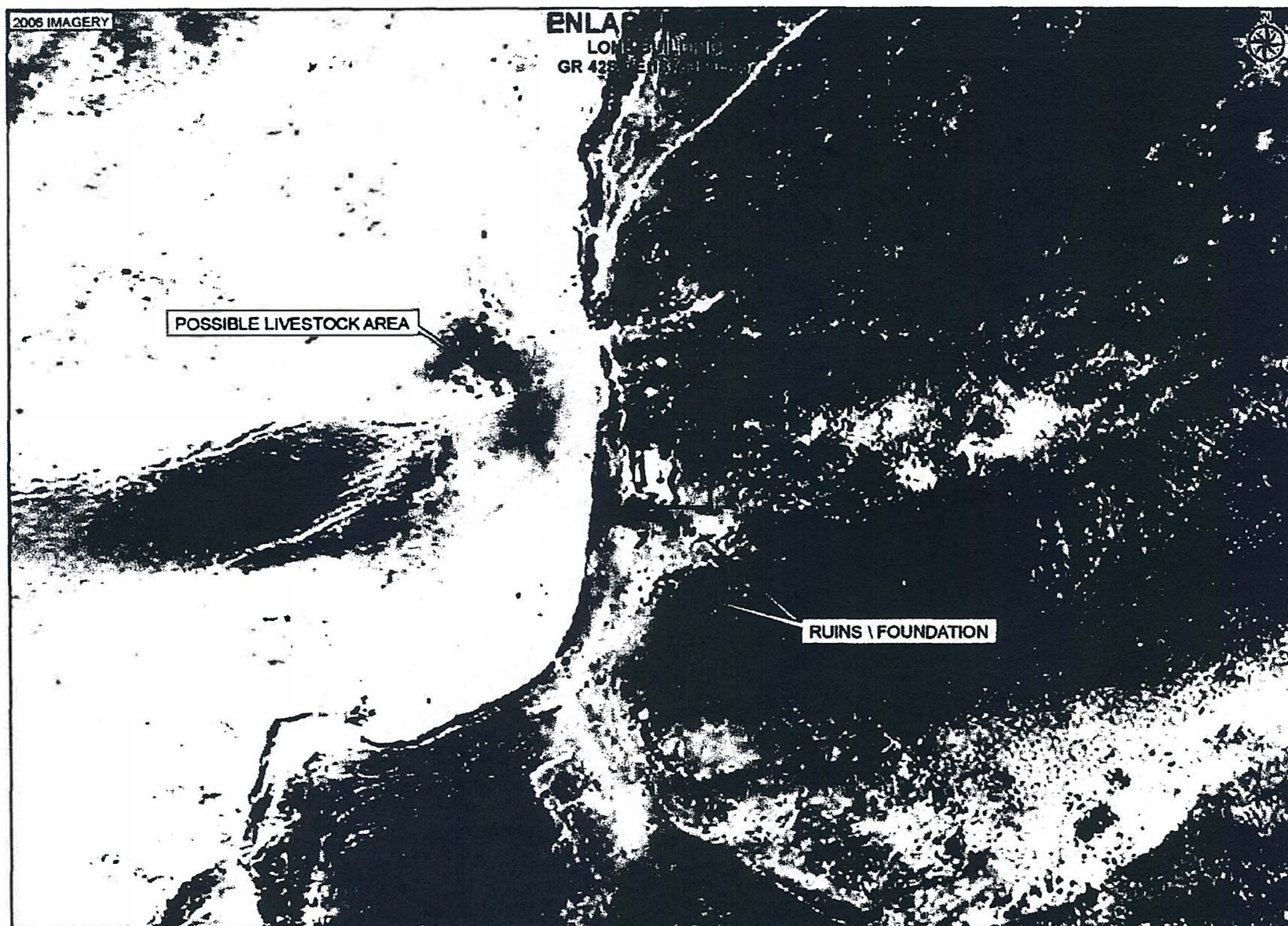
Possible BEDQOL Locations





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000004



**NEW ZEALAND PROVINCIAL RECONSTRUCTION TEAM
BAMYAN, AFGHANISTAN**

Kiwi Base, Bamyan Airfield, Bamyan, AFGHANISTAN
Telephone: +**PSR(IC)3** Email: **PSR(IC)3**
(Unclass)

26 AUG 2010

NZPRT BAMYAN DAILY INTSUM 238/10

Period: 251830D AUG 10 -261830D AUG 10

Executive Summary

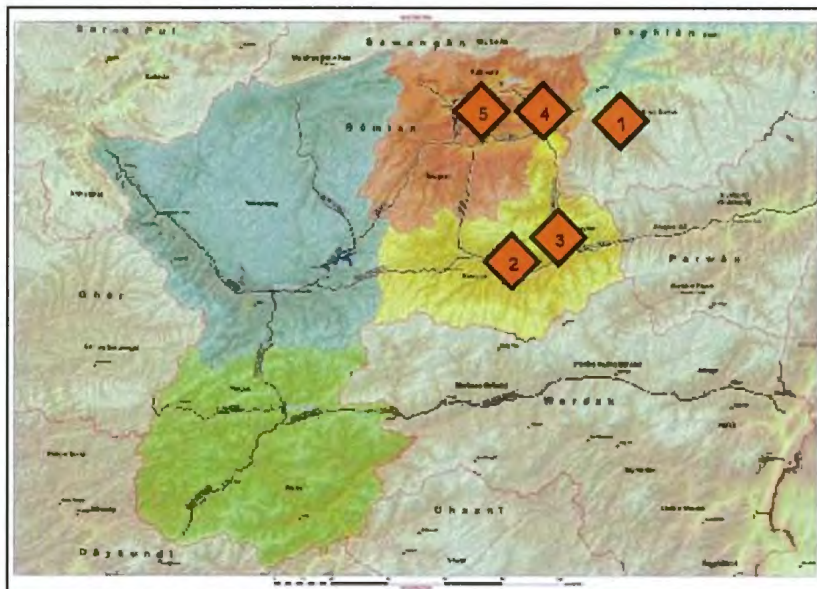
TALA WA BARFAK: LNs return from KAHMARD after TIRGIRAN operation.

BAMIAN Town: Meeting with ANP **PSR(Sen)1** (NZPRT PIR 1; COMJFNZ PIR 2).


SHIBAR: **PSR(sen)1** reports possible TB targets (NZPRT PIR 1; COMJFNZ PIR 2).

KAHMARD: **ANSF** reports armed men in MADR Valley. (NZPRT PIR 1; COMJFNZ PIR 2).

KAHMARD: **PSR(sen)1** reports TB split into two groups (NZPRT PIR 1; COMJFNZ PIR 2).



Area of Interest

1. ~~(S//REL ISAF, NATO)~~  **TALA WA BARFAK:** On 26 August 2010, ^{PSR(sen)1} relayed the following to NZPRT elements:
- a. ^{PSR(sen)1} from GARDENDEH (GR 42S VD 17172 90052) told LNs at the DO ABE (GR 42S VE 08509 02035) fuel station that TIRGIRAN (GR 42S VD 23061 91545) had been attacked.
 - b. ^{PSR(sen)1} stated that five LNs were killed and 17 injured. Of the five dead, two were children, and one was a female.
 - c. The majority of the 17 injured are reportedly in POL-E KHOMRI Hospital
 - d. ^{PSR(sen)1} stated that the LNs in the fuel station were happy that TB had been killed. The women and children reported killed were regarded as 'unimportant'.
 - e. After the 3 August 2010 attack on KT 2, 300 LNs from TWB moved to DO ABE to work in the coal mines. The TWB LNs teased and threatened KAHMARD locals about taking over the coal mines. Following the events of 22 August 2010, all but 20 of the TWB LNs have left the area.
2. **NZPRT S2 COMMENT:** Whilst the number of KIA and WIA differ from other reports, this coincides with previous reporting that some LNs quietly approve of the operation. The departure of TWB locals from the KAHMARD may be due to fear of being targeted in future ANSF/GIRoA operations. **COMMENT ENDS.**

Area of OperationGOVERNANCE

3. NSTR.




DEVELOPMENT

4. NSTR.

SECURITY

5. ~~(S//REL ISAF, NATO)~~  **BAMIAN TOWN:** NZPRT elements today met with ANP ^{PSR(Sen)1} who relayed the following:


- a. TB are planning a revenge attack on ANP and NZPRT. ANP is described as the most likely target as the TB believe they requested and supported the TIRGIRAN operation.
- b. ^{PSR(sen)} is planning a project in DO ABE that will 'solve' all our problems. It involves targeting a house, and it is now just a matter of timing. If ^{PSR(sen)} requires NZPRT assistance, ^{PSR(sen)} will let us know closer to the time.

- c. There are four persons IVO FPB ROMERO that are of concern (NFI). One of these is identified as **PSR(sen)1** from GHANDAK. He is reported as **PSR(sen)1** replacement and will possibly be a threat later.
6. **NZPRT S2 COMMENT:** It is assessed that **ANSF** is trying to demonstrate renewed ANP commitment following recent events. The exact nature of his 'project' is unknown. **COMMENT ENDS.**
7. (~~S//REL ISAF, NATO~~)  **SHIBAR:** On the 26 August 2010, NZPRT CO met with  who passed on the following information:
- a. Before future operations NZPRT should talk to elders in the area concerned or NZPRT will lose support from them.
 - b. Although TB were meeting in TIRGIRAN prior to 22 AUG, NZPRT should verify information before action takes place.
 - c. The attack in TIRGIRAN has raised sympathy for TB in TWB District.
 - d. NZPRT CO and **PSR(Sen)1** should meet with elders in GHANDAK IOT stop TB LN support in the area.
 - e. **PSR(sen)1** believes TB will conduct operations in GHANDAK. He mentioned SANGPAR ANP CP, ING VY,² and JALMESH VY.
 - f. It is only 3 days walk from TWB to BOLOLA and the SHIBAR DSG building.
8. **NZPRT S2 COMMENT:** The targets mentioned have excellent exfil routes into the southern areas of GARDENDEH/TIRGIRAN. Previous reporting before the TIRGIRAN operation suggested the presence of TB reconnaissance elements IVO N SHIKARI VY and plans to target NZPRT patrols through the SHIKARI Valley. There have also been reports of planned attacks in the SHIBAR District Centre using the route through the KHARZAR Pass. **COMMENT ENDS.**
9. (~~S//REL ISAF, NATO~~)  **KAHMARD: ANSF** reported the following:
- a. 30 TB have been seen in KAWAL-CHAKOR Valley (NFI) of KAHMARD District. They are armed with RPGs, PKs, and AKs. It is possible this group may be planning to attack FPB ROMERO.
 - b. After the 22 AUGUST 2010 operation, TWB TB have decided to conduct attacks against ANP checkpoints and stage ambushes against PRT forces.
 - c. TBSL has ordered local commanders to capture AMERICAN soldiers. There is a US\$20,000 reward for each AMERICAN soldier.
10. **NZPRT S2 COMMENT:** This coincides with previous reporting stating that TB will conduct retaliatory attacks on ANSF/NZPRT. The bounty offered for the capture of AMERICAN soldiers has previously been reported. **COMMENT ENDS.**

¹ **PSR(sen)1**

² Valley runs opposite DAHANE MARMADKECHA (42S VD 1060 78927) on the eastern side. This is also the Southern edge of the SHIKARI VY.

Page 4 of 6

11. ~~(S//REL ISAF, NATO)~~  **KAHMARD:** KAHMARD DSG Abdul Khaliq ZHALIQ spoke to NZPRT elements today. ^{PSR(sen)} reported that the operation in TWB had been marginally successful, but ^{PSR(sen)} sources suggested that approximately 50 TB fighters remained and have split into two groups based in TIRGIRAN and PAJMAN Valley. **NZPRT S2 COMMENT:** This is consistent with other reports of a continued TB presence in TIRGIRAN. It is feasible that two groups now exist in separate, yet connected, locations. **COMMENT ENDS.**

72 Hour Assessment:

12. **MLCOA:** INS reinforce their *safe-haven* in TALA-WA-BARFAK, convincing LNs of TB moral and military superiority. Further IEDs are possible against ANSF, CF and international actors along MSRs ^{PSR(S)1} and ^{PSR(S)1}. A stand-off attack against ROMERO is possible. A kidnapping attempt of Chinese mining personnel at ISH PESTA remains possible.

13. **MDCOA:** A complex attack with IED supported by RPG/SAF targeting ANP/CF patrols along MSRs ^{PSR(S)1} and ^{PSR(S)1} or in the KAHMARD. An attempt to infiltrate KIWI BASE or FPB ROMERO is possible with INS using fake ANSF vehicles and uniforms.

**DRAFTED
BY:**^{PSR(sen)}1, ^{PSR(IC)}3**RELEASED BY:**^{PSR(sen)}1, ^{PSR(IC)}3

INT OP

S2

Priority Intelligence Requirements

- a. PIR 1. What are the kinetic threats to stability within BAMYAN Province?
- b. PIR 2. What are the non-kinetic influences that have the potential to create instability within BAMYAN Province?

PSR(S)2, PSR(S)3

Reporting
requirements
relating to the local
perception of NZDF
and the Afghan
government

LEVELS OF CONFIDENCE

CONFIRMED	Approximately 95 per cent or greater
PROBABLE	Approximately 75 per cent or greater
LIKELY	Approximately 50 per cent or greater
POSSIBLE	Approximately 15 per cent or greater
DOUBTFUL	Approximately 14 per cent or less

Distribution:

NZ and partner
entities in receipt of
Intsum

Page 6 of 6

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

Export

PSR(IC)3

From:

Thu, 26
Aug
2010
03:14:1
5 GMT

To: PSR(IC)3 LTCOL

Subject FW: Baghlan Raid Inquiry

PSR(IC)3 CAPT
sday, 26 August 2010 1:18 p.m.
PSR(IC)3 WGCDR; PSR(IC)3 A/LT; PSR(IC)3 ; PSR(IC)3
aghlan Raid Inquiry

New York Times

August 25, 2010

Raid That Killed Afghan Civilians Prompts Inquiry

By Dexter Filkins

KABUL, Afghanistan -- A team of investigators from the American-led forces here headed to a volatile corner of northeast Afghanistan on Tuesday after local officials reported that a nighttime raid by NATO commandos there had left 8 civilians dead and 12 wounded.

Details were sketchy, but the governor of Tala Wa Barfak, a district in Baghlan Province, said the Afghans had been killed in the village of Naik early Sunday by what appeared to have been a raid carried out by special forces.

The governor, Mohammed Ismail, said a group of tribal elders he had sent to the village had returned with details. Among the dead were two women and a child, he said. Six of the dead were found in Naik, and two more villagers were found later in a field farther away, he said.

"It was a cruel act against the civilians," he said.

Witnesses said the raid began Sunday at 2 a.m., when a number of helicopters descended on Naik. Groups of commandos entered a pair of houses, where the gunfire began, the witnesses said.

"As they entered our neighbor's house, we heard some shouting and yelling and then gunshots," said Ahmad Shah, a resident of Naik.

In Kabul, a spokesman for the American-led coalition said a team of investigators had been sent to the scene.

Though insurgents cause an overwhelming majority of civilian deaths in Afghanistan, the issue is a delicate one between NATO and the Afghan government. In recent months, NATO commanders have sharply curtailed airstrikes and night raids to reduce the number of civilian deaths.

But special forces commandos are sent on missions at a high tempo, in a campaign to kill midranking Taliban leaders. Those commandos often carry out their raids at night, exploiting the elements of darkness and surprise.

Afghanistan is a tribal society, and the results of botched raids are often difficult to overcome. Mahmood Haqmal, a spokesman for the governor of Baghlan Province, put it this

way: "If coalition forces kill one civilian, 20 other family members will pick up weapons and stand against them."

Also in northern Afghanistan, a group of 21 Taliban fighters surrendered their weapons and gave up fighting last week, officials said Tuesday. The surrender offered a glimpse of what Afghan and American officials hope might one day grow into a larger movement.

The fighters, led by a Taliban commander named Mullah Obeidi, gathered Friday at a government building in Muqoor, a district in Badghis Province, and promised to fight no more. Each of the erstwhile fighters received a "re-integration certificate" and congratulations from several hundred tribal elders who had gathered to celebrate.

Most important, the provincial governor, Delbar Jan Arman, promised to provide the men with jobs to help ensure that they would not return to fighting.

"All of our angry brothers came in," said Sharafuddin Majidi, a spokesman for the Badghis governor. "And we hope we will get some more."

Afghan and American officials say they hope the small ceremony in Badghis is a harbinger of a larger phenomenon, one that perhaps might rival the movement in Iraq known as the Awakening. There, beginning in late 2006, tens of thousands of insurgents gave up fighting and took jobs with the government.

The idea underlying the initiative is that many if not most of the Taliban's fighters are not especially committed to the cause. The Afghan government and its NATO backers have pledged \$150 million for the effort.

But so far, the defections have amounted to a relative trickle, limited to small, isolated groups like the one in Badghis.

One of the fighters who gave up was Abdul Karim, a 45-year-old father of three who had been fighting with the Taliban for more than four years. In an interview on Tuesday, Mr. Karim said he had lost heart over what the Taliban were doing to his fellow Afghans.

Mr. Karim said he had initially been persuaded to fight by Taliban recruiters who told him the Afghan government was backed by non-Muslims.

Mr. Karim said his salary was \$12 per month, not enough to feed his family. His commander, Mr. Obeidi -- as well as Taliban advisers who had traveled from Pakistan -- urged him to attack construction crews upgrading the national highway. The road runs through Badghis and links the province to the rest of Afghanistan.

"If you see the engineers or the laborers, try your best to kill them," Mr. Karim said. "This is what our Pakistani advisers were telling us."

Also, Mr. Karim said, the Taliban's local leaders were earning large sums smuggling opium.

"When I heard all these things, I thought this is not the fight of Islam," he said. "Why would we blow up a school or a clinic or a road -- these things are for all of us?"

Sharifullah Sahak contributed reporting from Kabul, and an Afghan employee of The New York Times from Baghlan Province.

This page has been deliberately left blank.

From: PSR(S)2, PSR(C)2, PSR(IC)3

Sent: Friday, 27 August 2010 3:47 p.m.

To: PSR(S)2, PSR(C)2, PSR(IC)3

Subject: FW: ~~(ISAF SECRET)~~ External Release Update Obj Burnham Op 21 Aug 10 Update 4

CLASSIFICATION: ~~(ISAF SECRET)~~

FYI

100826-IS-TF81 INTSUM 001-10.doc
100822-IS-AWT INS ID.PPTX

From: PSR(S)2, PSR(C)2, PSR(IC)3

Sent: Thursday, 26 August 2010 11:27 p.m.

To: PSR(S)2, PSR(C)2, PSR(IC)3

Subject: ~~(ISAF SECRET)~~ External Release Update Obj Burnham Op 21 Aug 10 Update 4

CLASSIFICATION: ~~(ISAF SECRET)~~

CLASSIFICATION: ~~(ISAF SECRET)~~

Hi Boss and PSR(S)2, PS

There have certainly been some developments today!

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(R)1, PSR(IC)4

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

Reference to
content of partner-
controlled video of
operation

PSR(R)1, PSR(IC)4

Reference to content of partner-controlled video of operation

All in all for TF81 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, (poss CIVCAS caused in potential accidental impact of rounds onto house identified in slide 1). 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.

Tomorrow Brig ^{PSR(S)1, PSR(IC)4} will brief Gen ^{PSR(S)1, PSR(IC)4} on this event. The Intsum above has been prepared for ISAF SOF Staff to prepare a verbal brief for Brig ^{PSR(S)1, PSR(IC)4} to give to ^{PSR(S)}. It wraps up what we knew before the event, what we now know after the event and what we predict may occur next. I briefed Brig ^{PSR(S)1, PSR(IC)4} tonight on the situation to date. He feels that ^{PSR(S)} may be very interested in A). the CIVCAS issue which is being run to ground by IJC staff and B). what is the ongoing threat up there and what would the next step be.

I have to say that today has felt for the OC and I like a large weight has been lifted. We have both been personally feeling the weight of potential CIVCAS by TF81 and now having reviewed the tapes, we are both reassured that TF81 actions throughout the operation were of the highest calibre. This is not to say that a CIVCAS has not occurred however if verified it will be as a result of collateral activities from the AH64 weapon problems rather than incorrect application of force. This called for a quiet Whisky and I can tell you it never tasted so good. I will sleep well tonight.

Regards

^{PSR(S)2, I}

100826-IS-TF81 INTSUM 001-10.doc
100822-IS-AWT INS ID.PPTX

100826-IS-TF81 INTSUM 001-10.doc
100822-IS-AWT INS ID.PPTX

000042

~~ISAF SECRET~~

INTELLIGENCE SUMMARY REPORT

Classification: ~~ISAF SECRET~~

Priority: ROUTINE

DTG: 262030D*AUG 10

Reference: 001- 10

INTELLIGENCE SUMMARY REPORT ON OBJ BURNHAM 22 AUG 10

Executive Summary

1. ISAF SOF conducted a partnered Op in TIRIGAN Village, BAGHLAN Province in response to an identified growing INS threat to the stability of the KAHMARD/GHANDAK area of BAMYAN Province. The Op was conducted successfully which resulted in eight to nine INS killed, four to five INS wounded and weapons and ammunition destroyed. It is assessed that this Op had a disruptive effect on an INS cell that has spent the last three years Op with impunity. Initial post Op reporting was from LN assessed as TB sympathetic which resulted in greatly exaggerated BDA being reported in OSINT within 24 hrs. Consolidated reporting reflects friendly force operational debrief with the addition of one to two LN having been wounded. Indications are that potentially up to three TB groups are planning to conduct revenge attacks against GIRoA/ISAF to occur at the end of Ramadan/EID.

Pre-Operation

2. ISAF SOF has been following a number of targets in the BAMYAN/BAGHLAN area since April 2010, following concern by NZPRT on a number of INS attacks that were targeting ANSF/CF/LN in the KAHMARD, GHANDAK and TWB areas. These INS included ^{PSR(R)1, PSR(IC)4, PSR(S)1} (JPEL Pending) and QARI MUSA (RTAF1861). Both of these INS are believed to have moved to PAK in early Jul 10 following the IED attack against an LBG (Civilian mining Coy) vehicle. (NZPRT BAMYAN INTREP 012/10 dated 6 July 2010).
3. HUMINT reports indicted that these INS continued to contact other TB members in BAMYAN/BAGHLAN from PAK. Historic and other reporting has corroborated that this INS group has been involved in various attacks against ANSF/CF/LN over recent years. This included the murder on an ANP officer on 29 Apr 10. (NZPRT BAMYAN INTSUM 122/10 date 02 May 2010).
4. Following the IED attack against NZPRT on 3 Aug 10, various HUMINT reports identified 14 individuals involved. The three individual leaders were

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identified as KALTA (RTAF2307), NEMATULLAH (RTAF2306) and QARI MIRAJ (RTAF2305). These individuals are all linked to PSR(R)1, PSR(IC)4, PSR(S)1 and QARI MUSA groups.

5. Reporting indicated that INS were planning to conduct further attacks against ANSF/CF/LN following the successful attack of 3 Aug. POL indicated that these INS were conducting a six day patrol cycle that included movement between TIRIGAN, TALA and BAFEK Villages before meeting to coordinate attacks. It was assessed that a meeting would be taking place on the night of either 21/22 or 22/23 Aug in TIRIGAN village. When HUMINT reported that KALTA and NEMATULLAH were located in TIRIGAN village on 21 Aug it was assessed that the scheduled meeting was taking place.

Post Operation

Confidential
source

6. Initial reporting from OSINT indicated that up to 40 innocent LN had been killed by aerial bombardment. **COMMENT:** What is assessed to be circular reporting since has perpetuated initial reports of up to four women/children having been killed. PSR(R)1, PSR(IC)4 reported that two LN, possibly linked to this operation, are at PEK hospital. **END COMMENT.**

7. Consolidated reflections following the operation indicate that between eight and nine people have been killed, with three to five people wounded. The following table outlines a consolidated list of individuals who have been reported as killed; wounded or injured to date.

Probably Killed	Possibly Killed	Injured
PSR(R)1, PSR(IC)4 (INS) father of PSR(R)1, PSR(IC)4	Sister of PSR(R)1, PSR(IC)4	Son of PSR(R)1, PSR(IC)4 (INS)
PSR(R)1, PSR(IC)4 (INS)		(Possibly) Daughter of PSR(R)1, PSR(IC)4
2 x Sons of PSR(R)1, PSR(IC)4 both (INS)		(Possibly) Unk Female
Son of PSR(R)1, PSR(IC)4 (INS)		PSR(R)1, PSR(IC)4 (INS)
1 x Unidentified male (INS)		PSR(R)1, PSR(IC)4 (INS)
PSR(R)1, PSR(IC)4 (NFI)		
PSR(R)1, PSR(IC)4 (NFI)		

8. There are reports that NEMATULLAH and KALTA are still alive and may have been involved in the funerals which occurred on 23 Aug, with up to 400 attendees. Some of those that attended were reported to be armed with RPG, PKM and AK47's.

~~ISAF SECRET~~

In the table above, names and other details that identify individuals have been redacted from this document for reasons of privacy and because some identifying information may have been obtained by means that would cause prejudice to protected interests if disclosed. However, and noting that some individuals have since been publicly identified, the individuals identified in this table appear to correlate with some of those who have been publicly identified.

000044

~~ISAF SECRET~~

9. A report stated that 12 weapons, 11 mines and ammo were destroyed in the operation at KAL TA's house. **COMMENT:** Two weapons, seven RPG rounds and a quantity of ammunition (2 x belt 7.62mm, 1 x box 14.5mm) was removed and destroyed by FF during the operation. It is likely that additional weapons were destroyed when INS were engaged by Air Assets. **END COMMENT.**

10. Initial reporting, both OSINT (NY Times) and HUMINT, indicated that a number of houses, up to 20, had been destroyed by fire. ISR during the post operation observed two houses on fire. **COMMENT:** The first fire was started by splash from the destruction of weapons by EOD. The second is assessed to have been started by an unattended open fire left by the occupants. **END COMMENT.**

11. Several reports indicate that TB plan to attack PRT patrols and ANP CP's as revenge for the Op conducted in TIRIGAN. Reports indicate that up to three groups are probably preparing to operate in the BAMYAN/BAGHLAN area, these are:

- a. NEMATULLAH Group – 40 to 45 TB strong, from TIRIGAN Village, Abdullah KAL TA is part of this group
- b. Qari MIRAJ Group – 12 to 20 TB strong, from TIRIGAN Village, are in good condition, ~~PSR(R)1, PSR(IC)4~~ is part of this group.
- c. ~~PSR(R)1, PSR(IC)4~~ - 20 to 25 TB strong, from ~~PSR(R)1, PSR(IC)4~~

COMMENT: It is probable that the TB will plan revenge attacks against GIRoA/ISAF targets in BAMYAN. It is likely that INS will meet in the next 72 hrs to plan further attacks to coincide with the end of Ramadan/EID. Probable targets include ISH PESHTA CP and Route CAROLINA from ISH PESHTA South to GHANDAK Village. **END COMMENT.**

~~ISAF SECRET~~

000045



NEW ZEALAND PROVINCIAL RECONSTRUCTION TEAM BAMYAN, AFGHANISTAN

Kiwi Base, Bamyan Airfield, Bamyan, AFGHANISTAN
Telephone: +PSR(IC)3 Email: PSR(IC)3
(Unclas)

27 AUG 2010

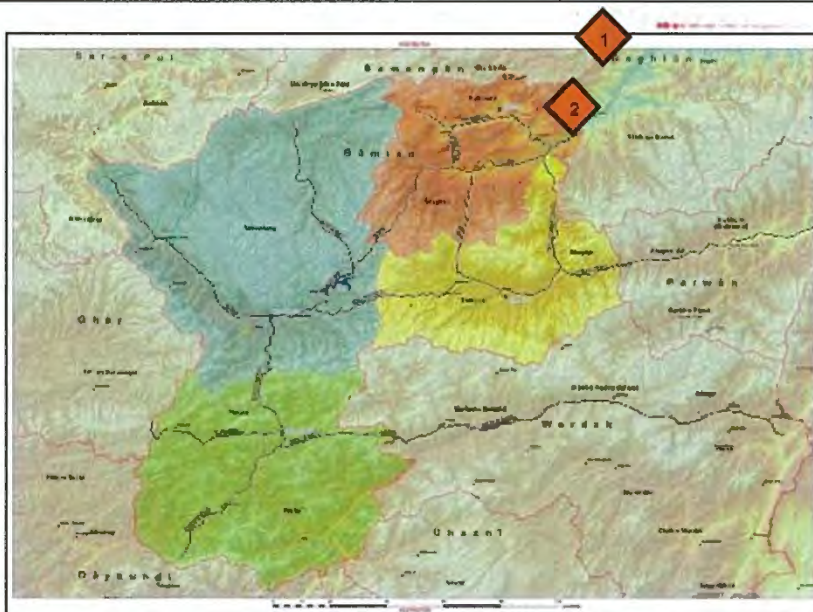
NZPRT BAMYAN DAILY INTSUM 239/10

Period: 261830D AUG 10 -271830D AUG 10


Executive Summary

TALA WA BARFAK: Protests against NZPRT in TALA.

KAHMARD: Updates from PSR(sen)1 regarding TB movements (NZPRT PIR 1; COM JFNZ PIR 2).



Area of Interest

1. ~~(S//REL ISAF, NATO)~~  **TALA WA BARFAK:** On 27 August 2010, PSR(Sen)1 ANP TALA WA BARFAK, PSR(sen)1 reports a protest against NZPRT at the TALA District Centre (GR 42S VE 29287 16418). PSR(sen)1 stated that protesters demonstrated against NZPRT for killing innocent civilians during the 22 August 2010 operation in TIRGIRAN. PSR(sen)1 stated that 800-900 protesters protested for two and half hours over the deaths of six civilians, and 16 injured LNs. Protesters demanded that the Government come to TWB to sort the problem out. If their demands were not met, the next protest would block the road between BAMYAN and TALA. The protests were led by PSR(sen)1. PSR(sen)1 was able to name two: PSR(sen)1 and

PSR(sen)1 . PSR(sen)1 said he did not see any TB or relatives of TB in the crowd. **NZPRT S2 COMMENT:** The planned protests were reported to NZPRT by PSR(R)1 late yesterday. This is the only report of the protest taking place to date. Further confirmation is being sought from other sources in TWB. PSR(sen)1 has sometimes provided reliable information to NZPRT in the past. It is likely the protests did take place, however the number of protesters is yet to be corroborated. It is possible further protest action will take place against the Afghan-led operation. The number of civilians reported dead or injured is doubtful. The number, if any, of civilian casualties remains unclear. **COMMENT ENDS.**

Area of Operation

GOVERNANCE

2. NSTR.

DEVELOPMENT

3. NSTR.

SECURITY

4. ~~(S//REL ISAF, NATO)~~ 2 KAHMARD: On 27 August 2010 PSR(Sen)1 KAHMARD ANP PSR(sen)1 related the following information:

- a. LN sighted 25 to 30 armed men previously reported in CHUKRIDARA Village (GR 42S UE 99440 16006) have moved to KHAWAL (between CHUKRIDARA and ANDAB (GR 42S UE 97340 11089).
- b. 70 TB planned to attack the ISH PESTA CP (GR 42S VE 17392 06394) on 26 August 2010 but cancelled due to aircraft flying around. 20 of the group are now located in ANADARAH (GR 42S VE 19840 07947) (NFI).

5. **NZPRT S2 COMMENT:** The intent of the group reported in KHAWAL remains unclear. It is possible the group are continuing to prepare for an attack on FPB ROMERO. The group are likely to be waiting for better condition with less aircraft, poor weather and lower moonlight levels. The number of the group planning to attack ISH PESTA is likely to be exaggerated IOT persuade NZPRT to patrol in the area or respond in the event of an attack. It is possible that the group involved is led by Qari MIRAJ, as he has a *safe house* in ANADARAH. The area has previously been used as a staging area before attacks on ISH PESTA CP. It is possible that this will occur again IOT allow stand off RPG/SAF attacks from the high ground NE of the CP. **COMMENT ENDS.**

72 Hour Assessment:

6. **MLCOA:** INS reinforce their *safe-haven* in TALA-WA-BARFAK, convincing LNs of TB moral and military superiority. Further IEDs are possible against ANSF, CF and international actors along MSRs PSR(S)1 . A stand-off attack against ROMERO is possible. A kidnapping attempt of PSR(R)1 mining personnel at ISH PESTA remains possible.

7. **MDCOA:** A complex attack with IED supported by RPG/SAF targeting ANP/CF patrols along MSRs **PSR(S)1**, or in the KAHMARD. An attempt to infiltrate KIWI BASE or FPB ROMERO is possible with INS using fake ANSF vehicles and uniforms.

DRAFTED
BY:

PSR(IC)3
INT OP

RELEASED BY: **PSR(IC)3**

S2

Priority Intelligence Requirements

- a. PIR 1. What are the kinetic threats to stability within BAMYAN Province?
- b. PIR 2. What are the non-kinetic influences that have the potential to create instability within BAMYAN Province?

Information requirements concerning local mood towards NZDF and the Afghan government

PSR(S)2, PSR(S)3

LEVELS OF CONFIDENCE	
CONFIRMED	Approximately 95 per cent or greater
PROBABLE	Approximately 75 per cent or greater
LIKELY	Approximately 50 per cent or greater
POSSIBLE	Approximately 15 per cent or greater
DOUBTFUL	Approximately 14 per cent or less

Distribution:

PSR(sen)1, PSR(IC)3

List of NZ and partner entities who were recipients of this INSTSUM

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

Article Information	
Article Title	"Investigation Ordered Into Baghlan Civilian Casualty Claims"
Source	NATO ISAF Press Release
Date Published	29/08/2010

"Investigation Ordered Into Baghlan Civilian Casualty Claims" ISAF Press release

(29 August 2010): <https://web.archive.org/web/20100914114617/http://www.isaf.nato.int/article/isaf-releases/investigation-ordered-into-baghlan-civilian-casualty-claims.html>

KABUL, Afghanistan (Aug. 29) - The commander of the International Security Assistance Force Joint Command has ordered an investigation into the allegations of civilian casualties in Baghlan province during an operation Aug. 22.

The investigation was ordered based on information contained in the joint initial assessment team's report of the operation.

The assessment team determined that several rounds from coalition helicopters fell short, missing the intended target and instead striking two buildings, which may have resulted in civilian casualties. Insurgents were using the building as a base of operations; however, it was not the intended target.

"We are here to protect the people of Afghanistan. Civilian casualties reduce the confidence of the Afghan people and erodes trust placed in us," said U.S. Army Lt. Gen. David M. Rodriguez, ISAF Joint Command commander. "This is a serious issue and that's why I ordered this investigation. We will find out what happened during this operation."

Results of the investigation will be provided upon completion.

Monday, August 30, 2010

1. AFG Civilian Casualties in Baghlan Confirmed

2. Joint assessment team confirms possibility of civilian casualties in Baghlan

3. ISAF Joint Command

08.29.2010 KABUL - In response to Baghlan provincial governor's concerns about civilian casualties, a joint assessment team composed of representatives from the ministries of interior and defense, and International Security Assistance Force officials, conducted a full assessment of an operation on Aug. 22 in Talah wa Barfak District, Baghlan province.

The team determined that several rounds from coalition helicopters fell short, missing the intended target and instead striking two buildings, which may have resulted in civilian casualties.

Insurgents were using the building as a base of operations; however, it was not the intended target.

The team discovered the accidental short rounds during an examination of the air weapons team video. The assessment determined a gun site malfunction was the cause of the errant rounds.

"We regret any possible civilian loss of life or injury. Our first objective is to protect the people of Afghanistan, and in this case we may have failed," said U.S. Air Force Brig. Gen. Timothy M. Zadalis, ISAF Joint Command director of plans and projects and team lead. "Our thoughts and concerns are with the family and friends of those civilians who may have been injured or killed."

During their assessment, the team received operational briefings, met with the provincial governor and chief of police and reviewed weapons-system video.

Initial reports from the ground operation indicated 13 insurgents were killed, with no civilian casualties, however close examination of the weapons system video showed the errant rounds striking the unintended buildings.

"This is exactly why we send assessment teams to look into all civilian casualty allegations," said Zadalis. "We want to be sure we understand exactly what happened, review all information available and set the record straight."

Export

From: THOMPSO
N MIKE,
COL

To: HITCHINGS ROB, COL
 CC PETER KELLY COL; SHORT KEVIN, AIRCDRE
 Subject: FW: ~~SEEMAIL~~: Media Article
 Rob

Mon, 30
 Aug
 2010
 21:19:3
 2 GMT

The Minister's office are asking do we have any idea of when the assessment is likely to be completed?

I have reminded them that this is an ISAF process which we have little or no sway over.

Cheers

Mike Thompson
 COL
 DCOS

From: Edward Poot (MIN) **PSR(IC)3**
Sent: Tuesday, 31 August 2010 9:15 a.m.
To: THOMPSON MIKE, COL
Cc: **PSR(IC)3** COL
Subject: ~~SEEMAIL~~: Media Article

Mike,

An early note would be appreciated given the issue and visibility it already has.

Best regards,
 Edward

Edward Poot
 Group Captain
 Military Secretary
 Office of Hon Dr Wayne Mapp

Ph: **PSR(IC)3**
 Mobile: **PSR(IC)3**
 Email: **PSR(IC)3**

From: **PSR(IC)3** (MIN)
Sent: Tuesday, 31 August 2010 9:07 am
To: Edward Poot (MIN)
Subject: FW: Media Article

have you seen this?

From: PSR(IC)3 (ISED) PSR(IC)3 @mfat.govt.nz
Sent: Tuesday, 31 August 2010 8:55 am
To: PSR(IC)3 (MIN); PSR(IC)3
Cc: PSR(IC)3 (ISED); PSR(IC)3 (ISED); PSR(IC)3 (MEA); PSR(IC)3 (MEA); PSR(IC)3 (CEO Office)
Subject: Media Article

~~[SEEMAIL] [RESTRICTED]~~

PSR(IC)3 PSR(IC)3 - to note the media article below (from the "War on Terror" website) on the findings of the assessment team. PSR(IC)3, as discussed, Defence will likely prepare a note for MinDef, and I've asked for a copy to be referred to MFA and the PM.

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"This is exactly why we send assessment teams to look into all civilian casualty allegations," said Zadalis. "We want to be sure we understand exactly what happened, review all information available and set the record straight."

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Export

PSR(IC)3
 From: (ISED)
 To: KELLY PETER, COL
 Subject: Media article

Mon, 30
 Aug
 Sent 2010
 20:40:2
 0 GMT

~~[SEEMAIL]~~ ~~[RESTRICTED]~~

Morning Peter - the article below might be of interest, if you haven't already seen it (from the "War on Terror" website).

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Export

From: KELL
Y
PETER
, COL

To: Edward Poot; THOMPSON MIKE, COL; HITCHINGS ROB, COL

Subject: Unclassified: ~~[SEEMAIL]~~: Media Article

All,

Mon, 30
 Aug
 2010
 21:22:1
 5 GMT

At this point in time CDF spoke to Min last night ref this and we are now awaiting the official HQ ISAF Assessment Report from theatre. This will be released once **PSR(IC)4** m. Once we get the official report the Note will then be drafted and forwarded. SNO TF81 will forward the report to HQNZDF/JFNZ

PK

From: Edward Poot (MIN) [
Sent: Tuesday, 31 August 2010 9:15 a.m.
To: THOMPSON MIKE, COL
Cc: KELLY PETER, COL
Subject: ~~[SEEMAIL]~~: Media Article

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Best regards,
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Edward Poot
 Group Captain
 Military Secretary
 Office of Hon Dr Wayne Mapp

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 Mobile: +**PSR(IC)3**
 Email:

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Cc: PSR(IC)3 (ISED); PSR(IC)3 (ISED); PSR(IC)3 (MEA); PSR(IC)3 (MEA); PSR(IC)3 (CEO Office)
Subject: Media Article

~~[SEEMAIL]~~ ~~[RESTRICTED]~~

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ISAF Joint Command

08.29.2010 KABUL - In response to Baghlan provincial governor's concerns about civilian casualties, a joint assessment team composed of representatives from the ministries of interior and defense, and International Security Assistance Force officials, conducted a full assessment of an operation on Aug. 22 in Talah wa Barfak District, Baghlan province.

The team determined that several rounds from coalition helicopters fell short, missing the intended target and instead striking two buildings, which may have resulted in civilian casualties.

Insurgents were using the building as a base of operations; however, it was not the intended target.

The team discovered the accidental short rounds during an examination of the air weapons team video. The assessment determined a gun site malfunction was the cause of the errant rounds.

"We regret any possible civilian loss of life or injury. Our first objective is to protect the people of Afghanistan, and in this case we may have failed," said U.S. Air Force Brig. Gen. Timothy M. Zadalis, ISAF Joint Command director of plans and projects and team lead. "Our thoughts and concerns are with the family and friends of those civilians who may have been injured or killed."

During their assessment, the team received operational briefings, met with the provincial governor and chief of police and reviewed weapons-system video.

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"This is exactly why we send assessment teams to look into all civilian casualty allegations," said Zadalis. "We want to be sure we understand exactly what happened, review all information available and set the record straight."

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~~SECRET~~

Attendance

- HQNZDF
 - CDF
 - Sec Def or Dep Sec Def
 - VCDF
 - Dep Sec
 - Service Chiefs or Deputies
 - DGDLS
 - ACSCI
 - DDIS
 - DSC
 - PSR(S)2, PSR(S)3
 - DDSO
- HQJFNZ
 - COMJFNZ
 - MCC, LCC, ACC
 - CofS
 - J2, J3, J5
 - DSO rep

~~SECRET~~


~~SECRET~~

Intelligence Brief

Classification Reminder

~~SECRET//USA//ISAF//NATO~~


~~SECRET~~

~~SECRET~~

**DIRECTORATE SPECIAL
OPERATIONS**

CDF BRIEF OP WĀTEA

Tuesday 31 August 2010



~~SECRET//NOFORN~~

~~SECRET~~

~~SECRET~~

AFGHANISTAN: HIGH		AFGHANISTAN	
RC Capital		TF 81	
PSR(S)1		Mission <ul style="list-style-type: none">• SR (in Kabul and adjacent provinces)• DA (targeting INS in spt of ISAF and GfRoA)• MA (Spt and Influence to CRU)• National Support Tasks	
		National Caveats <ul style="list-style-type: none">• No cross border operations• Can operate throughout AOO (with prior approval CDF)• Detainee transfer permitted (with prior approval from CDF)• No poppy eradication operations• Counter-narcotics operations permitted (with prior approval from CDF)	
		Organisation <ul style="list-style-type: none">• TF HQ• SQN HQ• SO LNOs	
		Loc Camp Warehouse Loc Camp Warehouse HQ ISAF & RC E	
		PSR(S)2, PSR(S)3	
		Enablers <ul style="list-style-type: none">• ASIC• Exploitation Element ^{PSR(S)2, PSR(S)3}• Mobility: SOV's, NZLAVs, ATVs, MCs, SUVs ^{PSR(S)2, PSR(S)3}• JTAC	
SNO ^{PSR(IC)3, PSR(sen)1}			
Camp Warehouse:			
NZPRT, Banian			
ISAF SOF HQ			
CRU Camp Kabul			
RC-E, Bagram			
Lundstul Hospital Germany			
Total			
KEY ACTIVITIES/DATES:			
SNO Handover ^{PSR(sen)1, PSR(IC)3} 2-7 Sep			
PSR(IC)3 loc Lundstul Hospital Germany			
3 x NZLAV, Crew and Trg Team pers loc NZPRT (for NZLAV trafficability & 40mm HK GMG trg)			

~~SECRET~~

~~SECRET~~

OBJECTIVE BURNHAM

Who: TF81 ~~PSR~~ **CRU** ~~PSN~~ ~~PSR~~

What: ODO

Where: TALAWE BERFAK DISTRICT, BAGHLAN PROVINCE

(A1 - 42SYD2303691463, A2 - 42SYD2307591473, A3 - 42SYD2309291151)

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

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



~~NATO/ISAF SECRET~~

~~SECRET~~

~~SECRET~~

PSR(IC)3 MEDICAL UPDATE

PSR(IC)3

Medical-in-confidence update on the NZSAS casualty from Operation Burnham

~~SECRET~~

SECRET

INT UPDATE

Probably Killed	Possibly Killed	Injured
PSR(Sen)1 (INS) father of PSR(Sen)1 Individual A	Sister of PSR(Sen)1 Individual G	Son of PSR(Sen)1 (INS) Individual H
PSR(Sen)1 (INS) Individual B		(Possibly) Daughter of PSR(Sen)1 Individual I
2 x Sons of PSR(Sen)1 both (INS) Individuals C1 and C2		(Possibly) Unk Female
Son of PSR(Sen)1 (INS) Individual D		PSR(Sen)1 (INS) Individual J
1 x Unidentified male (INS)		PSR(Sen)1 (INS) Individual K
PSR(Sen)1 (NFI) Individual E		
PSR(Sen)1 (NFI) Individual F		

SECRET

SECRET

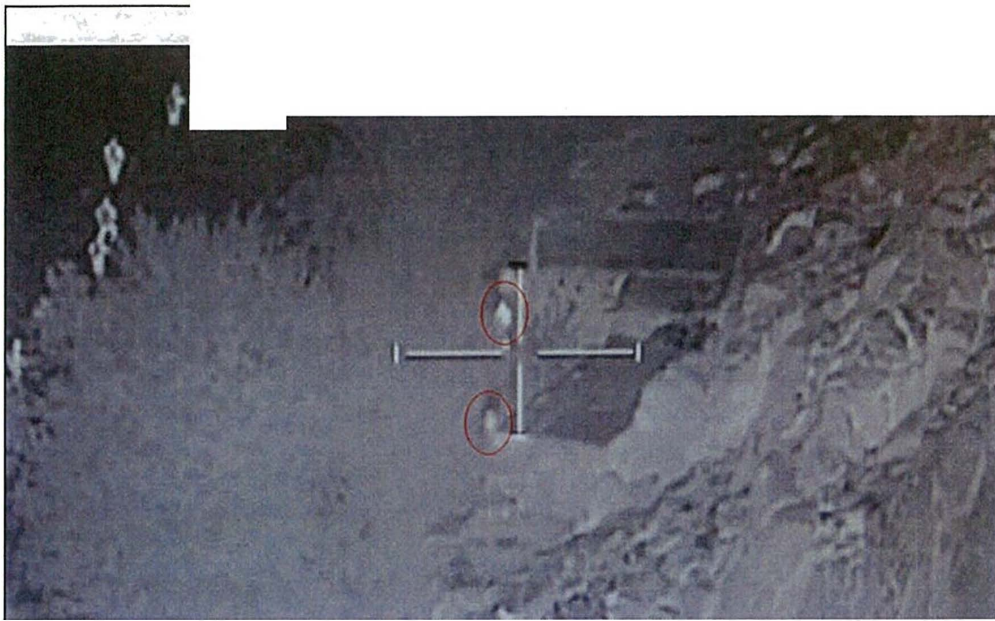
CIVCAS INVESTIGATION UPDATE

- The Incident Assessment Team has produced a report on this Op **PSR(S)1**
- The report has found that there is no case to answer for TF81
- One of the AH64's had a gun that was not firing true and if any CIVCAS has occurred this is most likely the cause
- **PSR(S)1**
- Despite the public claims, no CIVCAS have yet been seen or produced and the two claimed females in Hospital have now turned out to be Fighting Aged Males with probable links to INS.
- **PSR(S)1**
- This type of CIVCAS claim is not new and is an INS strategy to undermine ISAF operations.

CIVCAS INVESTIGATION

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- PSR(S)1**
- PSR(S)1**
- This type of CIVCAS claim is not new and is a INS strategy to undermine ISAF operations.

SECRET

~~SECRET~~

These tapes confirm hostile intent by all targets engaged. I have included two screen shots from the AH64 (The video is way too large to send).

- **Slide 1** shows insurgents (circled) hiding in a tree line and their close proximity to our Aslt Force who can be seen moving towards target A1.

- The Aslt Force could see these pers, but did not engage as they could not PID weapons. **PSR(S)2, PSR(S)3**

The INS could not see the Aslt Force.

- These INS were later engaged and killed by the Apache gun ships

- These pictures are grainy, this happens with the screen shot function, however SNO assures that in full motion video, weapon types and PKM ammunition belts are very clear.

~~SECRET~~

SI



Slide 2 of these shots show Insurgents arming themselves with AK47, RPG and PKM at a building very close to the HLZ.

- The guns tapes also verify that one of the AH64's had a gun that was not slaved correctly to its sight. When firing the rounds were landing on the edge of the screen away from the crosshairs of the sight. The crew had to apply aim off in order to hit targets.

PSR(S)1

PSR(S)1, PSR(IC)4

- Rounds from this engagement appear to impact on or over the roof of this house and this is the likely location if at all that CIVCAS may have occurred. Earlier footage shows a woman and children in and around these houses.

- It is important also to note here that in TF81 JTAC's commentary, he is heard clearing the Aircraft live with the caveat "that there are no collateral damage issues".

Unrelated
Operation outside
ToR

Unrelated
Operation outside
ToR

SECRET



SECRET

From: PSR(IC)3, PSR(sen)1
Sent: Tue, 31 Aug 2010 16:49:00 +1200
To: PSR(sen)1, PSR(IC)3; WAATEA.SNO
Subject: FW: [SECRET] [ISAF-SECRET] External Release Issue External to the Sitrep
Attachments: CIVCAS MEDIA.DOC

CLASSIFICATION: ~~SECRET~~

Gents the attached rpt differs from ^{PSR(IC)3, PSR} feedback below re Obj Burnham and, therefore, any civ cas is yet to be proven. Outside of this and taking into account the comment by DSO in that NZDF are still undecided as to whether they will rpt this incident or not, there are a number of very good reasons why any reporting should not occur regardless of how bland it might be. As you know there is a very real threat to security that could result if the kiwis are in any way linked to the Burnham job.

PSR(IC)3, F

CIVCAS MEDIA.DOC

From: PSR(IC)3, PSR(sen)1
Sent: Tuesday, 31 August 2010 3:08 p.m.
To: PSR(IC)3, PSR(sen)1
Subject: FW: [SECRET] [ISAF-SECRET] External Release Issue External to the Sitrep

CLASSIFICATION: ~~SECRET~~

We'll need to work together on this to ID options -PSR(S)2, PSR(S)3

From: HQNZDF.DSO [mailto:PSR(S)2, PSR(S)3]
Sent: Monday, 30 August 2010 4:42 p.m.
To: WAATEA.SNO; @CO; @XO
Subject: RE: [SECRET] [ISAF-SECRET] External Release Issue External to the Sitrep

PSR(IC)3, PSR

Discussion of future potential force structure

PSR(S)2, PSR(S)3

Cheers

PSR(C)3

From: WAATEA.SNO PSR(S)2, PSR(S)3
Sent: Monday, 30 August 2010 3:53 p.m.
To: HQNZDF.DSO
Subject: RE: [SECRET] [ISAF-SECRET] External Release Issue External to the Sitrep

CLASSIFICATION: ~~SECRET~~

CLASSIFICATION: ~~SECRET~~

PSR(S)2, PSR(S)3

<p>Discussion of potential future force structure</p>

PSR(C)3, I

From: HQNZDF.DSO [mailto:PSR(S)2, PSR(S)3]
Sent: Monday, 30 August 2010 6:38 a.m.
To: WAATEA.SNO; @CO; SWAN - HQNZDF.ADSF; SWAN - HQNZDF.DDSO; @XO
Subject: RE: [ISAF-SECRET] External Release Issue External to the Sitrep

PSR(C)3, PSR(S)

Cheers for this. I will brief these updates tomorrow at the CDF brief. I will have to draft another note to Min Def informing him of the IAT work and outcome, but will wait for CDF direction as to whether he wishes to wait for the final report or he may requires an interim note drafted.

PSR(S)2, PSR(S)3

I have caught up with the latest on ^{PSR(sen)} and will brief CDF tomorrow as well.

PSR(S)2, PSR(S)3

Cheers

PSR(sen)

<p>Request for comment on future potential force structure options</p>
--

From: WAATEA.SNO [mailto:~~PSR(S)1, PSR(S)2~~]
Sent: Monday, 30 August 2010 6:59 a.m.
Subject: [~~ISAF SECRET~~] External Release Issue External to the Sitrep

CLASSIFICATION: ~~ISAF SECRET~~

CLASSIFICATION: ~~ISAF SECRET~~

Gidday gents

PSR(S)1

Out of scope content explaining the cultural and practical difficulties of partnering with the CRU on a separate operation not under inquiry.

I have also included the post op report for OBJ Burnham and the latest intsum. I do not think we will get much more fidelity on the BDA. The Incident Assessment Team has produced a report on this Op PSR(S)1 on the issue of CIVCAS claims. The report has found that there is no case to answer for TF81 here. One of the AH64's had a gun that was not firing true and if any CIVCAS has occurred it is here that any blame will probably lie.

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

This type of CIVCAS claim is not new and is a INS strategy to undermine ISAF operations. RC-N are holding a Shura with District Governor on this tomorrow with IJC representation as well to try and get further to the bottom of this. PSR(S)1

I have asked for a copy of the completed report from IJC and will forward this when received. PSR(S)1

Comment
on ISAF
investigati
on and
strategy

The LAV Crews and the and the Shadows are currently up in BAMYAN. The shadows are conducting training in how to use the GMG for the Crib team.

Regards

PSR(S)1

Monday, August 30, 2010

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2. Joint assessment team confirms possibility of civilian casualties in Baghlan

3. ISAF Joint Command

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From: HQNZDF.DSO
Sent: Tue, 31 Aug 2010 13:05:11 +1200
To: WAATEA.SNO;@XO;SWAN - HQNZDF.DDSO;SWAN - HQNZDF.ADSF
Subject: CIVCAS REPORTING BY INTERNATIONAL MEDIA
Attachments: CIVCAS MEDIA.doc
Importance: High

PSR(IC)3, P

This doc refers to an interview given by PSR(IC)4 about the findings from the assessment into the op in TWB. MFAT picked this up off the wire this morning. Given that he is speaking publicly, can we now expect a copy of the assessment or at least a copy of the findings so we can report back to the PM, MFA and MINDEF, they are quite excited by this and are very keen to hear the official outcome.

CDF updated them last night on the basis of your email yesterday and is up to date. Once the findings are passed formerly to NZDF they will then consider making an announcement about the injury to PSR(sen) This is likely to be a bland statement and will not provide any detail other than it happened in Afghanistan.

Grateful if we could get our hands on the report sooner rather than later i.e. next 24-48hrs please. I will have both Ministers offices on the phone tomorrow chasing it up.

Cheers

<<CIVCAS MEDIA.doc>>

PSR(sen)1, PSR(IC)3

DSO
HQNZDF

Wk: PSR(sen)1, PSR(IC)3
 Mob: PSR(sen)1, PSR(IC)3
 Sec Mob: PSR(sen)1, PSR(IC)3

Restricted: PSR(IC)3, PSR(sen)1
 Secret PSR(sen)1, PSR(IC)3

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Export

This message was sent with High importance.

From: [BRADSHA](#)
[W PHIL](#),
[CDR](#)

Sent Wed, 01
Sep
2010
20:48:0
6 GMT

To: **Peter Coleman**
Subject: FW: ~~[SEEMAIL]~~ Media Article
FYI - let's discuss when we get the chance.

Commander Phil Bradshaw, RNZN
Director Defence Communications Group

DDI: **PSR(IC)3** | DTelN: **PSR(IC)3** | Mobile: **PSR(IC)3**
NZDF website: [Click here](#) | DCG intranet site: [Click here](#)

Think before you print

From: **PSR(IC)3** MAJ
Sent: Thursday, 2 September 2010 08:38
To: **PSR(IC)3**; BRADSHAW PHIL, CDR
Subject: FW: ~~[SEEMAIL]~~ Media Article
Importance: High

We are going to be asked to inform upstairs and MinDef office on this if NZ media ask us. Nothing formal at this stage yet so I wouldn't approach MinDef office or upstairs before the ask us.

Monday, August 30, 2010

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Export

From: [SHORT KEVIN AIRCDR E](#)
 To: [MCLEOD JOHN, COL; Mcleod John, Director, International Defence Relations, IDR \(NZDF\)](#)
 Subject: FW: ~~[SEEMAIL]~~: Media Article
 What VCDF was talking about this morning.

Wed, 01 Sep 2010 01:45:20 GMT

From: Edward Poot (MIN) **PSR(IC)3**
Sent: Tuesday, 31 August 2010 9:15 a.m.
To: THOMPSON MIKE. COL
Cc: **PETER KELLY**
Subject: ~~[SEEMAIL]~~: Media Article

Mike,

An early note would be appreciated given the issue and visibility it already has.

Best regards,
 Edward

Edward Poot
 Group Captain
 Military Secretary
 Office of Hon Dr Wayne Mapp

Ph: **PSR(IC)3**
 Mobile: **PSR(IC)3**
 Email: **PSR(IC)3**

From: **PSR(IC)3** (MIN)
Sent: Tuesday, 31 August 2010 9:07 am
To: Edward Poot (MIN)
Subject: FW: Media Article

have you seen this?

From: **PSR(IC)3** (ISED) **PSR(IC)3** @mfat.govt.nz]
Sent: Tuesday, 31 August 2010 8:55 am
To: **PSR(IC)3** (MIN); **PSR(IC)3**
Cc: **PSR(IC)3** (ISED); **PSR(IC)3** (ISED); **PSR(IC)3** (MEA); **PSR(IC)3** (MEA); **PSR(IC)3** (CEO Office)
Subject: Media Article

~~[SEEMAIL]~~ ~~[RESTRICTED]~~

PSR(I)C3 PSR(I)C3 - to note the media article below (from the "War on Terror" website) on the findings of the assessment team. PSR(I)C3, as discussed, Defence will likely prepare a note for MinDef, and I've asked for a copy to be referred to MFA and the PM.

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Export

From: [STOCKWELL PETER, AVM](#)

Thu, 02
Sep
2010
02:55:30 GMT

To: [HITCHINGS ROB, COL](#)

Subject: RE: Media Item of Interest

So can someone tell me the difference between an insurgent and a civilian when they reside in an insurgent village and are all related/connected! I could make some comment about my "thoughts and concerns" but I'll resist the urge given the discoverable nature of emails.

CHINGS ROB, COL
sday, 2 September 2010 9:45 a.m.
WELL PETER, AVM
W: Media Item of Interest

FY SA

Rob J. Hitchings
Colonel
J3 / Chief of Operations

DDI: **PSR(IC)3** | Mob: **PSR(IC)3**
PSR(IC)3

PSR(IC)3 CAPT
uesday, 1 September 2010 10:05 a.m.
PSR(IC)3
PSR(IC)3
edia Item of Interest

HITCHINGS ROB, COL; **PSR(IC)3**

Gentlemen

Media item FYI

PSR(IC)3
A/CAPT
J22L
HQ JFNZ

DDI: **PSR(IC)3**
DTelN: **PSR(IC)3**

Joint assessment team confirms possibility of civilian casualties in Baghlan

NATO News Release

KABUL, Afghanistan (Aug. 29) - In response to Baghlan provincial governor's concerns about civilian casualties, a joint assessment team composed of representatives from the ministries of interior and defense, and International Security Assistance Force officials,

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From: WAATEA.SNO
Sent: Mon, 6 Sep 2010 01:32:02 +1200
To: SWAN - HQNZDF.DSO;SWAN - HQNZDF.DDSO;^{PSR(sen)1, PSR(IC)3}
Cc: WAATEA.ISAF-LNO;WAATEA.SNO
Subject: [SECRET] External Release Issues External to the Sitrep
Attachments: Email. 04 Sep 10.doc

CLASSIFICATION: ~~SECRET~~

Giddy Boss / Gents

^{PSR(sen)1, PSR(IC)3} is here the handover is progressing OK. We head to Baghram tomorrow then in the PM I will transfer authority to him and he will have the con from 070001 local.

Attached is the last correspondence we have received on OBJ Burnham. This email from ^{PSR(sen)1, PSR(S)1} ISAF SOF CJ3 to ^{PSR(sen)1, PSR(IC)3} COM ISAF SOF confirms that **PSR(IC)4** COM IJC has been briefed on the findings of the Initial Assessment Team and he concurs that TF81 has no case to answer. ISAF SOF will be taking no further action in this matter, however there may still be some fallout for the aviation elements. ^{PSR(sen)1, PSR(IC)3} continues to monitor the status of the IAT report and we are looking to get a copy of this report when and if it is released.

The task force continues to investigate follow up operations in the BAGHLAN region. OBJ YAMAHA may come up on our radar soon and we are getting information through today of an INS training camp further up the TIGIRAN valley that may be developed into a full blown target set. More to follow on these in the coming days/weeks.

TF81 has now commenced operations in Maydan Wardak. All storyboards you should have. These operations have all met with varying degrees of success. We are addressing a key aspect of P4's strategy here and while there are still some de-confliction issues to resolve we anticipate further operations into WARDAK in the coming weeks. The tempo of business will of course be interrupted by Eid 10/13 Sep, Elections 18 Sep and RIP 3-10 Oct however this presents a co-ordination challenge to ensure we can maintain the tempo P4 desires while managing these external inputs.

PSR(S)1

Assessment of
 partner
 capabilities.
 Update on CRU
 leadership

There have been a number of appointment changes at the senior level of the MOI. ^{PSR(S)} in total. It has

PSR(S)1

Update to changes
 to MOI

The CRU have taken delivery of PSR(S)1 AK47's this is great! These are reliable weapons and will accept the additions of a Picatinny rail that will allow the weapon to be enhanced through follow on projects. TF81 has conducted Dry training and zeroing of these weapons with the CRU. We were also inspected yesterday and got a tick from the US End User team on the CRU storage facilities and processes. We anticipate that shortly this will translate into the delivery of PSR(S)1 for the CRU. This will allow the Unit to develop enhanced skills for night operations. PSR(S)1 units by P4 after he visited PSR(S)1

PSR(S)1

Concerns for health of CRU raised. Medical in confidence

We hosted PSR(S)2, PSR(S)3 significant issues to report.

this week. The visit went well with no

The Doctor has returned to the task force from Germany.

Email. 04 Sep 10.doc

~~Classification: NATO/ISAF SECRET~~

Please send to me on ^{PSR(S)2, PSF}

From: ISAF SOF HQ CJ3 TF 81 LNO IS (FOC+)
Sent: 03 September 2010 16:53
To: ISAF SOF TF 81 OC IS (FOC+); ISAF SOF TF 81 SNO IS (FOC+)
Cc: ISAF RC C TF 81 OPS IS (FOC+); ISAF SOF TF 81 S2 IS (FOC+)
Subject: FW: CIVCAS INVESTIGATION ON TF81

~~Classification: NATO/ISAF SECRET~~

From: ISAF SOF HQ CJ3 DIR IS (FOC+)
Sent: Friday, September 03, 2010 2:29 PM
To: ISAF SOF HQ CG COM SOF IS (FOC+)
Cc: ISAF SOF DCOM IS (FOC+); ISAF SOF HQ CJ3 TF 81 LNO IS (FOC+)
Subject: FW: CIVCAS INVESTIGATION ON TF81

~~Classification: NATO/ISAF SECRET~~

Sir,
 An official update on the CIVCAS allegation against TF81. LEGAD has confirmed that has been briefed on the IAT findings and agrees that TF81 have no case to answer. It appears that the air spt aspect of that op in RC(N) is part of an ongoing investigation. NFA from ISAF SOF.

^{PSR(sen)}

^{PSR(S)1, PSR(sen)1, PSR(IC)3}

CJ3 Dir
 HQ ISAF SOF
^{PSR(S)1, PSR(sen)1, PSR(IC)3}

From: ISAF JC LEGAD OFFICER IS (FOC+)
Sent: 03 September 2010 13:51
To: ISAF JC LEGAD OPL AW IS (FOC+); ISAF SOF HQ CJ3 DIR IS (FOC+)
Subject: RE: CIVCAS INVESTIGATION ON TF81

~~Classification: NATO/ISAF SECRET~~

^{PSF}

I just briefed ^{PSR(se)} - all done.

Rgds

^{PSR(sen)}

From: ISAF JC LEGAD OPL AW IS (FOC+)
Sent: Friday, September 03, 2010 1:43 PM

To: ISAF SOF HQ CJ3 DIR IS (FOC+); ISAF JC LEGAD OFFICER IS (FOC+)
Subject: RE: CIVCAS INVESTIGATION ON TF81

Classification: ~~NATO/ISAF SECRET~~

Sir

Will chase this up. The legad who attended this IAT is out on another IAT and thus cannot advise where at with below. See what I can do.

PSR(sen)1, PSRi

From: ISAF SOF HQ CJ3 DIR IS (FOC+)
Sent: Friday, September 03, 2010 12:08 PM
To: ISAF JC LEGAD OFFICER IS (FOC+); ISAF JC LEGAD OPL AW IS (FOC+)
Subject: CIVCAS INVESTIGATION ON TF81

Classification: ~~NATO/ISAF SECRET~~

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

We have to report on where we are with CIVCAS allegations/incidents to P4 this afternoon. Could you provide some words please on where we are with the allegation and resultatnt IAT/investigation into TF81.

Thanks

PSR(sen)

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

)
 CJ3 Dir
 HQ ISAF SOF
 PSR(sen)1, PSR(IC)3, PSR(S)1

Attendance

- HQNZDF
 - CDF
 - Sec Def or Dep Sec Def
 - VCDF
 - Dep Sec
 - Service Chiefs or Deputies
 - DGDLS
 - ACSCI
 - DDIS
 - DSC
 - DDSO
- HQJFNZ
 - COMJFNZ
 - MCC, LCC, ACC
 - CofS
 - J2, J3, J5
 - DSO rep

PSR(S)2, PSR(S)3

~~SECRET~~

Intelligence Brief

Classification Reminder

~~SECRET//USA//ISAF//NATO~~

~~SECRET~~



DIRECTORATE SPECIAL OPERATIONS

CDF BRIEF OP WĀTEA

Tuesday 07 September
2010



SECRET//USA//SAFINATO

06

TF 81

RC Capital

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

Mission

- SR (in Kabul and adjacent provinces)
- DA (targeting INS in spt of ISAF and GIRoA)
- MA (Spt and Influence to CRU)
- National Support Tasks

National Caveats

- No cross border operations
- Can operate throughout AOO (with prior approval CDF)
- Detainee transfer permitted (with prior approval from CDF)
- No poppy eradication operations
- Counter-narcotics operations permitted (with prior approval from CDF)

Organisation

- TF HQ
- SQN HQ
- SO LNOs
- PSR(S)2, PSR(S)3

Loc Camp Warehouse
Loc Camp Warehouse
HQ ISAF & RC E

SNO PSR(Sen)1, PSR(IC)3

Camp Warehouse:

ISAF SOF HQ

CRU Camp Kabul

RC-E, Bagram

Total

Enablers

- ASIC
- Exploitation Element PSR(S)2, PSR(S)3
- Mobility: SOV's, NZLAVs, ATVs, MCs, SUVs PSR(Sen)1, PSR(IC)3
- JTAC's

KEY ACTIVITIES/DATES:

SNO Transfer of Authority – 6 Sep

PSR(Sen)1, PSR(IC)3

will RTNZ Tue 07 Sep

TF81 portion of OP BURNHAM Initial Assessment Team (IAT) report Complete

SECRET

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

Details of
unrelated
operation
outside ToR

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

Details of
unrelated
operation
outside ToR

Other Issues

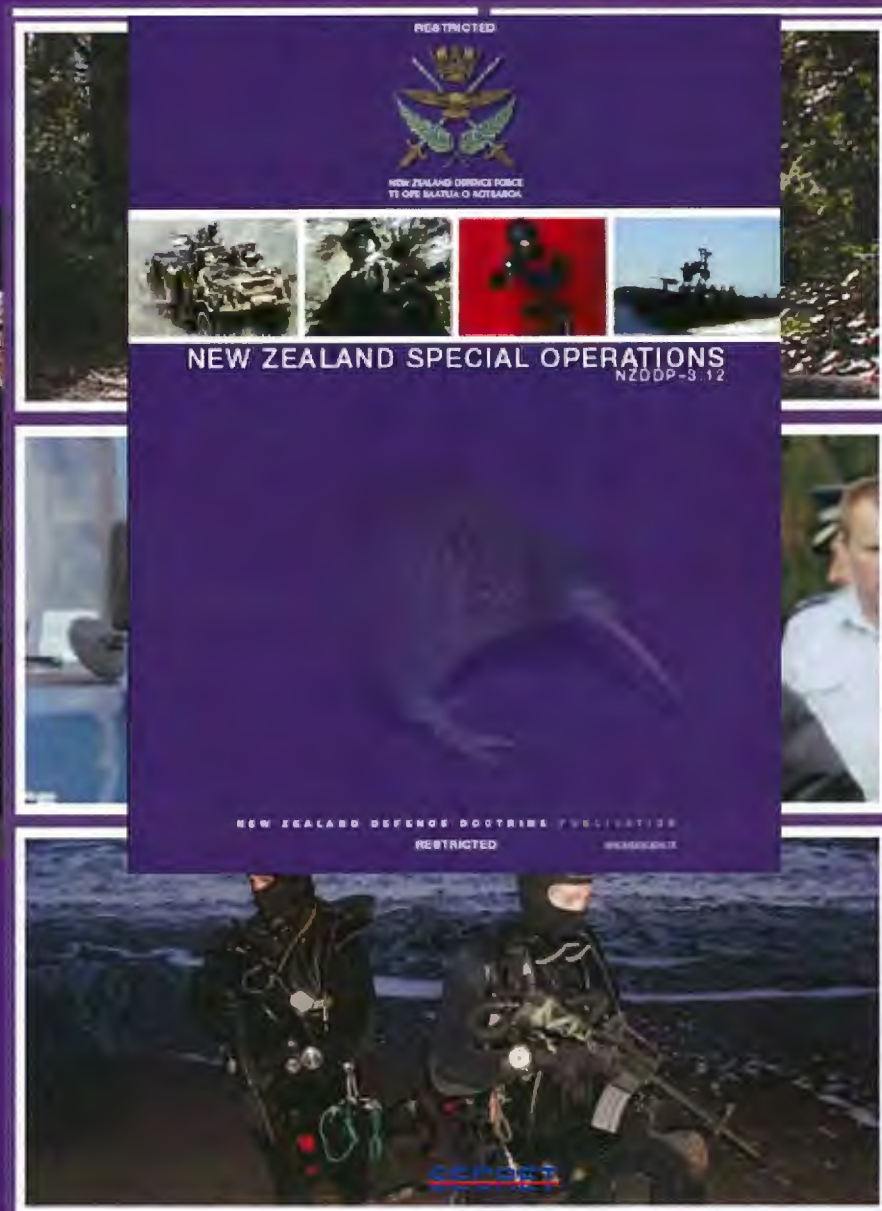
- PSR(Sen)1, PSR(IC)3 will RTNZ on Tue 07 Sep.
 - Reception arrangements are in place for PSR(Sen)1, PSR(IC)3 and escort group.
 - Media release drafted and ready for release, pending CDF concurrence.
- ISAF Initial Assessment Team (IAT) report still in progress.
 - ISAF LEGAD assigned to IAT has advised that COM IJC has been briefed by IAT and agrees that TF 81 have 'no case to answer'.
 - COMISAF has been briefed on progress of report,
 - Investigation into RW CAS is ongoing.
- PSR(S)2, PSR(S)3, PSR(Sen)1, PSR(IC)3 visited TF81 – 30 Aug

SECRET

People



Missions



Results



From: PSR(sen)1, PSR(IC)3
Sent: Wed, 8 Sep 2010 08:04:59 +1200
To: PSR(sen)1, PSR(IC)3
 HQNZDF.ADSF
Cc: WAATEA.SNO
Subject: RE: [EXTERNAL RELEASE EXTERNAL RELEASE] External Release: Info/Updates

CLASSIFICATION: EXTERNAL RELEASE EXTERNAL RELEASE

Team – For your SA only. No further distr at this time.

From: WAATEA.SNO
Sent: Wednesday, 8 September 2010 7:12 a.m.
To: SWAN - HQNZDF.DDSO; SWAN - HQNZDF.DSO
Cc: @XO
Subject: RE: [EXTERNAL RELEASE] External Release: Info/Updates

CLASSIFICATION: EXTERNAL RELEASE

CLASSIFICATION: EXTERNAL RELEASE

Today I have sighted the Accident Investigation Team's (AIT) conclusion into the claims of civ cas in BAGLAN. IJC wasn't willing to release the report to us, so I can not fwd a copy. However, it categorically clears both gnd and air c/s of any allegations. It states that having reviewed the evidence there is no way that civ cas could have occurred. We already knew we were without fault, but the AWT have now also been cleared which is good news.

You may recall it was claimed that two females were injured and in hospital. When the AIT asked to see these persons, the district governor admitted that they were in fact military aged males. NFTR.

The other alleged civ cas were reputed to be the 'sisters' of KALTA (B1) and NEMUTULLAH (B2). PSR(S)1, PSR(S)2, PSR(S)3 have not heard from either man in two in two weeks whereas a number of their associates are back PSR(S)2, PSR(S)3 Moreover, it is improbable that B1 and B2's sisters would have been armed and manoeuvring around the mountains in the middle of the night – the usage of 'sister' may have in fact been INS veiled speech to describe B1 and B2. In the absence of corroboration, there is no way to be sure at this point if B1 and B2 have been KIA, so we will continue to monitor. At the very least they have been disrupted.

PSR(sen)1, I

From: HQNZDF.DDSO [mailto:PSR(sen)1, PSR(IC)3]
Sent: Sunday, 5 September 2010 12:07 p.m.
To: WAATEA.SNO
Cc: @XO
Subject: RE: External Release: Info/Updates

Gents

I sent the message (below) to you last Thu, and once I had logged off the system came back and told me it couldn't send it to you. Helpful!!

CDF is briefing the Minister tomorrow morning at 0830 on a few issues (not related to WAATEA) however the issue of the CIVCAS Report may come up. I briefed CDF's PSO on Saturday that there was no new updates and that if they did not hear anything from me by first thing Monday that he should take it that there is nothing new at all.

I will also drop you a message on DIXS in case this one does not make it through - similarly, if there is anything that you think CDF should be aware of ahead of that brief then drop it to me via this means with a 'heads up' via DIXS or phone.

I am out of the building on a course tomorrow (Mon) through to EOP Wednesday. I will keep a close eye on the BBerry/phone and ^{PSR(sen)1, PSR(IC)} can get hold of me easily if there is a need. I will be in to prep Tuesdays CDF brief on Monday night our time and will put in any final info that comes from you over Tue night (our time) in first thing on Tue. I will brief it at 0830 as normal.

Hope the hand-over is going well.

Cheers

^{PSR(sen)}

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

From: HQNZDF.DDSO

Sent: Thursday, 2 September 2010 12:39 p.m.

To: WAATEA.SNO

Cc: HQNZDF.ADSF; NZSAS.XO; HQNZDF.DSO

Subject: RE: ~~[ISAF SECRET]~~ External Release: **PSR(S)2, PSR(S)3**

^{PSR(sen)1, PSR(IC)3}

Just spoke to ^{PSR(sen)} re repatriation of ^{PSR(sen)} is expecting a decision today, although this is not guaranteed. ^{PSR(sen)} thinks the decision is leaning toward AME, however discussions are ongoing between NZDF and the provider to work out the best COA. ^{PSR(sen)} will let DSO and yourselves know when we have a clear decision. That said, DSO will take this to VCDF/CDF if we are not happy with the outcome.

As outlined by DSO below, should anything, including the report on CIVCAS (noting this may not come through at all if ISAF do not release it) transpire that needs to be briefed to CDF/VCDF up until next Wed evening NZ time, then drop it to me on **PSR(S)2, PSR(S)3** If you could also alert me via DIXS/phone as well then that will speed things up.

As far as any material that will need to be briefed in the CDF brief next Tue, I will prepare this on Mon evening our time/Mon a.m. your time.

Standing by.

^{PSR(sen)}

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

From: HQNZDF.DSO
Sent: Thursday, 2 September 2010 8:17 a.m.
To: WAATEA.SNO
Cc: HQNZDF.DDSO; HQNZDF.ADSF; NZSAS.XO
Subject: RE: [ISAF SECRET] External Release: PSR(S)2, PSR(S)3

Importance: High

Cheers.

Army really appreciated the efforts of utilising the NZLAV and getting hold of the two GMGs. I am certain PSR(sen)1 did as well.

I am heading away tomorrow on leave for a week and will be down in Wanaka (reliving the old mountain troop days), PSR(sen)1, PSR(IC) is holding the fort here in Wgtn so it would be best to ensure all emails are sent to PSR(sen)1, PSR(IC) (on PSR(S)2, PSR(S)3) and PSR(sen)1, PSR(IC) to ensure they are cleared in a timely manner and brought to the attention of the CDF/VCDF/COMJ. PSR(sen)1, PSR(IC) will also be working out of RL on Fri.

For next week:

PSR(sen)1, PSR(IC) will prep the brief on Mon and will present to CDF on Tue.

If the CIVCAS assessment report comes in, there is a degree of urgency around this and it will need to be staffed quickly through HQNZDF and JFNZ then across the road to PM, MFA and MinDef. Could you call ahead of time and let us know it is on the wire, this will ensure we clear it promptly.

I will remain contactable at all times via cell ph and will have the sectera with me as well. If need be I can cut and run to get back to Wgtn for an emergency.

Have a safe journey home and look forward to catching up over lunch on the 16th.

Regards to PSR(sen)1, PSR(IC)

Cheers

PSR(sen)

From: WAATEA.SNO [mailto:PSR(S)2, PSR(S)3]
Sent: Thursday, 2 September 2010 4:05 a.m.
Subject: [ISAF SECRET] External Release: PSR(S)2, PSR(S)3

CLASSIFICATION: ISAF SECRET

Hi Boss

PSR(S)2, PSR(S)3

Discussion
of unrelated
operation
outside ToR

In other News ^{PSR(sen)1, PSR(IC)3} has arrived today, our handover starts tomorrow. ^{PSR(sen)1, PSR(IC)} and ^{PSR(sen)1, PSR(IC)} are due in theatre tomorrow. Also of note the LAV's have returned from the route recce task to Bamyian. We also conducted a drop off and train the trainer activity for the 2 x 40mm GMG, so that task is put to bed.

PSR(sen)1

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

This document has been removed from the bundle.

~~SECRET~~

3130/DSO/4

DOT-POINT BRIEF FOR CDF**OPERATION BURNHAM****Introduction**

- On 3 Aug 2010, in the North east sector of Bamian province Afghanistan, an Insurgent group ambushed a New Zealand Provincial Reconstruction Team Patrol as they travelled along a major route. The ambush was initiated by an Improvised Explosive Device as the lead vehicle drove by and was immediately followed by direct fire from Rocket Propelled Grenades and small arms fire. In the ensuing contact Lt O'Donnell was killed and two soldiers wounded.

Actions Taken Following the Ambush

- NZPRT.** The NZPRT immediately reviewed their force protection measures and have taken steps within their means to provide increased protection when operating in the north east sector. **PSR(S)2, PSR(S)3**

Additional
tactical
measures

- JFNZ.** HQJFNZ has also reviewed the force protection measures and as a result we are planning on reinforcing the NZPRT with the following;

- **PSR(S)2, PSR(S)3**

Additional tactical
measures re
resourcing

- NZSAS.** **PSR(S)2, PSR(S)3** following the attack on the NZPRT the NZSAS Task Force **PSR(S)2, PSR(S)3** commenced a targeting process aimed at gathering intelligence on the insurgent group that conducted the operation. This process proved successful and the insurgent group was identified and following information obtained:
 - The group was based in the neighbouring province in Baghlan in the Talawe-Berfak area (15-20km from ambush location).
 - Two insurgent leaders were identified who were directly involved in the planning and conduct of the attack against the NZPRT on 3 Aug and previous attacks in April 2010.

~~SECRET~~

~~SECRET~~

2

- The insurgents operating in this area were split into three groups and numbered approximately 20 in each group.
- The village where the two key leaders reside was located.
- As a result of this information the NZSAS conducted an operation under cover of darkness on the night/morning of 21/22 Aug supported by Afghan National Security Forces (CRU) and US Military which included;
 - PSR(S)1 UAV,
 - PSR(S)1
 - 2 x Medium Lift helicopters (Chinooks),
 - 2 x light utility helicopters PSR(S)1
 - 2 x Apache Gun Ships,
 - 1 x AC-130 Gun ship.
- The operation was successful with a number of insurgents killed or wounded, and it is assessed that it has disrupted the insurgent networks ability to plan and conduct operations launched from the Talawe-Berfak region targeting the NZPRT. It is further assessed that the two main leaders targeted during the operation were eliminated (this ~~SECRET~~ be corroborated, but they have not been heard from since the operation).

PSR(Sen)1, PSR(IC)3

DSO

DTelN Phone: PSR(Sen)1, PSR(IC)3

15 September 2010

~~SECRET~~

From: WAATEA.S2
Sent: Fri, 17 Sep 2010 06:41:29 +1200
To: SWAN - **PSR(S)2, PSR(S)3**
Cc: SWAN - HQNZDF.DSO; SWAN - HQNZDF.DDIS; WAATEA.SNO
Subject: [~~SECRET~~] External Release RE: CDF RFI: OP BURNHAM BDA
Attachments: 100916-S-Obj Burnham Overview.ppt

CLASSIFICATION: ~~SECRET~~

CLASSIFICATION: ~~SECRET~~

PSR(Sen)1, PSR()

Please find attached two slides showing the before and after WRT Obj Burnham operation. Please note that due to BSO and cross boarder issues the BDA has been through HUMINT and reflections through other means. This has not given as full a picture as we would have liked. If you need any further details please don not hesitate to ask will still be up on the system.

Regards

PSR(C)3, P

100916-S-Obj Burnham Overview.ppt

100916-S-Obj Burnham Overview.ppt

From: HQNZDF.AD1DDIS [mailto:**PSR(S)2, PSR(S)3**]
Sent: Tuesday, 14 September 2010 3:53 a.m.
To: WAATEA.SNO; WAATEA.S2; WAATEA.S2
Cc: SWAN - HQNZDF.DSO; SWAN - HQNZDF.DDIS
Subject: CDF RFI: OP BURNHAM BDA
Importance: High

Giddy Sir, PSR(C)3, PSR

Trust this email finds you both well.

At CDF's weekly ops update today the CDF requested that he be provided with a "before and after" assessment of the ins network the OP BURNHAM targetted. Basically what he is after is a BDA of what the operation achieved against this network, and what that network now looks like. He also requested information on the network from northern Baghlan that was reported to have moved down into the area. Best format would be an **PSR(S)2, PSR(S)3** link chart (in JPEG format) showing the network as it is currently stands with those insurgents who were targetted shown on the chart (as opposed to two separate products).

PSR(Sen)1, P - I am picking that you and PSR(C)3, PSR will have a good grasp of this.

Can I ask that this information is provided by 0800NZDT Fri 17 Sep as CDF will be out of country the following week. If the information is higher than Secret then the ASIC can pass back to me through PSR(S)2, PSR, who can fwd to me on PSR(S)2, PSR(S)3

For DSO / DDIS - as discussed.

Kind Regards,

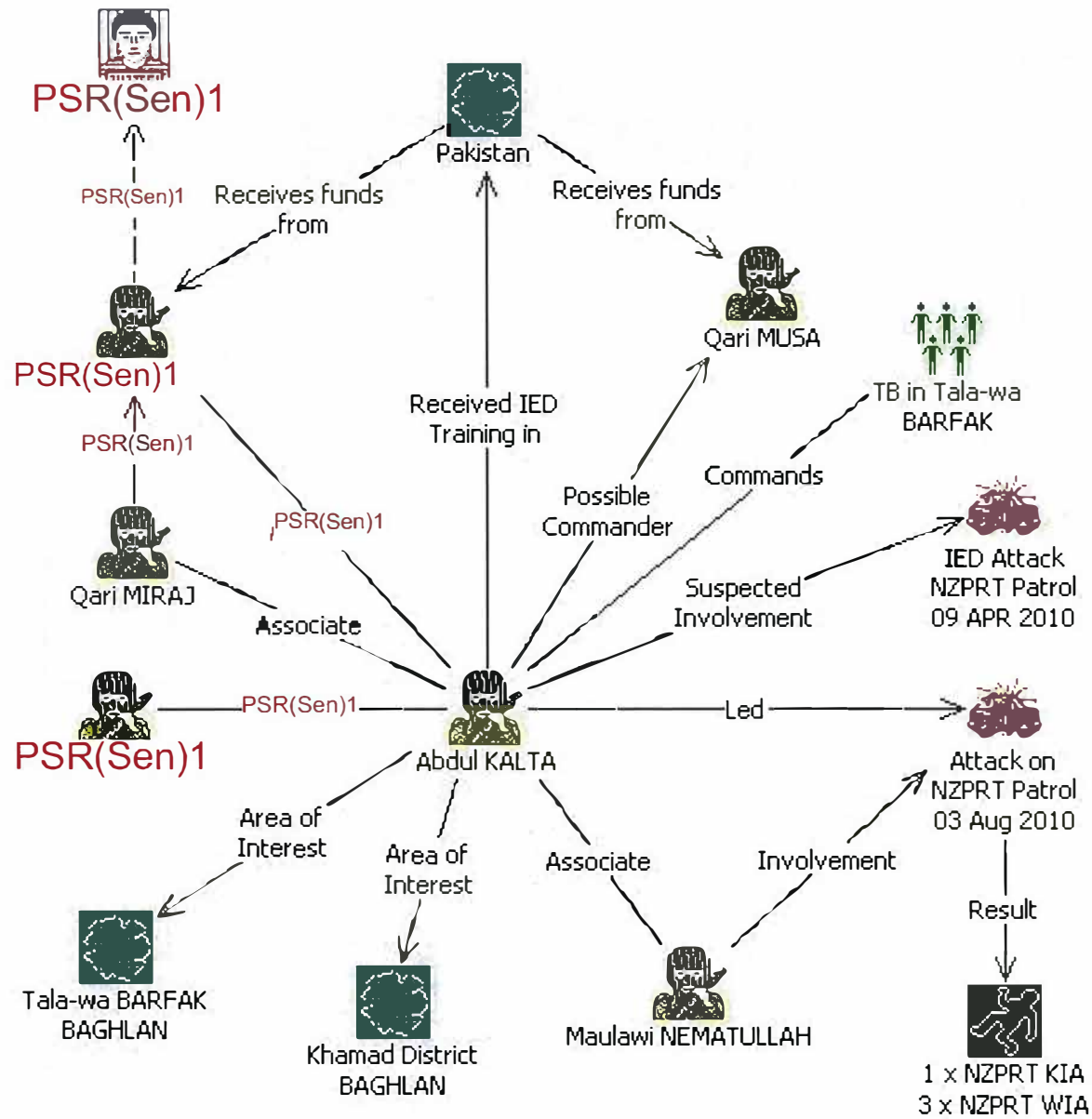
PSR(S)2, PSR(S)3

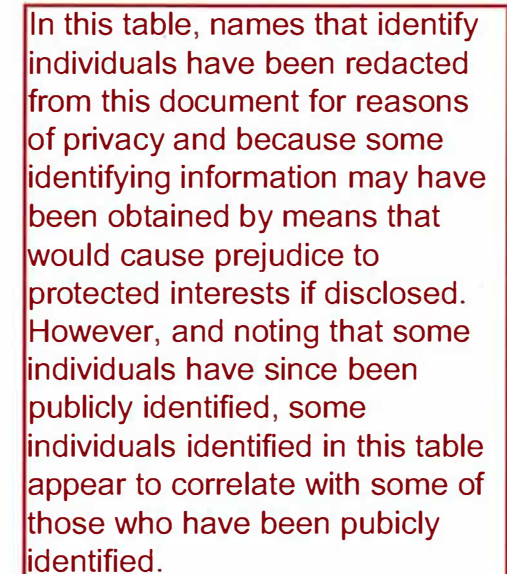
PSR(Sen)1, PSR(IC)3

Directorate of Defence Intelligence and Security

Phone | DTELN: PSR(Sen)1, PSR(IC)3 | DDI: PSR(Sen)1, PSR(IC)3

Email | SWAN: PSR(Sen)1, PSR(IC)3 | PSR(S)2, PSR(S)3

~~SECRET~~~~SECRET~~



Export

From: Edward Poot
(MIN)

To: KELLY PETER, COL
CC: STEER JACK, R ADM; **PSR(IC)3** (MIN)

Subject: ~~[SEEMAH]~~: Report
Pete,

Thu, 23
Sep
Sent: 2010
03:41:3
6 GMT

Many thanks for the below. The only critical issue that remains opaque is as follows. NATO put out a press release at the time. Our recollection is that it talks about an investigation. How does NATO close the loop with the wider public in Afghanistan (and troop contributing nations) to advise the outcome of the investigation?

Best regards,
Edward

Edward Poot
Group Captain
Military Secretary
Office of Hon Dr Wayne Mapp

Ph: **PSR(IC)3**
Mobile: **PSR(IC)3**
Email: **PSR(IC)3**

From: KELLY PETER, COL **PSR(IC)3**
Sent: Thursday, 23 September 2010 3:33 pm
To: Edward Poot (MIN)
Subject: Unclassified: VCDF FOR OFFICIAL USE ONLY
Importance: High

Ed,

VCDF just came and spoke to me about part of the discussions this morning with the Minister on casualty allegations.

What we know is that the ISAF Joint Command HQ (IJC) raised an Interim Assessment Team (IAT) headed by a Brig to assess the veracity or otherwise of the allegations that there were civilian casualties resulting from a coalition operation that we participated in. As a result of the IAT assessment it was found that there were no civilian casualties (this incl viewing all the helo/plane gun tapes, visiting the local hospital and checking the claims that there were two female casualties, these in fact turned out to be fighting age males who were likely insurgents). This corresponds with what our forces assessed and those of the other participating nations.

As a result of the IAT assessment, all forces were cleared of causing civilian casualties, the matter was closed and no formal investigation initiated. The SNO was advised of this and he saw the written report. PSR(IC)4

That's what we know. Happy to discuss over the phone. If the Minister wishes to pursue release of the assessment perhaps this could be done via the upcoming VIP visit to theatre, however the SNO was adamant that ISAF will not be releasing the report even after he reinforced the national interest angle.

Peter Kelly
Colonel
Director Special Operations
HQNZDF

Wk: PSR(IC)3

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Export

From: [Edward Poot \(MIN\)](#)

Sent: Thu, 23 Sep 2010 04:40:47 GMT

To: **KELLY, PETER** [COL](#)
 CC: [THOMPSON MIKE, COL](#)
 Subject: RE: Unclassified: Media article

PETER

Tried calling. Can we ask the question the Minister raised in theatre please?

Best regards,
 Edward

Edward Poot
 Group Captain
 Military Secretary
 Office of Hon Dr Wayne Mapp

Ph: **PSR(IC)3**
 Mobile: **PSR(IC)3**
 Email: **PSR(IC)3**

From: **PETER KELLY** **PSR(IC)3**
Sent: Thursday, 23 September 2010 4:09 pm
To: Edward Poot (MIN)
Subject: Unclassified: Media article

Ed,

This was the last I saw from ISAF on this. I am not aware of any other releases since.

It does note that the helicopter gun was slightly off, but we now know that no casualties were caused as a result.

I am not sure how ISAF put the record straight further to what they have said here, where they state casualties may have occurred, we now no none did. No nation has been identified and it is a matter for ISAF and their ongoing IO/media plan to manage. Not sure what role we have in influencing that.

PK

From: **PSR(IC)3** (ISED) **PSR(IC)3** @mfat.govt.nz]
Sent: Tuesday, 31 August 2010 8:40 a.m.
To: **PETER KELLY**
Subject: Media article

~~[SEEMAIL] [RESTRICTED]~~

Morning **Pete** - the article below might be of interest, if you haven't already seen it (from the "War on Terror" website).

Monday, August 30, 2010

AFG Civilian Casualties in Baghlan Confirmed

Joint assessment team confirms possibility of civilian casualties in Baghlan

ISAF Joint Command

08.29.2010 KABUL - In response to Baghlan provincial governor's concerns about civilian casualties, a joint assessment team composed of representatives from the ministries of interior and defense, and International Security Assistance Force officials, conducted a full assessment of an operation on Aug. 22 in Talah wa Barfak District, Baghlan province.

The team determined that several rounds from coalition helicopters fell short, missing the intended target and instead striking two buildings, which may have resulted in civilian casualties.

Insurgents were using the building as a base of operations; however, it was not the intended target.

The team discovered the accidental short rounds during an examination of the air weapons team video. The assessment determined a gun site malfunction was the cause of the errant rounds.

"We regret any possible civilian loss of life or injury. Our first objective is to protect the people of Afghanistan, and in this case we may have failed," said U.S. Air Force Brig. Gen. Timothy M. Zadalis, ISAF Joint Command director of plans and projects and team lead. "Our thoughts and concerns are with the family and friends of those civilians who may have been injured or killed."

During their assessment, the team received operational briefings, met with the provincial governor and chief of police and reviewed weapons-system video.

Initial reports from the ground operation indicated 13 insurgents were killed, with no civilian casualties, however close examination of the weapons system video showed the errant rounds striking the unintended buildings.

"This is exactly why we send assessment teams to look into all civilian casualty allegations," said Zadalis. "We want to be sure we understand exactly what happened, review all information available and set the record straight."

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PSR(IC)6

PSR(IC)6

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ATTENTION OF:

HEADQUARTERS
UNITED STATES FORCES - AFGHANISTAN
KABUL, AFGHANISTAN
APO AE 09356

ISAF/IJC

30 September 2010

MEMORANDUM FOR Commander, United States Forces-Afghanistan (USFOR-A) and
International Security Assistance Force (ISAF)

SUBJECT: Findings and Recommendations, AR 15-6 Investigation – Tigiran Village

1. On 17 September 2010, the Commander, USFOR-A, appointed me as an investigating officer (IO) in accordance with Army Regulation (AR) 15-6 to conduct an informal investigation into the facts and circumstances surrounding the partnered operation in the Tigiran Village on 22 August 2010 which may have resulted in one or more civilian casualties.

2. *Executive Summary:* On 22 August 2010, (b)(1)1 4a, (b)(1)1 4d conducted a partnered operation supported by an AH-64 air weapons team (AWT) and an AC-130 gunship to kill/capture Objective (b)(1)1 4a and Objective (b)(1)1 4a in Tigiran Village, Talawe Berfak District, Baghlan Province, RC North. Following the operation there were some allegations of civilian casualties (CIVCAS) in the Tigiran Village. An Incident Assessment Team (IAT) submitted an executive summary of the events surrounding the CIVCAS allegations [Exhibit 3 – IAT Executive Summary]. Based on additional review of the weapons system video (WSV) from the AWT and the AC-130, the IAT lead recommended a comprehensive investigation to review the IAT findings, to thoroughly review the WSV, and determine if someone intentionally edited the WSV to shape the IAT's report [Exhibit 2 – IAT Executive Summary addendum].

For this investigation, I reviewed both the AWT video [Exhibit 22] and the AC-130 video [Exhibit 23]. The AWT video was an edited video, in accordance with unit SOP, which showed positive identification of enemy personnel with weapons, clearance authority for the engagements, engagement of enemy personnel, as well as battle damage assessment. The AC-130 video was an unedited version of the full length of the operation. In reviewing the WSV, it was noted that the AWT video did not include some audio that referenced a female being among a huddled group that was near the engagement area. The AC-130 video, however, contained this audio. The AC-130 video also provided a broader perspective of the engagement area and showed some of the rounds from the AWT engagement impacting the roofs of two of the buildings. This perspective cannot be seen in the AWT video due to the limited field of view and size (4 inches by 4 inches) of their displays. The investigation interviews focused on this segment of the audio/video that was not included in the edited version of the AWT video and the potential for civilian casualties with regard to the AWT engagements.

(b)(1)1 4a

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(b)(1)1.4a, (b)(3), (b)(6)

The AWT crews were also having communication difficulties trying to get in touch with ground units to relay the situation to them. The AWT crews stated in their post-mission debrief [Exhibit 12] that they felt a heightened sense of urgency due to the sheer volume of personnel fleeing the objective and the challenges of maintaining continuous PID due to terrain restrictions. As a result of this lack of communication, friendly ground units ended up in very close proximity to these insurgents with weapons and there was concern about a potential fire fight. The AWT crews were unable to get in touch with the JTAC (Joint Terminal Attack Controller) and therefore made the decision not to engage the insurgents that were positively identified with weapons even though they were a threat to friendly forces [Exhibit 10 -- (b)(3), (b)(6) statement].

The AWT crews were sensitive to the Tactical Directive throughout the engagements and made specific mention of not engaging individuals positively identified with weapons due to their close proximity to buildings in the area. In their post-mission debrief [Exhibit 12], crews stated that there were several occasions where the insurgents had closed to within hand grenade range of coalition troops. Due to communication difficulties and proximity to

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friendly forces, engagement of enemy personnel was not possible. The AWT crews stated that they chose not to engage on at least five targets that they were cleared to engage based on the Tactical Directive.

(b)(1)1.4a, (b)(3), (b)(6)

Based on my interviews with all of the crews, the Airborne Mission Commander, and the Specialist who edited the video, I determined that the AWT video was not edited with the intent to mislead the IAT or shape their report. The editing process for this video followed unit SOP and was completed prior to the IAT's request for the video. Per unit SOP, following any significant event or any weapons engagement, the Air Mission Commander will, immediately upon landing, secure the tape/hard drive from each Pilot-in-Command and without delay, turn in tapes/hard drives [Exhibit 19 – Video recorder use and Gun Tape security procedures message]. If there is a concern of collateral damage, civilian casualties, friendly fire or any other event deemed significant, then the entire video will be saved

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[Exhibit 6 -- (b)(3), (b)(6) statement]. Based on the footage available, there were no such concerns, so the entire footage was not saved. The commander designates which video segments will be downloaded and how the editing will be done [Exhibit 20 – Gun Tape Editing requirements]. This edited video must be approved by (b)(3), (b)(6) the Company Commander and (b)(3), (b)(6) the Task Force Knighthawk Commander. The video is then provided to the chain of command for review. This editing is done immediately after the mission is complete and therefore the entire length of footage is not saved, and the RMM is available for the pilots to use again after editing is complete [Exhibit 19 – Gun Tape Procedures, Exhibit 20 -- Editing Requirements]. When the RMM is returned to circulation and use in the helicopters, it records over previously saved data. This particular engagement has since been recorded over.

(b)(1)1.4a

3. Findings.

a. *Question:* What are the facts and circumstances surrounding the partnered operation between (b)(1)1.4a, (b)(1)1.4d on 22 August 2010, specifically in regard to the AWT CIVCAS allegations, (5Ws)?

Findings (Snapshot - 5Ws):

- Who: 3rd Aviation Regiment, 1st Battalion, B Company (AWT)
- What: (b)(1)1.4a, (b)(3), (b)(6) (AWT) conducted air assault security for (b)(1)1.4a, (b)(1)1.4d
- When: 22 August 2010, approximately 0100L
- Where: Tigiran Village, Talawe Berfak District, Baghlan Province, RC North (IVO)
(b)(1)1.4a
- Why: To facilitate the deliberate detention of insurgent targets in order to severely disrupt operations in the area of operations.

Findings: The call signs for the two Apaches that departed Bagram AB in order to support the (b)(1)1.4a, (b)(1)1.4d partnered operation in Tigiran Village were (b)(1)1.4a, (b)(3), (b)(6). In (b)(1)1.4a, (b)(3), (b)(6) was the pilot in command and (b)(3), (b)(6) was the gunner (b)(3), (b)(6)

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(b)(3), (b)(6) piloted (b)(1)1.4a, (b)(3) while (b)(3), (b)(6) was his gunner. The objective of the operation was to infil (b)(1)1.4d forces into three helicopter landing zones (HLZ) to detain two personnel thought to be responsible for the deaths of (b)(1)1.4d troops (b)(1)1.4a, (b)(3), (b)(6) arrived over the HLZs and assessed all of the HLZs as secure. (b)(1)1.4d flight and (b)(1)1.4d (AC-130) were in direct communication and began inspecting the immediate areas surrounding the HLZ. (b)(1)1.4a were unsuccessful in establishing communications with the ground force commander (b)(1)1.4a, (b)(3) or the JTAC (b)(1)1.4a, (b)(3). While inspecting the area around the HLZ, (b)(1)1.4a, (b)(3) identified five personnel with weapons exiting a qalat within 200 meters of the HLZ [Exhibit 12 -- Mission Debrief]. The weapons system video clearly shows armed male adults exiting the buildings [Exhibit 14, Screen shot showing armed insurgents]. A stop-motion analysis completed by the IAT of all the figures also shows two adult females and three children exiting one building next to the insurgents with weapons and moving rapidly into the adjacent building less than 5 meters away [Exhibit 15, Screen shot showing civilians in the area near insurgents with weapons]. (b)(1)1.4d flight was initially unaware of these civilians as they were focused on the insurgents with the weapons in close proximity to the HLZ and friendly ground forces.

(b)(1)1.4d flight made repeated attempts to raise the JTAC and ground force commander to pass information about the insurgents moving near the HLZ. As the personnel egressed the house, (b)(1)1.4d flight and (b)(1)1.4a divided efforts to monitor all personnel. Finally, (b)(1)1.4d flight was able to contact the JTAC and relayed all of the pertinent information concerning the insurgents' movements to (b)(1)1.4a, (b)(3) approved immediate attacks on enemy personnel PID with weapons. (b)(1)1.4d flight engaged two personnel with weapons climbing up the terrain above the friendly location -- two Enemy Killed in Action (EKIA) [Exhibit 12 -- Mission Debrief].

(b)(1)1.4a, (b)(3), (b)(6) both attempted to engage one insurgent coming back down the hill with no apparent effect on the individual. (b)(1)1.4a, (b)(3) conducted the first engagement and (b)(1)1.4a, (b)(3), (b)(6) conducted the second engagement, as can be seen in the weapons system video [Exhibit 22].

(b)(1)1.4a, (b)(3) burst of 30mm missed the intended target with no collateral damage concerns.

(b)(1)1.4a, (b)(3) attempted to re-engage when the insurgent was crouched against a hillside and had not yet reached the buildings. Due to problems with weapon accuracy, the 30mm bursts missed the intended target and instead hit close to qalats and on the roofs of two of the buildings [Exhibit 16 -- AWT screen shot of rounds impacting, Exhibit 17 -- AC-130 screen shot of rounds impacting buildings]. At the time of the engagement, (b)(1)1.4d flight was unaware that any of the rounds had impacted the roofs of the buildings since their display screen did not show the buildings within their field of view. This information was only obtained once I reviewed the AC-130 video with them. (b)(1)1.4d flight did not attempt further engagements as the individual had moved closer to the village increasing the possibility of collateral damage [Exhibit 12 -- Mission Debrief]. (b)(1)1.4a continued surveillance on the surrounding areas identifying multiple individuals moving around tactically and bounding behind terrain for cover. Both (b)(1)1.4a flight engaged these individuals. Upon completing this engagement, all assets continued looking for threats (b)(1)1.4a, (b)(3), (b)(6) identified additional armed personnel walking down a road in the same area and engaged the enemy personnel -- 1x EKIA. (b)(1)1.4d element continued with surveillance and overhead security until extraction was arranged [Exhibit 12 -- Mission Debrief].

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Conclusions: The IAT executive summary stated that all engagements appeared to be in accordance with appropriate ROE and the Tactical Directive [Exhibit 3 -- IAT Executive Summary]. This investigation concurs with the IAT findings. Although there are areas where things could have been done differently or better, the unit effectively used this mission as a way to make improvements in their processes with regard to weapons maintenance, crew training, and overall understanding of the Tactical Directive. It is also important to understand the stresses placed upon the crew at the time of the mission – night, terrain, poor communications, and a high threat level to friendly forces all played into the situation.

b. *Question:* The mission at the time of the incident. What was the pre-mission briefing for enemy forces and threats?

Findings: The IAT confirmed that this site has no GIRA presence and is Taliban controlled [Exhibit 3 – IAT Executive Summary]. Based on interviews with the AWT crew, they were also briefed that this area had not been visited by coalition forces in approximately 10 years.

Conclusions: Based on the interviews conducted, I believe that the pre-mission briefing was adequate for the situation that the crews encountered.

c. *Question:* The threat analysis and the measures utilized by Coalition Forces on that day to avoid civilian casualties?

Findings: The S-2 provided a detailed brief of the area before the mission. The brief talked about patterns of life in the area. They knew that there could be civilians in the area and that they would have to be cautious with fires. They also knew that there were enemies in the area and that there was a chance of a firefight [Exhibit 6 – (b)(3), (b)(6) statement]. The crews were told that they were the first coalition forces to be in that area in about 10 years so they were expecting some enemy resistance [Exhibit 4 – (b)(3), (b)(6) statement]. The crews stated that they do not go into complete detail on rules of engagement prior to each mission, but it is discussed and all crews are aware of the ROE [Exhibit 5 – (b)(3), (b)(6) statement].

Although the women and children can be seen in the WSV, there is nothing to indicate that either (b)(1)1.4a, (b)(3), (b)(6) saw the women and children until such time as (b)(1)1.4a, (b)(3), (b)(6) commented on it. When reviewing the video I had the luxury of watching it on a larger screen and rewinding it. The cockpit of the Apache has four inch monitors and does not have the capability to rewind. Additionally, there were numerous factors vying for the crews' attention – night, terrain, communication issues, and a very realistic threat to friendly forces. The AWT crews stated that they were aware of civilians in the area after the engagements and the crews discussed ceasing fire when they saw the women and children in the area [Exhibit 4 – (b)(3), (b)(6) statement]. The audio from (b)(1)1.4a, (b)(3), (b)(6) further states: "This is (b)(1)1.4a, (b)(3), (b)(6) we have five non-friendly personnel next to a building approximately 200 meters in front of your ground patrol, the ground patrol is moving toward the people, huddled by the building, at least one is female" [Exhibit 18 -- WSV Transcript]. It would appear that (b)(1)1.4a, (b)(3), (b)(6) were aware of the potential civilians in the area prior to their last engagement when they

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engaged the insurgent moving towards the buildings. In summarizing the sequence of the engagement, (b)(1)1.4a, (b)(3), (b)(6) Pilot-in-Command) stated: I do not entirely remember the situation in question. There was a point when we were engaging one man that appeared to be wounded and he was evading. We lost sight of him for a minute and then a group of women and children came into view running in a separate direction. We ceased to engage that individual because of the women and children [Exhibit 4 – (b)(3), (b)(6) statement]. A

(b)(1)1.4a, (b)(3), (b)(6)

In their post-mission debrief [Exhibit 12], crews stated that there were several occasions where the insurgents had closed to within hand grenade range of coalition troops. The crews stated that they chose not to engage on at least five targets that they were cleared to engage based on the Tactical Directive. The crews felt that they were conservative on this mission and showed appropriate restraint in accordance with the Tactical Directive while still ensuring the safety of friendly ground forces [Exhibit 4 -- (b)(3), (b)(6) statement].

Conclusions: Based on the interviews conducted, I determined that the threat analysis was appropriate for the mission. Based on the interviews conducted and review of the weapons system audio and video, I found that crews were sensitive to the Tactical Directive [Exhibit 25] throughout the engagements and that their actions were appropriate in order to avoid civilian casualties. (b)(1)1.4a, (b)(3), (b)(6)

(b)(1)1.4a

d. *Question:* Whether or not there was a civilian casualty as defined in ISAF SOP 307.

Findings: Based on WSV review and crew interviews, it is likely that there were women and children present in the area for some of the engagements. However, there is no evidence to confirm that any of the AWT rounds impacted areas where civilians were definitively located. The AC-130 video [Exhibit 23] shows AWT rounds impacting roofs of some of the buildings where it is possible that civilians were located [Exhibit 17 – AC-130 screen shot showing where rounds impacted the buildings]. However, ground BDA was not conducted on those buildings so there is no way of knowing if the AWT errant rounds caused civilian casualties. The AWT and ground units were unaware that bullets had impacted the buildings until the time of this investigation. The IAT was also unable to confirm civilian casualties based on their review immediately following the incident [Exhibit 3 – IAT Executive Summary].

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Conclusions: This investigation concurs with the IAT observation that based on WSV evidence it is possible that CIVCAS occurred because at the time of the AWT engagement, women and children appear to have been present [Exhibit 3 -- IAT Executive Summary]. However, there is no evidence in the video that confirms that there were civilian casualties. The only piece of information that can be confirmed is that rounds impacted the roofs of buildings where it is possible that civilians were located. Based on evidence that I reviewed, I concur with the IAT findings that civilian casualties are possible, but cannot be confirmed.

e. *Question:* The medical treatment provided to the casualties, if any. Whether the MEDEVAC procedures were timely and appropriate under the circumstances.

Findings: This investigation did not address this issue.

Conclusions: There were no confirmed civilian casualties during this incident [Exhibit 3 -- IAT Executive Summary].

f. *Question:* The nature and extent of the injuries to any individual killed as well as the nature and extent of the injuries to any wounded individuals. Include the long-term prognosis for those who were injured.

Findings: This investigation did not address this issue.

Conclusions: There were no confirmed civilian casualties during this incident [Exhibit 3 -- IAT Executive Summary].

g. *Question:* Whether any WSV was altered in any way. If so, who, what, where, when, why, and how as well as determining, if possible, what the tape showed prior to being altered.

Findings: The AWT unit has a limited number of recording devices, RMMs (remote memory modules) due to the high cost of these devices. During flights, air crew will often start and stop the recording of their RMM device in order to ensure that there is enough memory space to capture key events. Due to the limited number of RMMs and to ensure that they are available for every flight, it is SOP to download specific segments of the video and provide an edited compilation of key segments following a mission where engagements have occurred [Exhibit 9 -- (b)(3), (b)(6) statement]. Per unit SOP, following any significant event or any weapons engagement, the Air Mission Commander will, immediately upon landing, secure the tape/hard drive from each Pilot-in-Command and without delay, turn in tapes/hard drives [Exhibit 19 -- Video recorder use and Gun Tape security procedures message]. When a crew conducts an engagement, they will call back to the unit to report the engagement so that a specialist is available to download and edit the video [Exhibit 7 -- (b)(3), (b)(6) statement]. The video editing is not done by the aircrew and is conducted by a trained Specialist (b)(3), (b)(6) (b)(3), (b)(6) statement]. There is not enough space on the hard drives to download and save the entire length of footage and an edited version provides the key segments for the chain of command to review. The commander designates which video segments will be downloaded and how the editing will be done [Exhibit 20 -- Gun Tape Editing requirements]. This edited

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video must be approved by (b)(3), (b)(6) the Company Commander and (b)(3), (b)(6) the Task Force Knighthawk Commander. The video is then provided to the chain of command for review. This editing is done immediately after the mission is complete and therefore the entire length of footage is not saved, and the RMM is used again as soon as it becomes available [Exhibit 19 – Gun Tape Procedures, Exhibit 20 – Editing Requirements]. When the RMM is returned to circulation and use in the helicopters, it records over previously saved data.

If there is a concern of collateral damage, civilian casualties, friendly-fire, or any other event deemed significant, then the entire video will be saved [Exhibit 6 – (b)(3), (b)(6) statement]. (b)(3), (b)(6) specifically stated that if he had known that the bullets from the AWT had impacted the roofs of the qalats, then he would have saved the entire video. By the time the civilian casualty allegations were made and the unit was notified that the WSV was needed for the IAT, the video had already been edited and the RMM had already been erased and used on another mission [Exhibit 9 – (b)(3), (b)(6) statement].

For this investigation, I reviewed both the AWT video [Exhibit 22] and the AC-130 video [Exhibit 23]. The AWT video was an edited video, in accordance with unit SOP, which showed positive identification of enemy personnel with weapons, clearance authority for the engagements, engagement of enemy personnel, as well as battle damage assessment. The AC-130 video was an unedited version of the full length of the operation. In reviewing the WSV, it was noted that the AWT video did not include some audio that referenced a female being among a huddled group that was near the engagement area. The AC-130 video contained this audio. (b)(3), (b)(6) stated that no one specifically asked him to remove anything from the video or cut anything out of the video. He further stated that editing this video followed the same procedures as all of the other videos that he has edited. After

(b)(1) 1.4a, (b)(3), (b)(6)

also stated that he did not direct anything specific to be cut or removed from the video [Exhibit 8 – (b)(3), (b)(6) statement].

Conclusions: Based on limited equipment and unit SOP, I find that the unit's procedures are adequate for ensuring that video is downloaded and saved appropriately. I also find that the crews and unit acted in compliance with their SOP in this case. The gun tape editing requirements message from the commander [Exhibit 20], clearly explains the importance of gun tapes: "Tapes of engagements can be used to promote a positive message by providing evidence of the professionalism of our pilots. If in the editing process, valuable footage is left out, the tapes can present the wrong story and be harmful to the overall I/O campaign of USFOR-A." Unfortunately, there was some audio that appears to have been inadvertently omitted from the edited version of the tape that the IAT deemed important to their overall assessment. However, based on my interviews with all of the crews, the Airborne Mission Commander, the Specialist who edited the video, and the unit leadership, I do not believe that anyone intentionally edited the video with the intent to mislead or shape the IAT report.

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SUBJECT: Findings and Recommendations, AR 15-6 Investigation – Tigiran Village

4. Recommendations:

a. There should be a theater-wide SOP/FRAGO that describes the requirements for weapons system video. This SOP/FRAGO should include which items are required to be downloaded and saved for future use (i.e. PID, clearance of fires, engagement, BDA, etc). It should also state certain conditions where the entire mission is required to be saved (i.e. civilian casualty allegations, friendly fire incidents, collateral damage concerns, etc). This document should also state conditions where the video needs to be forwarded to higher headquarters as well as the timeline for this to occur. For an IAT, full-length, unedited WSV must be made immediately available. This information should also be added to the Special Instructions (SPINS) for Air and Space Operations in Afghanistan.

b. IAT report lessons learned should be made available to units involved so that they can learn from the incident and we can ensure similar incidents do not occur. Additionally, in accordance with IJC SOP 332, CJ37 should post all IAT lessons learned to ensure widest dissemination. We can all learn from each other's mistakes and experiences. This unit was primarily unaware of the issues related to the IAT and could have benefited from lessons learned from the report.

c. As with any mission, aircrew and ground units should make every possible effort to debrief lessons learned following the mission. Although this is more difficult in a combat environment, units should still strive to conduct a debrief after the mission. In this case, it would have been beneficial to have the AWT crews debrief with the AC-130 crew as they could have provided a broader perspective of what occurred in the engagement area, specifically including the information that bullets had impacted the roofs of some of the buildings. Additionally, every crew member I interviewed stated that communications were a major problem during this mission. It is critical that aircrew and ground units debrief these issues so that it does not occur on future missions. However, the AWT unit did a good job in debriefing this mission as a unit and identifying lessons learned specific to weapons employment, communications, and the Tactical Directive.

5. The point of contact for this memorandum is the undersigned at SIPR:

(b)(3), (b)(6)

Encl
Index of Exhibits (25)

(b)(3), (b)(6)

Investigating Officer

~~SECRET//REL TO USA, NZL~~**REPORT OF PROCEEDINGS BY INVESTIGATING OFFICER/BOARD OF OFFICERS**

For use of this form, see AR 15-6; the proponent agency is OTJAG.

IF MORE SPACE IS REQUIRED IN FILLING OUT ANY PORTION OF THIS FORM, ATTACH ADDITIONAL SHEETS

SECTION I - APPOINTMENTAppointed by Commander United States Forces-Afghanistan (USFOR-A) and International Security Assistance Force (ISAF)
(Appointing authority)on 17 September 2010 (Date) (Attach inclosure 1: Letter of appointment or summary of oral appointment data.) (See para 3-15, AR 15-6.)**SECTION II - SESSIONS**The (investigation) board commenced at North Kabul International Airport, ISAF/LJC at 2030
(Place) (Time)on 17 September 2010 (Date) (If a formal board met for more than one session, check here ☐. Indicate in an inclosure the time each session began and ended, the place, persons present and absent, and explanation of absences, if any.) The following persons (members, respondents, counsel) were present: (After each name, indicate capacity, e.g., President, Recorder, Member, Legal Advisor.)

See attached memorandum.

The following persons (members, respondents, counsel) were absent: (include brief explanation of each absence.) (See paras 5-2 and 5-8a, AR 15-6.)
See attached memorandum.The (investigating officer) board finished gathering/hearing evidence at 2030 on 29 September 2010
(Time) (Date)
and completed findings and recommendations at 0800 on 30 September 2010
(Time) (Date)**SECTION III - CHECKLIST FOR PROCEEDINGS****A COMPLETE IN ALL CASES**

	YES	NO ¹	NA ²
1 Inclosures (para 3-15, AR 15-6)			
Are the following inclosed and numbered consecutively with Roman numerals. (Attached in order listed)			
a. The letter of appointment or a summary of oral appointment data?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Copy of notice to respondent, if any? (See item 9, below)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Other correspondence with respondent or counsel, if any?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. All other written communications to or from the appointing authority?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Privacy Act Statements (Certificate, if statement provided orally)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Explanation by the investigating officer or board of any unusual delays, difficulties, irregularities, or other problems encountered (e.g., absence of material witnesses)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g. Information as to sessions of a formal board not included on page 1 of this report?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h. Any other significant papers (other than evidence) relating to administrative aspects of the investigation or board?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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FOOTNOTES: 1. Explain all negative answers on an attached sheet.

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	YES	NO	NA
2 Exhibits (para 3-16, AR 15-6)			
a. Are all items offered (whether or not received) or considered as evidence individually numbered or lettered as exhibits and attached to this report?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Is an index of all exhibits offered to or considered by investigating officer or board attached before the first exhibit?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Has the testimony/statement of each witness been recorded verbatim or been reduced to written form and attached as an exhibit?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Are copies, descriptions, or depictions (if substituted for real or documentary evidence) properly authenticated and is the location of the original evidence indicated?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Are descriptions or diagrams included of locations visited by the investigating officer or board (para 3-6b, AR 15-6)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Is each written stipulation attached as an exhibit and is each oral stipulation either reduced to writing and made an exhibit or recorded in a verbatim record?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g. If official notice of any matter was taken over the objection of a respondent or counsel, is a statement of the matter of which official notice was taken attached as an exhibit (para 3-16d, AR 15-6)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3 Was a quorum present when the board voted on findings and recommendations (paras 4-1 and 5-2b, AR 15-6)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
B. COMPLETE ONLY FOR FORMAL BOARD PROCEEDINGS (Chapter 5, AR 15-6)			
4 At the initial session, did the recorder read, or determine that all participants had read, the letter of appointment (para 5-3b, AR 15-6)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5 Was a quorum present at every session of the board (para 5-2b, AR 15-6)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6 Was each absence of any member properly excused (para 5-2a, AR 15-6)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7 Were members, witnesses, reporter, and interpreter sworn, if required (para 3-1, AR 15-6)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8 If any members who voted on findings or recommendations were not present when the board received some evidence, does the inclosure describe how they familiarized themselves with that evidence (para 5-2d, AR 15-6)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
C. COMPLETE ONLY IF RESPONDENT WAS DESIGNATED (Section II, Chapter 5, AR 15-6)			
9 Notice to respondents (para 5-5, AR 15-6):			
a. Is the method and date of delivery to the respondent indicated on each letter of notification?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Was the date of delivery at least five working days prior to the first session of the board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Does each letter of notification indicate —			
(1) the date, hour, and place of the first session of the board concerning that respondent?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(2) the matter to be investigated, including specific allegations against the respondent, if any?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(3) the respondent's rights with regard to counsel?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(4) the name and address of each witness expected to be called by the recorder?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(5) the respondent's rights to be present, present evidence, and call witnesses?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Was the respondent provided a copy of all unclassified documents in the case file?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. If there were relevant classified materials, were the respondent and his counsel given access and an opportunity to examine them?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10 If any respondent was designated after the proceedings began (or otherwise was absent during part of the proceedings):			
a. Was he properly notified (para 5-5, AR 15-6)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Was record of proceedings and evidence received in his absence made available for examination by him and his counsel (para 5-4c, AR 15-6)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11 Counsel (para 5-6, AR 15-6):			
a. Was each respondent represented by counsel?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Name and business address of counsel:			
(If counsel is a lawyer, check here <input type="checkbox"/>)			
b. Was respondent's counsel present at all open sessions of the board relating to that respondent?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. If military counsel was requested but not made available, is a copy (or, if oral, a summary) of the request and the action taken on it included in the report (para 5-6b, AR 15-6)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12 If the respondent challenged the legal advisor or any voting member for lack of impartiality (para 5-7, AR 15-6):			
a. Was the challenge properly denied and by the appropriate officer?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Did each member successfully challenged cease to participate in the proceedings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13 Was the respondent given an opportunity to (para 5-8a, AR 15-6):			
a. Be present with his counsel at all open sessions of the board which deal with any matter which concerns that respondent?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Examine and object to the introduction of real and documentary evidence, including written statements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Object to the testimony of witnesses and cross-examine witnesses other than his own?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Call witnesses and otherwise introduce evidence?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Testify as a witness?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Make or have his counsel make a final statement or argument (para 5-9, AR 15-6)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
14 If requested, did the recorder assist the respondent in obtaining evidence in possession of the Government and in arranging for the presence of witnesses (para 5-8b, AR 15-6)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15 Are all of the respondent's requests and objections which were denied indicated in the report of proceedings or in an inclosure or exhibit to it (para 5-11, AR 15-6)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

FOOTNOTES: 1. Use of the N/A column constitutes a positive representation that the circumstances described in the question did not occur in this investigation or board.

017 05/21/2019

~~SECRET //REL TO USA, NZL~~

SECTION IV - FINDINGS (para 3-10, AR 15-6)

The *(investigating officer) (board)* having carefully considered the evidence, finds:

See attached memorandum.

SECTION V - RECOMMENDATIONS (para 3-11, AR 15-6)

In view of the above findings, the *(investigating officer) (board)* recommends:

See attached memorandum.

SECRET//REL TO USA, NZL

SECTION VI - AUTHENTICATION (para 3-17, AR 15-6)

THIS REPORT OF PROCEEDINGS IS COMPLETE AND ACCURATE (If any voting member or the recorder fails to sign here or in Section VII below, indicate the reason in the space where his signature should appear.)

(Recorder)

(b)(3), (b)(6)

(Investigating Officer) (President)

(Member)

(Member)

(Member)

(Member)

SECTION VII - MINORITY REPORT (para 3-13, AR 15-6)

To the extent indicated in Inclosure _____, the undersigned do(es) not concur in the findings and recommendations of the board.
(In the inclosure, identify by number each finding and/or recommendation in which the dissenting member(s) do(es) not concur. State the reasons for disagreement. Additional/substitute findings and/or recommendations may be included in the inclosure.)

(Member)

(Member)

SECTION VIII - ACTION BY APPOINTING AUTHORITY (para 2-3, AR 15-6)

The findings and recommendations of the (investigating officer) (board) are (approved) (disapproved) (approved with following exceptions/substitutions). (If the appointing authority returns the proceedings to the investigating officer or board for further proceedings or corrective action, attach that correspondence (or a summary, if oral) as a numbered inclosure.)

~~SECRET //REL TO USA, NZL~~

- Exhibit 1: IO Appointment Memo signed by (b)(3), (b)(6) dated 17 September 2010
- Exhibit 2: IAT executive summary addendum memo from (b)(6) dated 30 August 2010
- Exhibit 3: IAT executive summary signed by (b)(6) with an environment assesment from the IAT, dated 22 August 2010.
- Exhibit 4: Sworn statement w/ privacy act statement from (b)(3), (b)(6) dated 20 September 2010
- Exhibit 5: Sworn statement w/ privacy act statement from (b)(3), (b)(6) dated 20 September 2010
- Exhibit 6: Sworn statement w/ privacy act statement from (b)(3), (b)(6) dated 20 September 2010
- Exhibit 7: Sworn statement w/ privacy act statement from (b)(3), (b)(6) dated 20 September 2010
- Exhibit 8: Sworn statement w/ privacy act statement from (b)(3), (b)(6) dated 20 September 2010
- Exhibit 9: Sworn statement w/ privacy act statement from (b)(3), (b)(6) dated 20 September 2010
- Exhibit 10: Sworn statement w/ privacy act statement from (b)(3), (b)(6) dated 20 September 2010
- Exhibit 11: Sworn Statement from (b)(3), (b)(6) w/MFR of statement made by (b)(3), (b)(6) dated 21 September 2010
- Exhibit 12: Mission De-brief provided by (b)(3), (b)(6) TF Knighthawk Commander
- Exhibit 13: Imagery showing an overview of the area of the mission
- Exhibit 14: AWT Screenshot showing armed insurgents
- Exhibit 15: AWT Screenshot showing civilians in the area near insurgents with weapons
- Exhibit 16: AWT Screenshot showing the impact areas of rounds
- Exhibit 17: AC-130 Screenshot showing where rounds impact the buildings
- Exhibit 18: (b)(3), (b)(6) Transcript and notes from the video footage
- Exhibit 19: Video recorder use and gun tape security procedures memo signed by (b)(3), (b)(6) dated 24 November 2009.
- Exhibit 20: Gun Tape editing requirements signed by (b)(3), (b)(6) dated 13 March 2010
- Exhibit 21: Recording equipment information
- Exhibit 22: AH-64 Video (CD)
- Exhibit 23: AC-130 Video (CD)
- Exhibit 24: AH-64 Electronic Display Information
- Exhibit 25: COM ISAF Tactical Directive, dtd 1 August 2010

Pages 21 through 24 redacted for the following reasons:

(b)(1)1.4a, (b)(1)1.4d

Approved for Release

~~SECRET//REL TO USA, NZL~~**SWORN STATEMENT**

For use of this form, see AR 190-45; the proponent agency is PMG

PRIVACY ACT STATEMENT

AUTHORITY: Title 10, USC Section 901; Title 5, USC Section 2951; E.O. 9397 Social Security Number (SSN).

PRINCIPAL PURPOSE: To document potential criminal activity involving the U.S. Army, and to allow Army officials to maintain discipline, law and order through investigation of complaints and incidents

ROUTINE USES: Information provided may be further disclosed to federal, state, local, and foreign government law enforcement agencies, prosecutors, courts, child protective services, victims, witnesses, the Department of Veterans Affairs, and the Office of Personnel Management. Information provided may be used for determinations regarding judicial or non-judicial punishment, other administrative disciplinary actions, security clearances, recruitment, retention, placement, and other personnel actions.

DISCLOSURE: Disclosure of your SSN and other information is voluntary.

1. LOCATION Bagram Airbase, OSJA	2. DATE (YYYYMMDD) 2010/09/20	3. TIME 1327	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(3), (b)(6)	6. SSN (b)(3), (b)(6)	7. GRADE/STATUS	

8. ORGANIZATION OR ADDRESS
101st Airborne Division

9. I, (b)(3), (b)(6), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

(b)(3), (b)(6) I am assigned to the 101st Airborne Division. I do not remember if I was (b)(1)1.4a, (b)(3), (b)(6) (Call sign) during the engagement in question. After looking at the video I would say that we were (b)(1)1.4a, (b)(3), (b)(6) based on the voices in the video. I do not entirely remember the situation in question. There was a point where we were engaging one man that appeared to be wounded and he was evading. We lost sight of him for a minute and then a group of women and children came into view running in a separate direction. We ceased to engage that individual because of the women and children. The S2 has a tough job and from my experience they try to paint the bleakest picture possible when they brief us prior to the mission. From the instructions that we received prior to the mission in question we were the first people to be in that area in about ten years. I cannot remember all the details but we were expecting enemy resistance. We were supporting a (b)(1)1.4d group at the time. I do not remember anything about civilians being discussed at the time of the engagement. I do not remember if we were having issues with our guns on that day or not. It is typical for most aircrafts to do a kentucky-windage type burst on target and make adjustments based where your fire hits. After looking at the video it appears that we were making adjustments based on the bursts of our ammunition. The only thing I remember was a group of women and children running past one of the guys that we were engaging. We ceased engagement when we saw the women and children. The only reason that videos are cut are to highlight the key points of during missions. This is done to avoid having four hours of video to watch and only a small portion of it shows the engagements. The videos are not cut to cover anything up. I watch the video some of the time when I am flying. Most of my focus is on the aircraft that I am flying and what is around us. On this particular mission, the terrain was somewhat restricted. I do focus on the video screen when my co-pilot/ gunner is about to engage a target. This allows me to see what he is engaging. I am not sure why I called a cease fire in the video but this is usually done just to tell the people that are firing to take their finger off the trigger. This does not necessarily mean that something went wrong. Usually every engagement is placed in the video feeds and they try to cut out the time where there is nothing going on and we are not preparing to target someone or something. I believe that we were very conservative during this mission. I cannot say that I really have any lessons learned from this. Either one of the aircraft operators can start and stop our video feeds. We get about two or three hours per cartridge and we usually keep spares so that we do not have to record over any of the other feeds. I believe that the Brigade here has a policy on preparing the cut tapes. We do not turn on the videos when we take off and land. We usually do not video tape things until we are getting close to our area of operations and we end the video when we have cleared that area. In each aircraft You have a guy in the front and the back. Usually the guy in the front operates the weapons systems and the guy in the back does most of the flying. Usually the guy in the back keeps their focus on the outside of the aircraft. Out of two aircrafts you would have two pilots in command and one pilot that is air mission commander. In a mission you also have the ground force commander with the JTAC working for him. The air mission commander has the final clearance of fires for air assets conducting the mission. During this mission we did not engage these individuals until our ground troops had communications set up. We were very conservative in this mission.

NOTHING FOLLOWS (b)(3), (b)(6)

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT (b)(3), (b)(6)	PAGE 1 OF 3 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____"

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

~~SECRET //REL TO USA, NZL~~

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF (b)(3), (b)(6) TAKEN AT 1327 DATED 2010/09/20

9. STATEMENT (Continued)

NOTHING FOLLOWS. (b)(3), (b)(6)

Approved for Release

TAB 4

INITIALS OF PERSON MAKING STATEMENT

(b)(3), (b)(6)PAGE 2 OF 73 PAGES

DA FORM 2023, NOV 2006

(b)(3), (b)(6)

APD PE v1 00

USCENTCOM FOIAs 17-0385, 18-0461, 19-0057L

026 05/21/2019

~~SECRET//REL TO USA, NZL~~STATEMENT OF (b)(3), (b)(6) TAKEN AT 1327 DATED 2010/09/20

9 STATEMENT (Continued)

NOTHING FOLLOWS. (b)(3), (b)(6)

AFFIDAVIT

I, (b)(3), (b)(6), HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 1. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY, WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

WITNESSES:

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

(b)(3), (b)(6)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 20th day of Sept, 2010, at Bagram AB, Afghanistan

(b)(3), (b)(6)

(Typed Name of Person Administering Oath)

INVESTIGATING OFFICER

(Authority To Administer Oaths)

TAB 4

INITIALS OF PERSON MAKING STATEMENT

(b)(3), (b)(6)

PAGE 3 OF 3 PAGES

~~SECRET //REL TO USA, NZL~~

DATA REQUIRED BY THE PRIVACY ACT OF 1974

AUTHORITY: The solicitation of personal information in conjunction with this investigation is authorized under Title 10 USC 3012.

PURPOSE: The purpose for collecting this information is to obtain facts and make recommendations to assist the Commander in determining what action to take with regard to a false official statement.

ROUTINE USES: Information obtained during the course of this investigation will be used to document relevant facts regarding the matters investigated. It will be used to determine the facts leading up to the matters investigated, establish individual responsibilities, negligence, and to make recommendations for corrective actions and/or appropriate administrative actions. Any information you provide may be disclosed to members of the Department of Defense who have a need for it in the performance of their duties.

DISCLOSURE MANDATORY OR VOLUNTARY AND THE EFFECT OF NOT PROVIDING INFORMATION: The private information you furnish is voluntary. There will be no adverse effect on you for not furnishing private information, other than that certain facts or information might not be otherwise available to the Commander for his decision in this matter. The other information you furnish is mandatory. Failure to provide the requested information could result in disciplinary or other adverse action against you under Article 134, UCMJ.

Having been advised of the provisions of the Privacy Act, I hereby agree to provide information concerning this investigation.

(b)(3), (b)(6)

Printed Name/Rank

Signature

20SEP10

Date

TAB 4

~~SECRET//REL TO USA, NZL~~**SWORN STATEMENT**

For use of this form, see AR 190-45; the proponent agency is PMG.

PRIVACY ACT STATEMENT

AUTHORITY: Title 10, USC Section 301, Title 5, USC Section 2951; E.O. 9397 Social Security Number (SSN).

PRINCIPAL PURPOSE: To document potential criminal activity involving the U.S. Army, and to allow Army officials to maintain discipline, law and order through investigation of complaints and incidents.

ROUTINE USES: Information provided may be further disclosed to federal, state, local, and foreign government law enforcement agencies, prosecutors, courts, child protective services, victims, witnesses the Department of Veterans Affairs, and the Office of Personnel Management. Information provided may be used for determinations regarding judicial or non-judicial punishment, other administrative disciplinary actions, security clearances, recruitment, retention, placement, and other personnel actions.

DISCLOSURE: Disclosure of your SSN and other information is voluntary.

1. LOCATION BAGRAM AIRBASE	2. DATE (YYYYMMDD) 2010/09/20	3. TIME 1450	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(3), (b)(6)	6. SSN (b)(3), (b)(6)	7. GRADE/STATUS	

8. ORGANIZATION OR ADDRESS
TASK FORCE NIGHTHAWK, B COMPANY, I-3 ATTACK

9. I, (b)(3), (b)(6), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

(b)(1) 1.4a, (b)(3), (b)(6) I am scheduled to fly approximately four to five days a week. On the mission in question I do not remember if I was call sign (b)(3), (b)(6) 1.4a, (b)(3), (b)(6) after looking at the video I can say that I was (b)(3), (b)(6) 1.4a, (b)(3), (b)(6) was the gunner on this mission. I have already made a sworn statement about the mission in question. We make a sworn statement for every engagement that we have. A copy of that statement and the tape goes up through the chain of command. For this mission we went in to provide a (b)(1) 1.4a call and overhead security. I was trying to relay to (b)(3), (b)(6) 1.4a, (b)(3), (b)(6) JTAC, that we noticed a group of individuals with RPGs and small to medium machine guns exiting a kulat with line of sight on the HLZ. I was not able to communicate with the JTAC at the time. Concerning the armed individuals exiting the kulat with line of sight on the HLZ - (b)(1) 1.4a AWT directed which aircraft would follow which personnel and the AWT incorporated (b)(1) 1.4a into this effort as well. Ultimately, upon establishing communications with (b)(1) 1.4a element (b)(1) 1.4a were cleared to make engagements of some of the armed personnel who exited the previously stated kulat with line of sight on the HLZ. I do not recall any mission brief about women and children being in the area. We do not go into complete detail on ROE prior to every mission but all of our guys understand the Rules of Engagement. Both aircraft provided effective fires with adjustment. After mission with engagement we sit down with the video editors to point out at which times the engagements take place. We help them label the amount of rounds fired and who they were fired by. The editor does all of the editing of the tape after we have gone through it with them. (b)(3), (b)(6) was one of the people mentioned in the video. He was the pilot in command and he was in (b)(3), (b)(6) 1.4a, (b)(3), (b)(6) with me. We have six aircrafts available and each have their own call sign. I am scheduled to fly approximately 4 to 5 times in a week. We are the division QRF team so our flights are situation dependent. This month I probably have about 30-40 hours in twenty days. I have had one hour flights and my longest was 10.2 hours long. On average I fly about 50-60 hours a month.

NOTHING FOLLOWS

10. EXHIBIT

11. INITIALS OF PERSON MAKING STATEMENT
(b)(3), (b)(6)

PAGE 1 OF 3 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF (b)(3), (b)(6) AT DATED

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED

~~SECRET//REL TO USA, NZL~~

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF (b)(3), (b)(6) TAKEN AT 1450 DATED 2010/09/20

9. STATEMENT (Continued)

-----STATEMENT (b)(3), (b)(6) PAGE 1-----

INITIALS OF PERSON MAKING STATEMENT

(b)(3), (b)(6)

PAGE 2 OF 3 PAGES

TAB 5

~~SECRET~~ //REL TO USA, NZLSTATEMENT OF (b)(3), (b)(6) TAKEN AT 1450 DATED 2010/09/20

9. STATEMENT (Continued)

STATEMENT EN (b)(3), (b)(6) PAGE 1

AFFIDAVIT

I, (b)(3), (b)(6), HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 3. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE

WITNESSES:

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

(b)(3), (b)(6)

Su (b)(3), (b)(6) law to
administer oaths, this 20 day of Sept, 2010
at Bagram AB, Afghanistan

(b)(3), (b)(6)

(Typed Name of Person Administering Oath)

INVESTIGATING OFFICER
(Authority To Administer Oaths)

TAB 5

PAGE 3 OF 3 PAGES

~~SECRET//REL TO USA, NZL~~

DATA REQUIRED BY THE PRIVACY ACT OF 1974

AUTHORITY: The solicitation of personal information in conjunction with this investigation is authorized under Title 10 USC 3012.

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Having been advised of the provisions of the Privacy Act, I hereby agree to provide information concerning this investigation.

(b)(3), (b)(6)

24 Aug 2018
Date

TAB 5

~~SECRET//REL TO USA, NZL~~**SWORN STATEMENT**

For use of this form, see AR 190-45; the proponent agency is PMG.

PRIVACY ACT STATEMENT

AUTHORITY: Title 10, USC Section 301, Title 5, USC Section 2951; E.O. 9397 Social Security Number (SSN).

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DISCLOSURE: Disclosure of your SSN and other information is voluntary

1 LOCATION BAGRAM AIRBASE	2 DATE (YYYYMMDD) 2010/09/20	3 TIME 1650	4 FILE NUMBER
5 LAST NAME, FIRST NAME, MIDDLE NAME	6 SSN	7 GRADE/STATUS	
(b)(3), (b)(6)			

8. ORGANIZATION OR ADDRESS
TF KNIGHTHAWK, 2-3 AVN REG, BAF, AF, APO AE 09354

9. I, (b)(3), (b)(6), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

(b)(3), (b)(6) for the mission in question. As the (b)(6) (b)(6) I was in Chalk 1 of UH-60'S in charge of emplacing the Command and Control Cell for the ground force. Before we went in we received a detail brief from the S-2. This brief talks about the patterns of life in this area. This along with other information gives us a pretty good idea of what we are going to see when we get there. It was a clear night and we had good situational awareness. We also had a good line of communication. Most the time I am looking outside on the NVGs. We always focus on possible civilians in an area. There are occasions where we are told that the Taliban has driven everyone out. In this case we knew there were civilians in area and that we had to be cautious with fires. We also knew that there would be enemies in the area and that there was a chance of a fire fight. If we suspect that there is collateral damage during a mission we will have them keep the copy of the whole tape. In this case we believed that there was not any collateral damage to any structures other than the impacts against the qalat wall. After seeing the AC-130 video, I want to state that is the first time that I have seen any rounds hit center mass on any of the buildings. I knew that we had hit next to the qalat and hit the qalat wall but I was not aware that any of our rounds hit the center of the roof of those buildings. When we edit our videos we try to focus on the lead up to the engagement and the engagement itself. We also try to show any build up of enemy activity that poses a threat to our Soldiers. To re-emphasize, we did not think that there was any reason to keep the entire video in this mission. If I saw the rounds hit those roofs we would have kept the entire videos. There is not enough communication between the AC-130s and our guys. If we were receiving feedback from their tapes from them we could have made adjustments after finding out that we had hit that building. My attack company has become much better at harmonizing our guns. It is a very lengthy process but we are doing this at least weekly. (b)(3), (b)(6) was re-trained after this mission so that he understands how important it is for him to pay attention to all the alerts on his screen including the laser fail and energy low cautions. This situation could have been better if the gunner had gone into manual mode and made more adjustments to his fire. There was nothing necessarily wrong with what (b)(3), (b)(6) did but he definitely could have done things a little better. This was seen as an okay shoot but a poor engagement. This tape was played in front of the entire troop and used as a lesson learned for better engagements WRT the tactical directive and better gunnery skills when the gun system is not 100% operational. We continue to learn from all of our engagements supporting ground forces in RC-East.

-----NOTHING FOLLOW-----

10 EXHIBIT	11. INITIALS OF (b)(3), (b)(6) NG STATEMENT	TAB 6	PAGE 1 OF 3 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____"

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

~~SECRET//REL TO USA, NZL~~

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF (b)(3), (b)(6) TAKEN AT 1650 DATED 2010/09/20

9. STATEMENT (Continued)

(b)(3), (b)(6)

-----STATEMENT ENDS ON PAGE

INITIALS OF PERSON MAKING STATEMENT

(b)(3), (b)(6)

PAGE 2 OF 3 PAGES

TAB 6

~~SECRET//REL TO USA, NZL~~STATEMENT OF (b)(3), (b)(6) TAKEN AT 1650 DATED 2010/09/20

9. STATEMENT (Continued)

-----STATEMENT ENDS ON PAGE

(b)(3), (b)(6)

AFFIDAVIT

I, (b)(3), (b)(6), HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 1. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE.

WITNESSES:

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

(b)(3), (b)(6)(b)(3), (b)(6)

rt)

Subscribed by law to administer oaths, this 20 day of Sept, 2010 at Bagram AB, Afghanistan

(b)(3), (b)(6)

(Typed Name of Person Administering Oath)

INVESTIGATING OFFICER

(Authority To Administer Oaths)

TAB 6

PAGE 3 OF 3 PAGES

~~SECRET//REL TO USA, NZL~~

DATA REQUIRED BY THE PRIVACY ACT OF 1974

AUTHORITY: The solicitation of personal information in conjunction with this investigation is authorized under Title 10 USC 3012.

PURPOSE: The purpose for collecting this information is to obtain facts and make recommendations to assist the Commander in determining what action to take with regard to a false official statement.

ROUTINE USES: Information obtained during the course of this investigation will be used to document relevant facts regarding the matters investigated. It will be used to determine the facts leading up to the matters investigated, establish individual responsibilities, negligence, and to make recommendations for corrective actions and/or appropriate administrative actions. Any information you provide may be disclosed to members of the Department of Defense who have a need for it in the performance of their duties.

DISCLOSURE MANDATORY OR VOLUNTARY AND THE EFFECT OF NOT PROVIDING INFORMATION: The private information you furnish is voluntary. There will be no adverse effect on you for not furnishing private information, other than that certain facts or information might not be otherwise available to the Commander for his decision in this matter. The other information you furnish is mandatory. Failure to provide the requested information could result in disciplinary or other adverse action against you under Article 134, UCMJ.

Having been advised of the provisions of the Privacy Act, I hereby agree to provide information concerning this investigation.

(b)(3), (b)(6)

20 Sep 10
Date

TAB 6

~~SECRET //REL TO USA, NZL~~**SWORN STATEMENT**

For use of this form, see AR 190-45; the proponent agency is PMG.

PRIVACY ACT STATEMENT

AUTHORITY: Title 10, USC Section 301, Title 5, USC Section 2951; E.O. 9397 Social Security Number (SSN).

PRINCIPAL PURPOSE: To document potential criminal activity involving the U.S. Army, and to allow Army officials to maintain discipline, law and order through investigation of complaints and incidents.

ROUTINE USES: Information provided may be further disclosed to federal, state, local, and foreign government law enforcement agencies, prosecutors, courts, child protective services, victims, witnesses, the Department of Veterans Affairs, and the Office of Personnel Management. Information provided may be used for determinations regarding judicial or non-judicial punishment, other administrative disciplinary actions, security clearances, recruitment, retention, placement, and other personnel actions.

DISCLOSURE: Disclosure of your SSN and other information is voluntary.

1. LOCATION BAGRAM AIRBASE	2. DATE (YYYYMMDD) 2010/09/20	3. TIME 1745	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(3), (b)(6)	6. SSN (b)(3), (b)(6)	7. GRADE/STATUS	
8. ORGANIZATION OR ADDRESS HHC 2/3 TF KNIGHTHAWK			
9. I, <u>(b)(3), (b)(6)</u> , WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:			
<p>I work in the TOC. I deal with the tapes of Apache engagements. Any time I deal with tape I have a pilot there with me explaining what is going on in the video. We usually take 3-5 hours of footage and break it down to 10 minutes. I trained with one of the other units that has a lot of experience in the field. I trained for a couple of days. Usually the pilots take the hard drives out of the Apaches and gives the tapes directly to me. The tape is edited immediately after the crew returns from their engagement. You do not download the RMM. I cut the big parts out of the tape and put it into the Adobe Premier program and then download it from there. We usually do not keep all of the footage. I have had situations where they tell me to keep all of the tapes if there were any discrepancies during the engagement. I was not told to leave anything out of the tape in question. I edited this tape the same way that I would do any other tape. I go through the RMM with the pilots and pull the times that they specify were specific to the engagement. I always pull the information from five minutes before and five minutes after the times that they give me. This is how I try to make sure that I do not miss anything that could be important. I have never been told to specifically leave anything out of any video. The pilots were concerned that they were danger close to the collats in this engagement. I did not intentionally pull the audio out that referenced there being a female there. I did not feel like there was anything wrong with this particular engagement. (b)(3), (b)(6) always goes through the tapes with me and assists me with the tapes and to make sure that everything is okay with the videos. The video stays in the editing mode until (b)(3), (b)(6) sees it. There are usually only minor changes that I am asked to make to the videos. These changes usually include spelling errors and me leaving too much footage on the tapes. There are some parts that they will tell me to cut out if I leave footage that is not needed in the video. I do not think that anyone asked me to cut out the part where they mention a female on the audio feed. The videos stay in edit mode until it goes through (b)(3), (b)(6). I would not cut out that part of the video usually. I do not remember cutting out that portion of the video. It seems like a fast cut and I would not usually cut the audio in mid sentence except if there is cursing. (b)(3), (b)(6) will sometimes make cuts to the video but he usually does that when I am present. It is possible that someone got on the computer and made additional cuts to the video without my knowledge but I am not aware of anyone doing that. There are a few people that have access to the computer that the editing is done on. These people and myself know the log in information for the computer that the video editing is done on. The program that I work on saves the file every ten to fifteen minutes. If the night person edited this video it would have been edited at night. My edits would usually be done through the day. I was called in early to edit this video.</p>			
<p>-----NOTHING FOLLOWS----- (b)(3), (b)(6)</p>			
10. EXHIBIT	11. INITIALS (b)(3), (b)(6)	MAKING STATEMENT	PAGE 1 OF 3 PAGES
<p>ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____"</p> <p>THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.</p>			

DA FORM 2823, NOV 2006

DA FORM 2823, DEC 1998, IS OBSOLETE

APD PE V1.00

~~SECRET//REL TO USA, NZL~~

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF (b)(3), (b)(6) TAKEN AT 1745 DATED 2010/09/20

9. STATEMENT (Continued)

-----STATEMENT ENDS ON PAGE 1-----

(b)(3), (b)(6)

Approved for Release

TAB 7

INITIALS OF PERSON MAKING STATEMENT

(b)(3), (b)(6)

PAGE 2 OF 3 PAGES

~~SECRET //REL TO USA, NZL~~STATEMENT OF (b)(3), (b)(6) TAKEN AT 1745 DATED 2010/09/20

9. STATEMENT (Continued)

-----STATEMENT ENDS ON PAGE 1-----

(b)(3), (b)(6)

AFFIDAVIT

I, (b)(3), (b)(6) HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 1 I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR

(b)(3), (b)(6)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 20 day of Sept, 2010 at Bagram AB, Afghanistan

(b)(3), (b)(6)

(Typed Name of Person Administering Oath)

Investigating Officer

(Authority To Administer Oaths)

TAB 7

INITIALS OF PERSON MAKING STATEMENT

(b)(3), (b)(6)

PAGE 3 OF 3 PAGES

~~SECRET //REL TO USA, NZL~~

DATA REQUIRED BY THE PRIVACY ACT OF 1974

AUTHORITY: The solicitation of personal information in conjunction with this investigation is authorized under Title 10 USC 3012.

PURPOSE: The purpose for collecting this information is to obtain facts and make recommendations to assist the Commander in determining what action to take with regard to a false official statement.

ROUTINE USES: Information obtained during the course of this investigation will be used to document relevant facts regarding the matters investigated. It will be used to determine the facts leading up to the matters investigated, establish individual responsibilities, negligence, and to make recommendations for corrective actions and/or appropriate administrative actions. Any information you provide may be disclosed to members of the Department of Defense who have a need for it in the performance of their duties.

DISCLOSURE MANDATORY OR VOLUNTARY AND THE EFFECT OF NOT PROVIDING INFORMATION: The private information you furnish is voluntary. There will be no adverse effect on you for not furnishing private information, other than that certain facts or information might not be otherwise available to the Commander for his decision in this matter. The other information you furnish is mandatory. Failure to provide the requested information could result in disciplinary or other adverse action against you under Article 134, UCMJ.

Having been advised of the provisions of the Privacy Act, I hereby agree to provide information concerning this investigation.

(b)(3), (b)(6)
<div style="display: flex; justify-content: space-between;"> <div>Printed Name/Title</div> <div>Signature</div> </div>

9/21/10
Date

TAB 7

~~SECRET //REL TO USA, NZL~~**SWORN STATEMENT**

For use of this form, see AR 190-45; the proponent agency is PMG.

PRIVACY ACT STATEMENT

AUTHORITY: Title 10, USC Section 301; Title 5, USC Section 2951; E.O. 9397 Social Security Number (SSN).

PRINCIPAL PURPOSE: To document potential criminal activity involving the U.S. Army, and to allow Army officials to maintain discipline, law and order through investigation of complaints and incidents.

ROUTINE USES: Information provided may be further disclosed to federal, state, local, and foreign government law enforcement agencies, prosecutors, courts, child protective services, victims, witnesses, the Department of Veterans Affairs, and the Office of Personnel Management. Information provided may be used for determinations regarding judicial or non-judicial punishment, other administrative disciplinary actions, security clearances, recruitment, retention, placement, and other personnel actions.

DISCLOSURE: Disclosure of your SSN and other information is voluntary.

1. LOCATION BAGRAM AIRBASE	2. DATE (YYYYMMDD) 2010/09/20	3. TIME 2100	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME	6. SSN	7. GRADE/STATUS	

(b)(3), (b)(6)

8. ORGANIZATION OR ADDRESS

Bravo Company, 1st BN, 3rd Aviation Regiment, TF Knighthawk, TF Falcon, CJTF-101, RC-East

9.

I, (b)(3), (b)(6), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

We have Specialists (2 x E4s) that do all of our video editing for us and they have nothing to do with aviation. They are radio operators and TOC personnel. I was not actually on the mission in question. During the month of August we were supporting ANA DUSTWUN operations during the day in support of TF Iron Gray in Metherlam Providence. We were supporting operations of 1 AWT day and 2 x AWTs a night for 2 months. The maintenance on the aircraft was as through as possible in order to support all the required missions. We have 6 aircraft here at BAF, one is always in major maintenance and that leaves 5 (best case) to support the missions. The same aircraft that are being flown at night are also flown during the day so we run into some maintenance issues with the aircrafts. This was effecting all systems on the aircraft that were on the mission in question. I assisted cutting the video on this as I was on day shift and in the CP without a launch mission at that time. I do not remember hearing anything about a female in the area. We did not intentionally cut anything out of this video it protects us as much as it does anyone else. The video actually protects our guys because you can see what is going on when we are on mission. I sit here with the video editors as much as possible to help cut videos and to help listen for the most important items as in key radio calls regarding PID, ROE, clearance of fire and any thing else of important. I believe that we also had an engagement on the day of the mission in question. These videos go all the way up to Lieutenant General Campbell (RC-East CDR). The videos are reviewed by myself up through (b)(3), (b)(6) and so on. We used this mission as a lessoned learned by taking our weapons systems in to account and how to adjust them. We tried to look at some of the things that could be done when crews are having issues with their weapons as well as effectively employment the aircraft in the channelizing terrain. We as a crew talked through the tapes of this and another engagement that we had prior to this one. The tactical directive indicates that civilian casualties are more important to the overall US mission than getting insurgency. We have to be very careful when dealing with civilians in the area. There are multiple ways to adjust the weapon when you are on mission. You have to make adjustments based on the rounds that you are putting down. We have a pretty young crew here and most of them are still gaining experience. I was coming in on day shift on the day that these guys returned from the mission in question. I talked to the guys and there were alot of concerns. The men on this mission said that their biggest issue was communications. There were many other concerns such as weather. They were not familiar with the area because we had conducted any missions in the area. The AH-64 employs a VHF, UHF, FM1, FM2, SATCOM as well as intercom with your opposite crew member. Crews break up radio coverage between aircraft to ensure that all required radios are answered. However when too many radios are in operation many times crews will turn down certain radios in order to better hear certain radio calls. The video recorder will record all radios at the same time and many times the calls will not be understood by the crews nor the video editor.

NOT (b)(3), (b)(6) FOLLOWS

TAB 8

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT (b)(3), (b)(6)	PAGE 1 OF 3 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____"

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

~~SECRET//REL TO USA, NZL~~

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF (b)(3), (b)(6) TAKEN AT 2100 DATED 2010/09/20

9. STATEMENT (Continued)

STATEMENT (b)(3), (b)(6) IN PAGE 1

Approved for Release

TAB 8

INITIALS OF PERSON MAKING STATEMENT

(b)(3), (b)(6)

PAGE 2 OF 3 PAGES

~~SECRET //REL TO USA, NZL~~

STATEMENT OF	(b)(3), (b)(6)	TAKEN AT	2100	DATED	2010/09/20
9. STATEMENT (Continued)					
-----STATEMENT ENDS ON PAGE 1-----					
(b)(3), (b)(6)					
AFFIDAVIT					
I, (b)(3), (b)(6), HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 1. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE					
WITNESSES:		<div style="border: 1px solid black; width: 150px; height: 60px; margin: 0 auto; text-align: center;">(b)(3), (b)(6)</div> <div style="display: flex; justify-content: space-between; margin-top: 5px;"> Sub admin law to 2010 </div> <div style="margin-top: 5px;">at Baaram AB, Afghanistan</div> <div style="border: 1px solid black; width: 150px; height: 60px; margin: 0 auto; text-align: center;">(b)(3), (b)(6)</div> <div style="display: flex; justify-content: space-between; margin-top: 5px;"> (Typed Name of Person Administering Oath) </div> <div style="text-align: center; margin-top: 5px;">Investigating Officer</div> <div style="display: flex; justify-content: space-between; margin-top: 5px;"> (Authority To Administer Oaths) TAB 8 </div>			
ORGANIZATION OR ADDRESS ORGANIZATION OR ADDRESS					
INITIALS OF PERSON MAKING STATEMENT		(b)(3), (b)(6)			
		PAGE 3 OF 3 PAGES			

~~SECRET//REL TO USA, NZL~~

DATA REQUIRED BY THE PRIVACY ACT OF 1974

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Having been advised of the provisions of the Privacy Act, I hereby agree to provide information concerning this investigation.

(b)(3), (b)(6)

20 Sept 10
Date

TAB 8

~~SECRET//REL TO USA, NZL~~**SWORN STATEMENT**

For use of this form, see AR 190-45; the proponent agency is PMG

PRIVACY ACT STATEMENT

AUTHORITY: Title 10, USC Section 301; Title 5, USC Section 2951; E.O. 9397 Social Security Number (SSN).

PRINCIPAL PURPOSE: To document potential criminal activity involving the U.S. Army, and to allow Army officials to maintain discipline, law and order through investigation of complaints and incidents

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DISCLOSURE: Disclosure of your SSN and other information is voluntary.

1. LOCATION Bagram Air Base	2. DATE (YYYYMMDD) 2010/09/20	3. TIME 1558	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME	6. SSN	7. GRADE/STATUS	
(b)(3), (b)(6)			
8. ORGANIZATION OR ADDRESS			

9. I, (b)(3), (b)(6), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH

I am the (b)(3), (b)(6) The boss and I and I put out standards for flight crews. We have given guidance that all flight crews involved in an engagement will record the engagement. We have also put out guidance on how the tapes should be edited. We are very clear in our instructions to the battalion about how these tapes are edited. The aircraft has 2 six GB Hard Drives (RMM) that record a little more than four hours of tape. The instructions put out are that if there are any trigger pulls while on mission, the tape must be brought in for editing. For the tape in question, we were not asked for the whole tape until two more days later. At this point the film had already been recorded over and all we had was the edited version. The edited tape that was provided for the mission in question was the tape that edited for the mission. This tape was not specifically edited for the Incident Assessment Team. There are always two RMMs per aircraft but one recording system. I would say that about 3.75 hours of the video in question was cut out. There is a lot of audio that just involves the specifics of the party involved. The footage is edited for someone to quickly look at the tapes. We include all of the information from the actual engagements, including target hand-offs and engagement clearance. The video editing is done by video editors that we train. The editing is not done by the air crew. The air crew will debrief the editors and the video editors make the cuts to the video. We do not have a requirement for the air crew to make a sworn statement but they are required to give a debrief after the mission. There is no theater guidance in regards to what happens after engagement.

-----NOTHING FOLLOWS-----

10. EXHIBIT	11. INITIALS (b)(3), (b)(6)	12. MAKING STATEMENT	TAB 9 PAGE 1 OF 3 PAGES
-------------	--------------------------------	----------------------	----------------------------

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____"

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

~~SECRET//REL TO USA, NZL~~

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF (b)(3), (b)(6) TAKEN AT 1558 DATED 2010/09/20

9. STATEMENT (Continued)

-----STATEMENT ENDS ON PAGE 1-----

Approved for Release

TAB 9

INITIALS OF PERSON MAKING

(b)(3), (b)(6)

PAGE 2 OF 3 PAGES

~~SECRET //REL TO USA, NZL~~STATEMENT OF (b)(3), (b)(6) TAKEN AT 1558 DATED 2010/09/20

9. STATEMENT (Continued)

-----STATEMENT ENDS ON PAGE 1-----

AFFIDAVIT

I, (b)(3), (b)(6), HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 1. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR INDUCEMENT.

WITNESSES:

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

(b)(3), (b)(6)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 20 day of Sept, 2010 at Bagram AB, Afghanistan

(b)(3), (b)(6)

(Typed Name of Person Administering Oath)

Investigating Officer

(Authority To Administer Oaths)

THB 9

PAGE 3 OF 3 PAGES

~~SECRET //REL TO USA, NZL~~

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Having been advised of the provisions of the Privacy Act, I hereby agree to provide information concerning this investigation.

(b)(3), (b)(6)

(b)(3), (b)(6)

20 SEP 10
Date

TAB 9

Pages 77 through 82 redacted for the following reasons:

(b)(1)1.4a, (b)(1)1.4d

~~SECRET//REL TO USA, NZL~~

SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is PMG.

PRIVACY ACT STATEMENT

AUTHORITY: Title 10, USC Section 301; Title 5, USC Section 2951; E.O. 9397 Social Security Number (SSN).

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DISCLOSURE: Disclosure of your SSN and other information is voluntary.

1. LOCATION BAGRAM AIRBASE	2. DATE (YYYYMMDD) 2010/09/20	3. TIME 2000	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME	6. SSN (b)(3), (b)(6)	7. GRADE/STATUS	
8. ORGANIZATION OR ADDRESS B co 1-3 Atk			

9. I, (b)(3), (b)(6), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

I was (b)(3), (b)(6) on the night of the mission. I believe that I was call sign 1.4a, (b)(3), (b)(6). When we see two to three people with weapons we would label the area as LZ Cherry. When we arrived at the scene six or seven people ran out of the house with weapons. We did not have communications with the ground unit. We did not receive coms with the ground, so we called (b)(3), (b)(6) for clearance to fire. We could not get clearance to fire so we kept on flying until we made communication with the ground. I believe that the original video shown is of the first two individuals that ran from the house. We engaged the two on the mountain. I believe that we got one of the guys on the hill and the other one made it down the hill vicinity the buildings. The way the mission was presented to us was that we were the first people to enter this area in about ten years. When we arrived there was only one individual on or around one of the buildings but after a while we got eyes on about six or seven of them. We left to refuel and while we were gone one of the ground unit guys was shot. I think that (b)(3), (b)(6) was the one that responded to retrieve the injured person out of the objective. We were constantly trying to pass information to the ground unit that they had one individual that seemed to be following them but we were unable to reach them. When the engagement was over we did see an individual come out of his home with a kid following him. We were not aware of any children and woman in the area until after the engagement. I was in the back seat of the aircraft. My gunner was requesting to engage at one point in the video but I told him not to engage because there were friendlies in the area. At one point in the engagement me and the other aircraft split because there was alot of activity in the area. We tried to have eyes on everything that was going on at the time. I did not know that rounds hit the top of the building as shown in the AC-130 video. I believe that one of our biggest lessons learned from this situation was that we needed to ensure that communications was set up. As soon as CH47 landed and dropped off ground forces there were people with RPGs and other weapons on the scene. With the restrictions placed on us by ROE and the Tactical Directive, we have to be very cautious as to what weapons we use. If we had tried to fire a hell fire we would have overstepped our boundaries at the time. We continued to fire the guns because they were the most fitting weapons for the situation. It is very different to watch the video now from the AC-130 video because he was not in that valley. It was pretty crazy in the valley. I turned the tapes in like I usually would after this mission. There was nothing done differently outside of our typical procedures after mission.

(b)(3), (b)(6) NOTHING FOLLOWS

(b)(3), (b)(6)

TAB 10

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT <u>(b)(3), (b)(6)</u>	PAGE 1 OF <u>3</u> PAGES
-------------	--	--------------------------

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____"

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~~SECRET//REL TO USA, NZL~~

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF (b)(3), (b)(6) TAKEN AT 2000 DATED 2010/09/20

9. STATEMENT (Continued)

-----STATEMENT ENDS ON PAGE 1

(b)(3), (b)(6)

Approved for Release

TAB 10

INITIALS OF PERSON MAKING STATEMENT

(b)(3), (b)(6)

PAGE 2 OF 3 PAGES

~~SECRET //REL TO USA, NZL~~STATEMENT OF (b)(3), (b)(6) TAKEN AT 2000 DATED 2010/09/20

9. STATEMENT (Continued)

----- STATEMENT ENDS ON PAGE 1. (b)(3), (b)(6) -----
(b)(3), (b)(6)

AFFIDAVIT

I, (b)(3), (b)(6), HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 1. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

(b)(3), (b)(6)

WITNESSES:

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 20 day of Sept, 2010 at Bagram AB, Afghanistan

(b)(3), (b)(6)

(Typed Name of Person Administering Oath)

Investigating Officer

(Authority To Administer Oaths)

TAB 10

INITIALS OF PERSON MAKING STATEMENT

(b)(3), (b)(6)

PAGE 3 OF 3 PAGES

~~SECRET //REL TO USA, NZL~~

DATA REQUIRED BY THE PRIVACY ACT OF 1974

AUTHORITY: The solicitation of personal information in conjunction with this investigation is authorized under Title 10 USC 3012.

PURPOSE: The purpose for collecting this information is to obtain facts and make recommendations to assist the Commander in determining what action to take with regard to a false official statement.

ROUTINE USES: Information obtained during the course of this investigation will be used to document relevant facts regarding the matters investigated. It will be used to determine the facts leading up to the matters investigated, establish individual responsibilities, negligence, and to make recommendations for corrective actions and/or appropriate administrative actions. Any information you provide may be disclosed to members of the Department of Defense who have a need for it in the performance of their duties.

DISCLOSURE MANDATORY OR VOLUNTARY AND THE EFFECT OF NOT PROVIDING INFORMATION: The private information you furnish is voluntary. There will be no adverse effect on you for not furnishing private information, other than that certain facts or information might not be otherwise available to the Commander for his decision in this matter. The other information you furnish is mandatory. Failure to provide the requested information could result in disciplinary or other adverse action against you under Article 134, UCMJ.

Having been advised of the provisions of the Privacy Act and the information concerning this investigation,

provide

(b)(3), (b)(6)

(b)(3), (b)(6)

Printed Name/Rank

20 Sep 10
Date

TAB 10

~~SECRET//REL TO USA, NZL~~

PRIVACY ACT STATEMENT			
AUTHORITY:	Title 10, USC Section 301; Title 5, USC Section 2951; E.O. 9397 Social Security Number (SSN).		
PRINCIPAL PURPOSE:	To document potential criminal activity involving the U.S. Army, and to allow Army officials to maintain discipline, law and order through investigation of complaints and incidents.		
ROUTINE USES:	Information provided may be further disclosed to federal, state, local, and foreign government law enforcement agencies, prosecutors, courts, child protective services, victims, witnesses, the Department of Veterans Affairs, and the Office of Personnel Management. Information provided may be used for determinations regarding judicial or non-judicial punishment, other administrative disciplinary actions, security clearances, recruitment, retention, placement, and other personnel actions.		
DISCLOSURE:	Disclosure of your SSN and other information is voluntary.		
1. LOCATION	2. DATE (YYYYMMDD)	3. TIME	4. FILE NUMBER
TELEPHONIC FROM IJC LEGAD OFFICE	2010/09/21	1945	
5. LAST NAME, FIRST NAME, MIDDLE NAME	6. SSN	7. GRADE/STATUS	
(b)(3), (b)(6)			
8. ORGANIZATION OR ADDRESS			
B CO 1-3 AHB, 3 CAB			
9.			
I, (b)(3), (b)(6), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:			
<p>We arrived on the scene and Positively Identified (PID) the individuals on the ground. We saw the men pulling weapons out of a building but there were friendlies in the area so we could not shoot at the time. I cannot remember exactly what call sign I was that night. We could not reach the men on the ground through radio communications. I shot two bursts with the 30mm weapon on the armed unfriendly individuals coming down the hill. I remember that my gun was off. It was not firing as it was advertised on the screen. I was not aware of any civilians in the area but we knew that there were qalats in the area. My biggest concern was the friendly forces on the ground. At one point they were about twenty meters from the enemy. When I fired the friendly forces were at least 100 meters away. The individual that I fired at may have been about 75 meters from the buildings below the hill. The individual that I fired on was a threat to our forces on the ground because he had a weapon and he was setting up in a tactical position to fire on the forces on the ground. I did not feel any pressure from my pilot to fire my weapon. Everything worked like it normally would except the fact that I would have chosen to fire the hellfire while the guys were on the side of the mountain. People in Afghanistan are very cautious about firing hellfire weapons. We received extensive briefings on the types of weapons used after the mission. The reality of that night was that if we would have waited any longer to fire we would have lost PID on that guy. The terrain in that area is very rough and tough to navigate, especially at night. The radios were a problem that night. Our communications were very bad. We had multiple aircraft in the pattern and our radios kept getting locked out. Once the C-130 opens the radio frequency we are blocked out for about 10 seconds. The communications were the biggest problem that evening. There were multiple times that we could have engaged but did not because we exercised tactical patience. Due to this, there was a friendly troop shot that night. My mission is to take out the enemy threat and to make sure that I protect our Soldiers. The tactical directive was followed as I understand it, we did not intentionally engage any dwellings, caves or any places where civilians may have been present. I would say that the one lesson learned from this is to slow down a little bit but there is rarely a mission that allows that. We were able to clear our own fires in Iraq. I think if that was the case in Afghanistan this could have all been avoided. I think if we could stream line the process for clearance of fire we would not be in this situation right now.</p>			
-----NOTHING FOLLOWS-----			
TAB 11			
10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT		PAGE 1 OF 3 PAGES
		(b)(3), (b)(6)	
ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____"			
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.			

DA FORM 2823, NOV 2006

DA FORM 2823, DEC 1998, IS OBSOLETE

APD PE v1.00

~~SECRET //REL TO USA, NZL~~STATEMENT OF (b)(3), (b)(6) TAKEN AT 1940 DATED 2010/09/21

9. STATEMENT (Continued)

STATEMENT ENDS ON PAGE 1

Approved for Release

INITIALS OF PERSON MAKING STATEMENT

(b)(3), (b)(6)

PAGE 2 OF 3 PAGES

DA FORM 2823, NOV 2006

APD PE v1.00

~~SECRET //REL TO USA, NZL~~

9. STATEMENT (Continued)

STATEMENT ENDS ON PAGE 1

AFFIDAVIT

I, (b)(3), (b)(6), HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 1. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE.

(b)(3), (b)(6)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this _____ day of _____, at _____

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

(b)(3), (b)(6)

PAGE 3 OF 3 PAGES

~~SECRET//REL TO USA, NZL~~

ISAF/IJC

21 September 2010

MEMORANDUM FOR RECORD

SUBJECT: (b)(3), (b)(6) (TF Knighthawk, B Company, 1-3 Attack) Interview

1. On 21 September 2010, I interviewed (b)(3), (b)(6) via telephone regarding the AR 15-6 investigation surrounding the events in Tigran Village on 22 August 2010. I administered the oath prior to conducting the interview.

2. (b)(3), (b)(6) stated that they arrived on scene and positively identified (PID) insurgents on the ground. They saw men pulling weapons out of a building, but there were friendlies in the area so they could not shoot at the time. They could not reach the friendlies on the ground through radio communications. Later, they engaged an armed insurgent coming down a hill. (b)(3), (b)(6) stated that his gun was off and not firing as advertised. He was not aware of any civilians in the area, but was aware of qalats in the area. His biggest concern was the friendly forces on the ground and their close proximity to the enemy. (b)(3), (b)(6) believed that the individual he fired on was a threat to friendly forces, because he had a weapon and was setting up in a tactical position to fire on the friendly forces on the ground. He stated that he did not feel any pressure from his pilot to fire his weapon. If they had waited any longer, then they would have lost PID on the insurgent. He was not aware that any of the rounds impacted the qalats in the area.

(b)(3), (b)(6) stated that terrain in the area was very rough and tough to navigate, especially at night. The radios were also a problem that night. There were multiple aircraft in the area and the radios kept getting locked out due to multiple communication issues.

(b)(3), (b)(6) stated that they received extensive briefings on weapons employment after the mission. He also expressed concern that the Tactical Directive needs to be clearer. He also stated that the lesson learned from the night was to slow down a little bit if possible, but that there is rarely a mission that allows that.

3. The point of contact for this memorandum is the undersigned at SIPR:

(b)(3), (b)(6)

(b)(3), (b)(6)

Investigating Officer

TABLE 12
05/05/21/2009
pg 1 of 4

~~SECRET~~ //REL TO USA, NZL

Departed BAF at 2311 IOT to support Operation (b)(1)1.4a. Objective was to infiltrate (b)(1)1.4d forces into 3 x HLZs (HLZ Crane, HLZ Heron, HLZ Vulture) IOT to detain two personnel. We arrived over the HLZs / Objective areas at 0022 and assessed all HLZs – the ICE call was relayed and the first CH 47 approached into HLZ Heron. At this time (b)(1)1.4a (b)(3) (b)(6) are in direct communication with each other and begin inspecting the immediate areas surrounding the HLZ. (b)(1)1.4a are unsuccessful with establishing communications with the GFC.

(b)(1)1.4a (b)(3) (b)(6) AC-14A (b)(3) (b)(6) inspecting the area around HLZ Heron. (b)(1)1.4a (b)(3) (b)(6) identified 5 x pax exiting a kulat w/ 200m of HLZ Heron all of which had weapons and were obviously in close proximity of the HLZ. (b)(1)1.4a (b)(3) (b)(6) repeatedly attempted to raise (b)(1)1.4a (b)(3) (b)(6) unsuccessfully. As the 5 x armed personnel egressed from the house (b)(1)1.4a (b)(3) (b)(6) AWT divided efforts and monitored all personnel. Established communications with (b)(1)1.4a (b)(3) (b)(6) and reported all of the current intelligence. (b)(1)1.4a (b)(3) (b)(6) approved immediate attacks provided that weapons could be identified. (b)(1)1.4a (b)(3) (b)(6) fired 2 x pax vic VD 2174 9216 with 30mm – 2 X EKIA. (b)(1)1.4a (b)(3) (b)(6) fired 1 x pax vic VD 2191 9275 1 x pax vic VD 2191 9275. (b)(1)1.4a (b)(3) (b)(6) fired another burst of 30mm on the same pax with no apparent effect on the individual and did not attempt another burst as he had moved closer to the village / CDE concerns. (b)(1)1.4a continued surveillance on the surrounding areas identifying multiple individuals moving around tactically and bounding behind terrain for cover. (b)(1)1.4a (b)(3) (b)(6) fired 1 x pax on a mountain face and engaged with 40mm. In addition (b)(1)1.4a (b)(3) (b)(6) fired 1 x pax with 40mm. (b)(1)1.4a (b)(3) (b)(6) fired 1 x FA Hellfire missile vic VD 2371 9001 ele 9583 - 1 X EKIA. Upon completing this engagement all assets continued with looking for threats. (b)(1)1.4a AWT identified 3 x armed pax walking down a road vic VD 2267 (b)(1)1.4a (b)(3) (b)(6) fired one burst of 30mm. (b)(1)1.4a (b)(3) (b)(6) fired a subsequent burst of 30mm – 1 X EKIA. Continued with surveillance and overhead security until an extraction was arranged. It is unknown as to whether or not the 2 x pax that the (b)(1)1.4d forces desired to detain were ever secured.

INTERNAL AAR COMMENTS (TF KNIGHTHAWK RELATED)

There were several occasions when the INS had closed to within hand grenade range of coalition troops. Spotty comms and proximity to friendlies made engagements impossible. We chose not to engage on at least 5 targets that we were cleared to engage based on the "tactical directive". During the brief it was stated that anyone leaving the objective was declared hostile. The crews felt a heightened sense of urgency due to the sheer volume of pax fleeing the objective and the challenges of maintaining continuous PID due to terrain restrictions. I felt the use of the AC-130 assisting in PID and engagements and BDA was invaluable.

PERSON TAKING DEBRIEF

PERSON(S) DEBRIEFED

SECRET / (b)(1)1.4d

FILL OUT ALL YELLOW AREAS THAT APPLY															
TASK FORCE KNIGHTHAWK PILOT DEBRIEFING															
DTG:	22 0600 AUG 10		MSN # / Name	OP (b)(1)1.4d		UNIT	TF 81 NZ		ISO:	NZ SOF					
Mission Start Time (Z)	1610Z		Mission End Time (Z)			0045Z	Route								
AMC:	(b)(3), (b)(6)				HOURS										
PC #1	(b)(3), (b)(6)	CS	MSV 53	Tail#	157	D		N	0.8	NVG	4.8	Other	Total:	5.6	
PI #1															
PC #2		CS	MSV 55	Tail#	175	D		N	0.8	NVG	4.8	Other	Total:	5.6	
PI #2															
PC #3		CS	ASLT 51	Tail#	478	D		N	0.4	NVG	5.1	Other	Total:	5.5	
PI #3															
PC #4		CS	ASLT 77	Tail#	071	D		N	0.5	NVG	5.2	Other	Total:	5.7	
PI #4															
MSN SUMMARY															
Location	Passengers		Cargo		Time		LZ/PZ Control Remarks								
	D/O	P/U	D/O	P/U	ARR	DEP									
BAF						2150									
WAREHOUSE		52			2210	2220									
BAF	52	52			2248	2240									
OBJECTIVE	52				0035	0045									
BAMYAN					0110	0305									
OBJECTIVE		52			0330	0340									
BAMYAN		18			0405	0425									
WAREHOUSE	52				0500	0505									
BAF	18				0525										
TOTAL:	174	174	0	0											
AMRs															
COMPLETED AMRs					UNCOMPLETED AMRs										
NAI RECONNAISSANCE															
NAI	START TIME	STOP TIME	ACTIVITY OBSERVED			Type	Training	Combat							
						30MM		300							
						2.75 PD									
						2.75 RC									
						2.75 IL									
						2.75 IR									
						2.75 WP									
						HELLFIRE		1							
						.50 CAL									
						7.62									
Did you accomplish the mission?			Yes		No	Flares by	M206	M211	M212						
If not, why?			WX		Maintenance	Type									
CXL'd by Knighthawk			CXL'd by requesting unit			Maintenance Posture									
Other						Close out w/PC									
						HUMS									
ENEMY ACTIVITY / THREATS ENCOUNTERED															
Weapons/Equipment	X SAFIRE		Bunkers		Fighting Positions										
Mine Field	Demonstration		Military Activity		Suspicious Activity		X								
Possible IED	Fire		Illegal Activity		Other										
Was a threat encountered?			Yes	X	No	Type	7 X MAMs WITH WPNS		DTG:						
Grid:			Action Taken:		ENGAGED AND KILLED BY 30MM AWT										
Did you record any incidents?			Yes	No	DTG:										
Grid:			Aircraft Video Recorder		Digital Camera										
Was a SPOT report sent?			Yes	X	No	DTG:									
To Whom			Grid:												
Did You Receive any APR 39 or CMWS Warnings?			Yes	No	DTG:										
Grid:			Indication:		Direction:		Altitude:								
Did You Receive any Electronic Interference? (MUJ)			Yes	No	Type	DTG:									
BDA															
Enemy Fighters		Vehicles		Infrastructure											
MISSION NARRATIVE:															

~~SECRET //REL TO USA, NZL~~

LOTS OF MISSION CHANGES AFTER KH PLANS WALKED IN:

- MOVED THE MORGAN QRF TO BAMYAN PRT VIA KH QRF UH60s IN THE MIDDLE OF THE AFTERNOON
 - TF 81 REQUESTED NO ONE GO TO BAMYAN PRT PRIOR TO INSERT
 - CH47s PICKED UP PAX AT WAREHOUSE AND BROUGHT THEM TO BAF FOR COLD LOAD TRAINING AND LEADER L/U
- GUN, HOOK, AND LIFT ELEMENTS ALL DEPARTED ON TIME FOR THE OBJECTIVE AREA.

(b)(1)1.4b LIGHT UPON ARRIVAL FOUND THE AREA TO HAVE NUMEROUS MAMs IN THE AO AND THEY COULD PID WEAPONS. (b)(1)1.4b
(AC-130) ALSO SPOTTED MAMs WITH WEAPONS IN THE OBJECTIVE AREA.

THE FIRST CHALK OF CH47s INFILLED TO HERON BUT CHALK 2 WAS WAVED OFF AT THE "CHERRY" CALL

(b)(1)1.4a, (b)(1)1.4a, (b)(1)1.4a, (b)(1)1.4a WERE ON THE AMC AIRCRAFT AND GAVE CLEARANCE TO FIRE ON MAMs WITH WEAPONS WHO WERE MOVING TACTICALLY/SUSPICIOUSLY AROUND THE OBJECTIVE AREA.

AFTER ENGAGING WITH 30MM AND 40MM (AC-130) THE SECOND CHALK OF CH47 WAS INSERTED TO HERON AND THE C2 TEAM WAS INSERTED INTO VULTURE, BUT AT A DIFFERENT T/D POINT, THE ORIGINAL WAS UNTENABLE. LIFT 2 INSERTED THE ARF INTO HERON, NO ISSUE.

WE BEGAN REFUEL OPS WITH 2 X UH SINCE THE AWT WAS STILL ENGAGING AND IDING ENEMY FORCES AROUND THE OBJ AREA.

THE AWT SOON FOLLOWED TO BAMYAN FOR REFUEL, LEAVING THE AC-130 OVERHEAD. UPON FINISHING REFUEL, WE GOT A CALL TO GO BACK TO THE HLZ FOR A CASEVAC (1)1.4b (GUNSHOT WOUND). THE FIRST FUELED AH DEPARTED WITH THE AMC. WE PICKED UP THE PATIENT VICT (b)(1)1.4b AND HEADED BACK TOWARDS BAMYAN AND PICKED UP LIFT 2 FOR ESCORT SO GUN 2 COULD LINK UP WITH GUN 1 OVER THE OBJECTIVE. THE TF 81 TEAM DID NOT CALL FOR MEDEVAC UNTIL LATER.

WE GOT THE CALL FOR EXFIL ABOUT 0300 (AS PLANNED) AND FINISHED REFUEL OPS FOR A 0330L PICK UP AT HERON AND VULTURE. WE HEADED BACK NORTH CH AND UH TO PROVIDE SEPARATION INTO HERON. EXFIL WENT FINE AND THE C2 TEAM MOVED BACK TO THEIR DROP OFF POINT ON VULTURE. WE GOT THE PZ CLEAN CALL AND ALL HEADED TO BAMYAN FOR NZ CONSOLIDATION ON THE CH47 AND TF MORGAN TO THE 2 X UH60s. DEPARTED FOR WAREHOUSE/BAF (CH) AND BAF (UH AND AH).
END OF MISSION.

(b)(1)1.4a, (b)(1)1.4a, (b)(1)1.4a, (b)(1)1.4a WILL PREP DEBRIEF AND GUN TAPE FOR THEIR ENGAGEMENTS.

BDA- 7 X KIA, 300+ROUNDS OF 30MM AND 1 X FA MODEL HELLFIRE

PERSON TAKING DEBRIEF

PERSON(S) DEBRIEFED

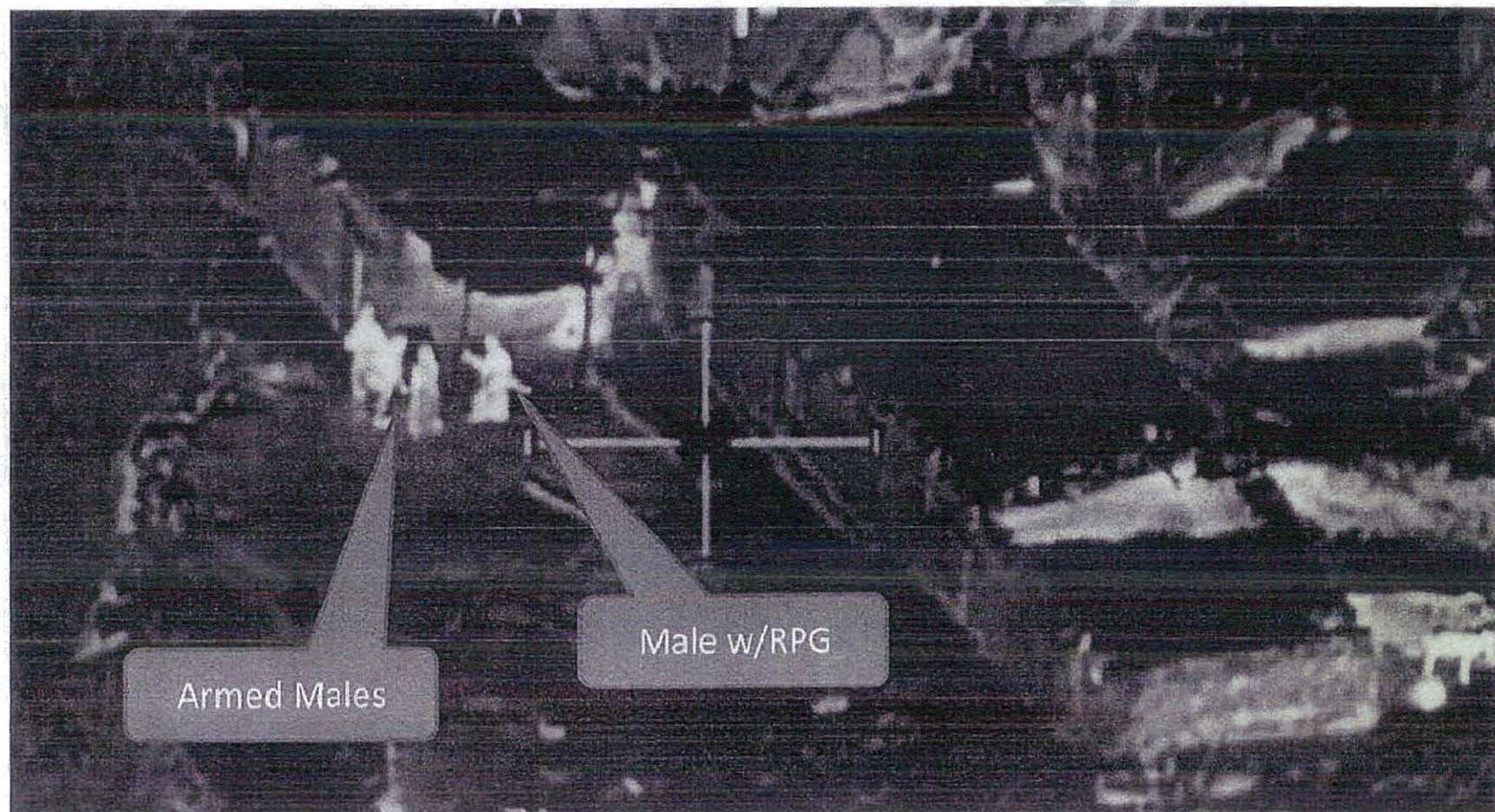
(b)(3), (b)(6)

~~SECRET//REL TO USA, NZL~~



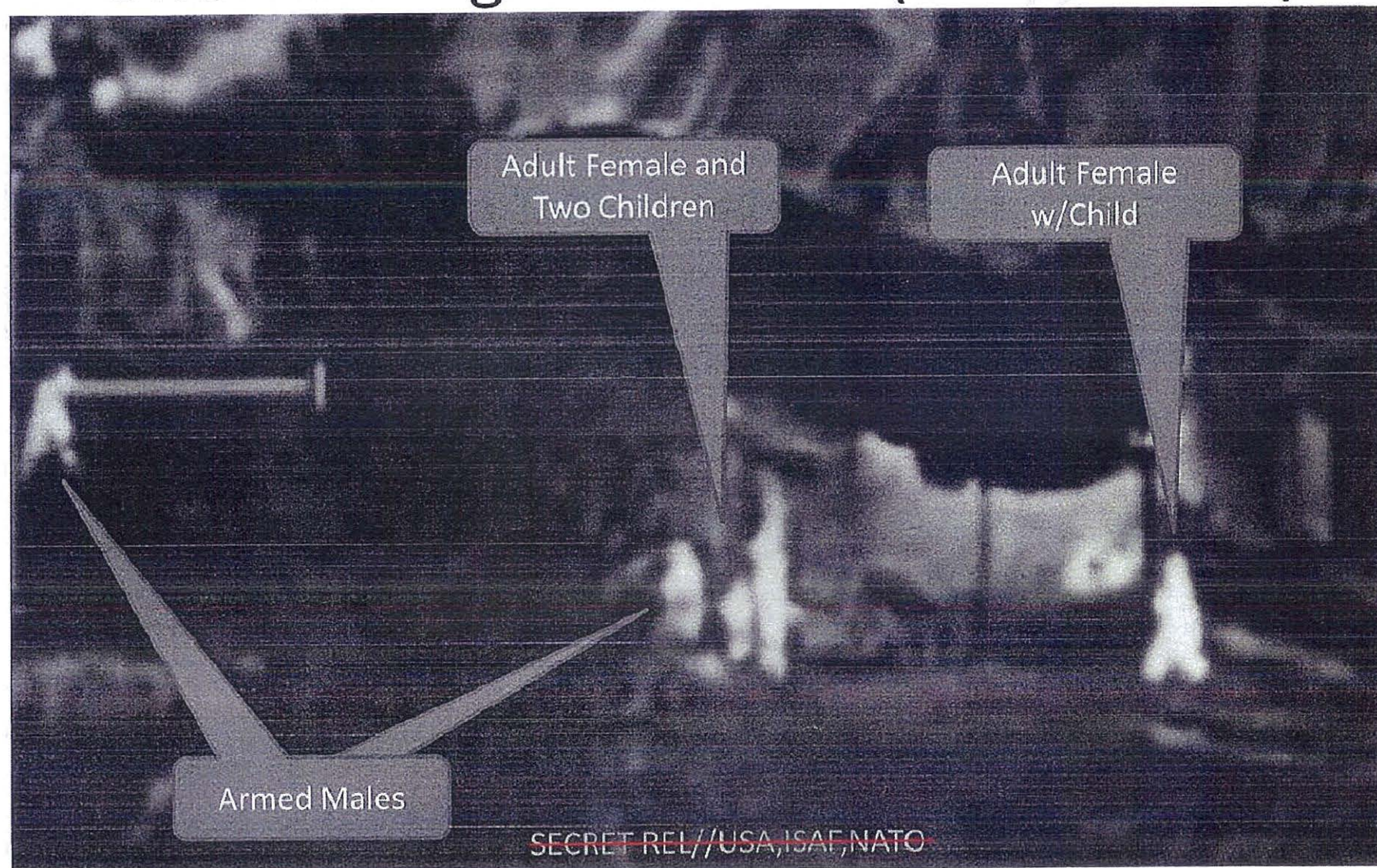
~~SECRET REL//USA,ISAF,NATO~~

Armed INS Exiting Building (AH-64 WSV)

~~SECRET//REL TO USA, NZL~~~~SECRET REL//USA,ISAF,NATO~~

~~SECRET REL//USA,ISAF,NATO~~

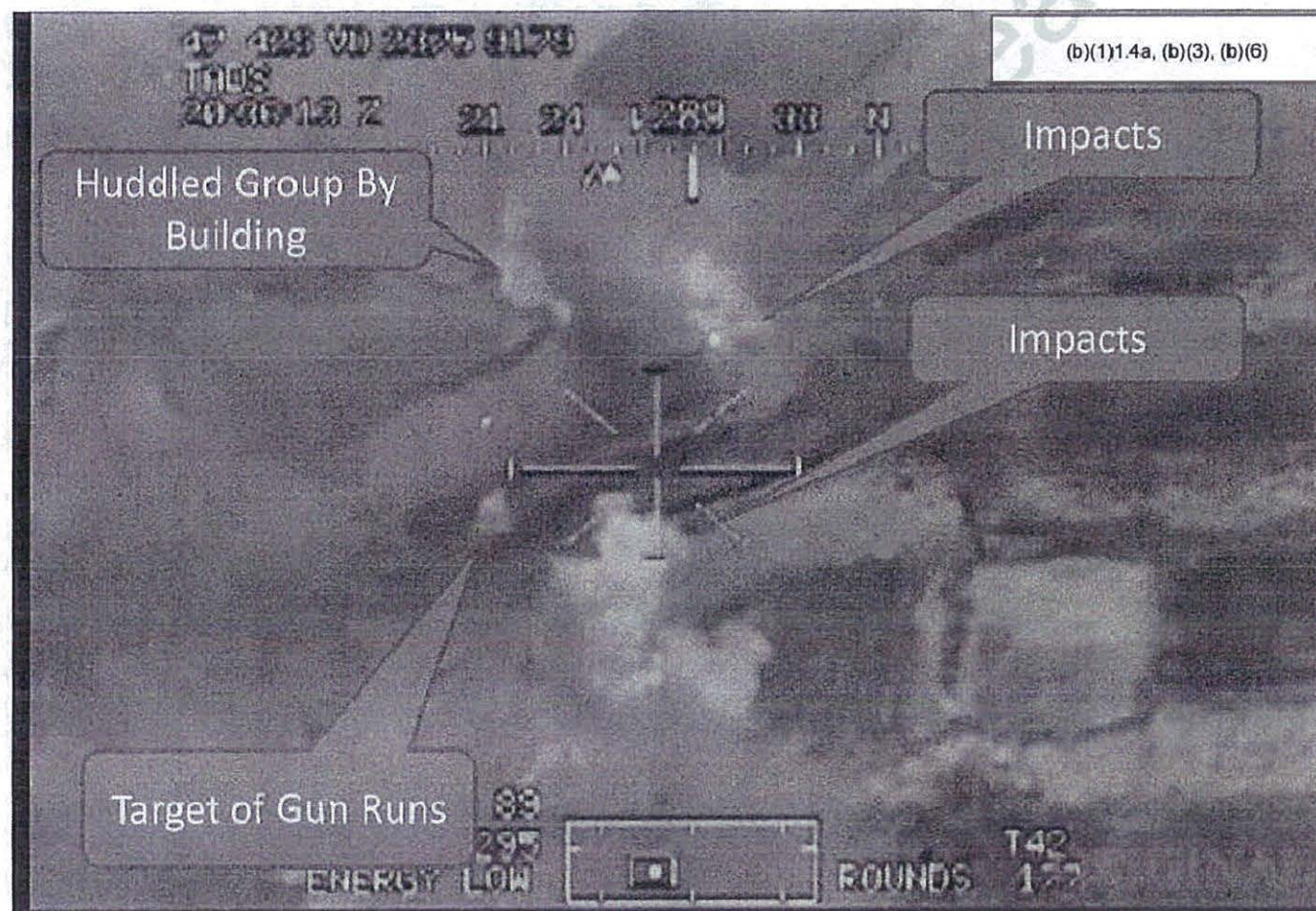
Women and Children Moving From One Building to Another (AH-64 WSV)

~~SECRET//REL TO USA,NZL~~

~~SECRET REL//USA,ISAF,NATO~~

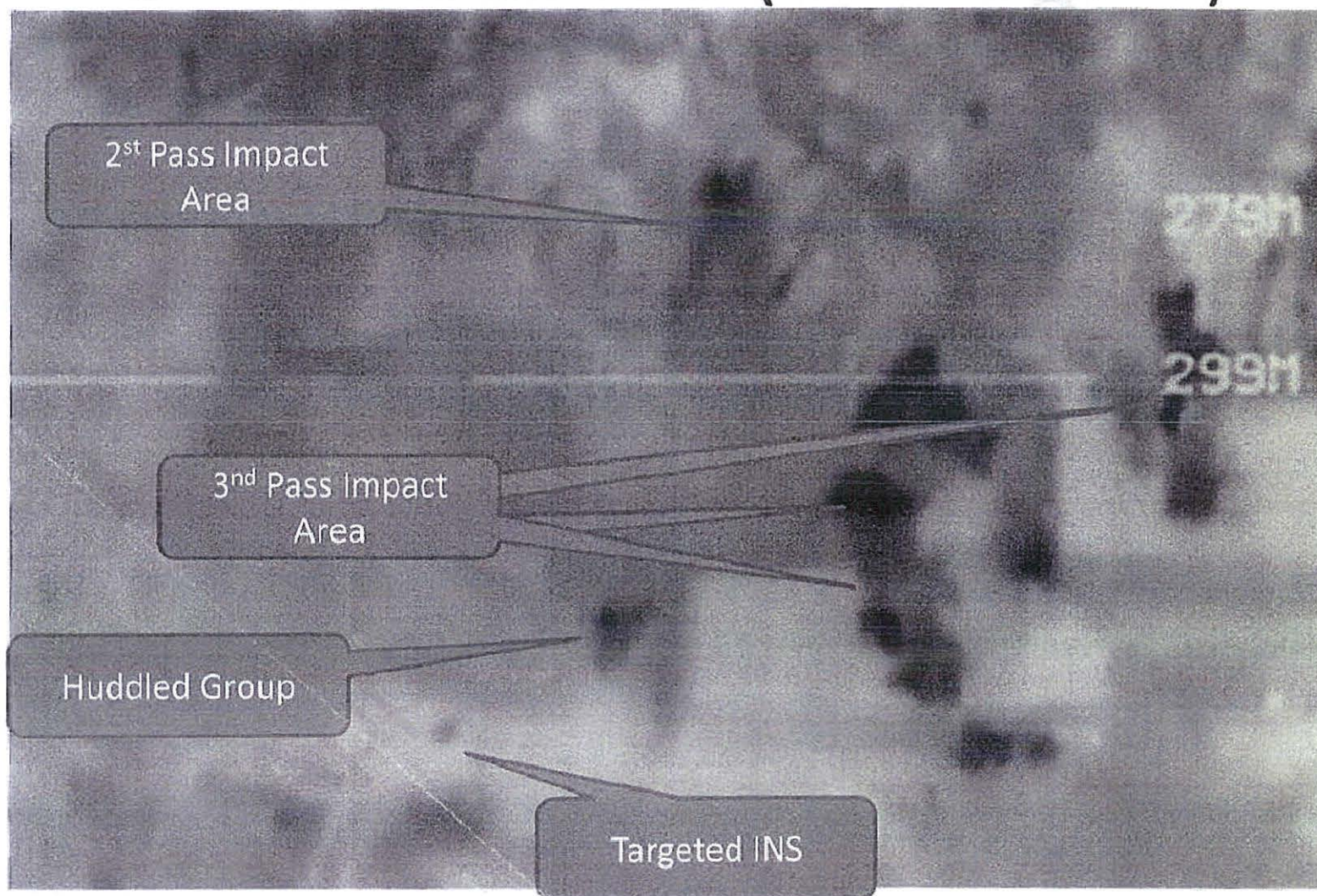
3rd AWT Gun Pass (AH-64 WSV)

Angry 22/20:35.138Z

~~SECRET REL//USA,ISAF,NATO~~

~~SECRET REL//USA,ISAF,NATO~~

3rd AWT Gun Pass (AC-130 WSV)



~~SECRET//REL TO USA, NZL~~

~~SECRET REL//USA,ISAF,NATO~~

~~SECRET //REL TO USA, NZL~~TRANSCRIPT --~~SECRET~~--

20:34:32 All parties involved, (b)(1)1.4a, (b)(3) has one more target, one more military aged male with a weapon at the previous engaged grid, will be engaging shortly.

20:34:47 (b)(1)1.4a

20:34:49 From (b)(1)1.4a, (b)(3), (b)(6) can you relay that last message.

20:34:55 Slasher O2. (b)(1)1.4a, they're going to be re-engaging one more enemy mover with a PID'd weapon. How copy?

20:35:06 From (b)(1)1.4a, (b)(3), that's a good copy, (b)(1)1.4a cleared to engage.

20:35:26 This (b)(1)1.4a, (b)(3) [was] cleared to engage have five [yeah, he's limping] non-friendly personnel [cleared to engage] next to a building approximately 200 meters (Firing - (b)(1)1.4a, (b)(3) 1st pass) in front of your ground patrol, the ground patrol is moving toward the people, huddled by the building, at least one is female. (Note: AWT video/audio ends at 20:35:40 with the word building and then jumps to 20:35:52, the words at least one is female is not on the video provided by AWT).

20:35:51 (b)(1)1.4a, (b)(3) copies.

20:35:54 From (b)(1)1.4a, (b)(3), that guys right here they want to shoot, they just shot at him and missed. Got him in sight? Yep. I need to make an adjustment though. Okay. What weapon? I can hit him with a hellfire. Shoot. Shoot. (20:36:01 (b)(1)1.4a, (b)(3) starts transmitting in the background) No hellfire. Shoot. Firing (b)(1)1.4a, (b)(3) 1st pass at 20:36:03 - miss, impacts are long, do not appear to hit huddled group, (b)(1)1.4a, (b)(3) 2nd pass 20:36:09, rounds appear to impact roofs of buildings next to huddled group, but not group itself.) Yeah, got to adjust. Did you get him? Cease fire.

20:36:01: From (b)(1)1.4a, (b)(3), all parties involved, (b)(1)1.4a, (b)(3) tried to engage that last guy again, he is wounded and he's making his way toward the five personnel huddled against the qalat wall that (b)(1)1.4a, (b)(3) mentioned. Stand-by for grid, VD (b)(1)1.4a I say again, VD (b)(1)1.4a. One enemy confirmed armed, however, he's got CDE issues surrounding him now (transmission ends at 20:36:39).

20:36:44 From (b)(1)1.4a, (b)(3), looks like personnel are all at this compound right here, (b)(1)1.4a, (b)(3), (b)(6) copies, looking, we got those personnel that he's going near. Yeah, there's like 20 of them, 20 of them (this group appears to be the same huddled group, moving along the edge of the building, and possibly more personnel coming out of the building - same building that rounds just landed on top of).

COPY

Covering ~~SECRET~~

MINISTRY OF DEFENCE/NEW ZEALAND
DEFENCE FORCE
COVER SHEET
To accompany documents to
Minister of Defence



Subject:	NZSAS (TF81) OPERATIONS IN BAGHLAN PROVINCE AUGUST AND SEPTEMBER 2010		
MOD File No.	MoD Tracking #.	Minister's Tracking#: (For Minister's office)	
NZDF File No.	NZDF 3130/DSO/4 NZDF Tracking # 520 10.		
Priority:	ROUTINE	Request Ministerial response by:	
Contacts:	1 Colonel Kelly 2 Colonel Thompson	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.

Purpose:	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.
Recommendations:	<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.</p> <p>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>Refer this note to the Prime Minister and Minister of Foreign Affairs.</p>
MOD/NZDF Consultation	NZDF
Minister's comments:	
Minister's Action:	Signed / Noted / Agreed / Approved / Declined Referred to:
Signature:	Date:

J MATEPARAE
Lieutenant General
Chief of Defence Force

Date 10 December 2010

DSO 155
CLASSIFIED DOCUMENT
Received: 10 DEC 2010
File No: 3130/DSO/4
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NEW ZEALAND DEFENCE FORCE

Te Ope Kaatua o Aotearoa

HEADQUARTERS NEW ZEALAND DEFENCE FORCE

Private Bag, Wellington, New Zealand

Telephone: ~~PSR(sen)1, PSR(IC)3~~ Facsimile: ~~PSR(sen)1, PSR(IC)3~~ Email: ~~PSR(sen)1, PSR(IC)3~~

3130/DSO/4

/O 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 Tigran, 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)¹.
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 Tigran 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.

¹ ~~PSR(S)1~~

~~SECRET~~

~~SECRET~~

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 ^{PSR(S)1, PSR(S)2, PSR(S)3} CRU personnel, ^{PSR(S)2, PSR(S)3} 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 (^{PSR(sen)1, PSR(IC)3} – 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.

~~SECRET~~

~~SECRET~~

3 of 3

Outcome: Operation Two 2/3 October 2010

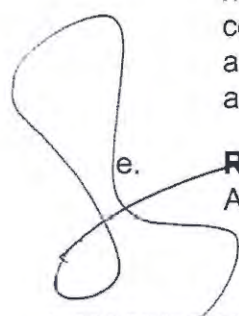
9. Following on from the successful operation of 22 August, further intelligence reported that the principal insurgent commander had returned to Tigran village and was located at his house. The RTF then commenced planning for a follow-on operation based on this new intelligence; this was approved by 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 ^{PSR(S)1, PSR(S)2, PSR(S)3} CRU personnel, ^{PSR(S)2, PSR} NZSAS 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 **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.
- 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

~~SECRET~~

~~Covering RESTRICTED~~

COPY



MINISTRY OF DEFENCE/NEW ZEALAND
DEFENCE FORCE

COVER SHEET
To accompany documents to
Minister of Defence



Subject:	CRU AND NZSAS OPERATIONS IN BAGHLAN PROVINCE AUGUST AND SEPTEMBER 2010		
MOD File No.	MoD Tracking #.	Minister's Tracking#: (For Minister's office)	
NZDF File No.	NZDF Tracking # 521/2010		
Priority:	ROUTINE	Request Ministerial response by:	
Contacts:	1 Colonel Kelly 2 Colonel Thompson	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.

Purpose:	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.
Recommendations:	Note the risks associated with releasing the information. Refer this note to the Prime Minister and Minister of Foreign Affairs for public release.
MOD/NZDF Consultation	NZDF
Minister's comments:	
Minister's Action:	Signed / Noted / Agreed / Approved / Declined Referred to:
<p>Signature: _____ Date: _____</p>	

Matthew Parae
MATEPARAE
Lieutenant General
Chief of Defence Force

Date 13 Dec 10

PM & Min agreed
not to release the
information into
the media

PSR(sen)1, PSR(IC)3

DIRECTORATE SPECIAL OPERATIONS (DSO)		<input type="checkbox"/>
Received:	10 FEB 2011	
File No:	3130/DSO/4	
Comment:	/	

~~Covering RESTRICTED~~

UNCLASSIFIED

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 Forces (ANSF) 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 group's capacity and capability to target coalition forces, including the NZPRT within the Baghlan-Bamian border region. The Chief of Defence Force Lieutenant General Mateparae approved the operation and it was launched on the night 21 August after gaining additional approval from the MOI and Commander ISAF. The MOI issued Arrest Warrants for the two principal insurgent commanders, which were to be enforced by the CRU.
3. The force for the operation consisted of a combined ground force ^{PSR(S)1} CRU personnel and ^{PSR(S)2, PSR(S)3} NZSAS personnel) supported by coalition helicopters and fixed-wing aircraft (including Unmanned Aerial Vehicle or UAV). The ground force landed near a village of Tigiran in Baghlan province 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 it 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 supporting coalition helicopters and aircraft, and one NZSAS soldier was injured when a wall collapsed on him. The soldier was evacuated and has subsequently returned to NZ for further medical treatment.
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 fire¹. Based on these allegations a joint assessment team composed of representatives from the Afghan MOI 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 accusations.
5. Headquarters ISAF assessed 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. No insurgents were encountered and no shots fired.

UNCLASSIFIED

Note:

1. During the operation on 22 Aug, 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.

~~RESTRICTED~~**Risks (Not For Release)****Associated with Releasing Information**

If New Zealand is identified as the main coalition ground force on these operations, then the risks are:

- Insurgent groups will be more motivated to conduct a retaliatory attack targeting the NZPRT along similar lines to their attack on 3 August 2010. [Medium]
- The release may undermine the cooperation from locals who interact with the NZPRT. However it has been reported that some locals have distanced themselves from the actions of the insurgents operating in their area. [Low]
- The release may compromise future operations by coalition forces including those of the NZDF within the Baghlan province. Insurgent groups may analyse the previous actions of the coalition force in an attempt to predict the likely tactics and techniques of any future action potentially denying the element of surprise to the coalition. [Low]
- The release may also have a positive effect by demonstrating New Zealand's resolve and high capability to strike insurgent groups that seek to undermine the GIRoA, ISAF and NZPRT.
- The release will place more pressure of the NZ Government to release more information about NZSAS operations in Afghanistan. (Release of information on NZSAS operations is on a case by case basis). [Medium]

From the Environment and Insurgents

The Talewa Berfak insurgent group operating within the Baghlan province still possess an ability to target Afghan National Security Forces (ANSF) and NZPRT operating within the Baghlan-Bamian border region. These groups have recently been reported threatening to target ANSF, coalition forces and the NZPRT.

Assessed risk remains as **Medium** and is unchanged from the current threat posed from insurgent activity in the Baghlan-Bamian border region

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. These have included

PSR(S)2, PSR(S)3

~~RESTRICTED~~

PSR(sen)1, PSR(IC)3

From: PSR(sen)1, PSR(IC)3
Sent: Tuesday, 31 August 2010 8:40 a.m.
To: PSR(sen)1, PSR(IC)3
Subject: Media article

[SEEMAIL] [RESTRICTED]

Morning ^{PSR(sen)1, PS} - the article below might be of interest, if you haven't already seen it (from the "War on Terror" website).

Monday, August 30, 2010

AFG Civilian Casualties in Baghlan Confirmed

Joint assessment team confirms possibility of civilian casualties in Baghlan

ISAF Joint Command

08.29.2010 KABUL - In response to Baghlan provincial governor's concerns about civilian casualties, a joint assessment team composed of representatives from the ministries of interior and defense, and International Security Assistance Force officials, conducted a full assessment of an operation on Aug. 22 in Talah wa Barfak District, Baghlan province.

The team determined that several rounds from coalition helicopters fell short, missing the intended target and instead striking two buildings, which may have resulted in civilian casualties.

Insurgents were using the building as a base of operations; however, it was not the intended target.

The team discovered the accidental short rounds during an examination of the air weapons team video. The assessment determined a gun site malfunction was the cause of the errant rounds.

"We regret any possible civilian loss of life or injury. Our first objective is to protect the people of Afghanistan, and in this case we may have failed," said U.S. Air Force Brig. Gen. Timothy M. Zadalis, ISAF Joint Command director of plans and projects and team lead. "Our thoughts and concerns are with the family and friends of those civilians who may have been injured or killed."

During their assessment, the team received operational briefings, met with the provincial governor and chief of police and reviewed weapons-system video.

Initial reports from the ground operation indicated 13 insurgents were killed, with no civilian casualties, however close examination of the weapons system video showed the errant rounds striking the unintended buildings.

"This is exactly why we send assessment teams to look into all civilian casualty allegations," said Zadalis. "We want to be sure we understand exactly what happened, review all information available and set the record straight."

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Joint assessment team confirms possibility of civilian casualties in Baghlan

296 words

31 August 2010

The Times of Central Asia

TCASIA

English

(c) 2010 Asia Pulse Pty Limited.

KABUL, August 30 (NATO News Release) -- In response to Baghlan provincial governor's concerns about civilian casualties, a joint assessment team composed of representatives from the ministries of interior and defense, and International Security Assistance Force officials, conducted a full assessment of an operation on Aug. 22 in Talah wa Barfak district, Baghlan province.

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Document TCASIA0020100901e68v0000d

ISAF to probe allegations of civilian casualties

133 words

30 August 2010

Pajhwok Afghan News

APAFGH

English

(c) 2010 Asia Pulse Pty Limited.

Pajhwok Report - Aug 30, 2010 - 17:53

KABUL (PAN): The International Security Assistance Force Joint Command Monday ordered an investigation into allegations of civilian casualties during an August 22 operation in northern Baghlan province.

In a statement, the NATO-led force said The ISAF Joint Command commander had ordered the investigation based on information contained in the joint initial assessment team's report.

The assessment team determined several rounds from coalition helicopters fell short, missing the intended target and instead striking two buildings, which might have resulted in civilian casualties.

"We are here to protect the people of Afghanistan. Civilian casualties reduce the confidence of the Afghan people and erodes trust placed in us," said US Army Lt. Gen. David M. Rodriguez, ISAF Joint Command commander.

Document APAFGH0020100831e68u0000b

Afghan violence reverses gains; 7 soldiers are killed after weeks of decline in NATO casualty rate

BY ROD NORDLAND

426 words

30 August 2010

International Herald Tribune

INHT

5

English

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Seven American soldiers were killed in fighting in eastern and southern Afghanistan over the weekend, after several weeks of declining death tolls among NATO forces.

In western Afghanistan, in Herat Province, police officers found the bullet-riddled bodies of five missing campaign workers for a female candidate in next month's parliamentary elections, and a body was found of another candidate for Parliament who had been shot and killed, Afghan officials said Sunday.

The American servicemen were killed in five separate incidents, according to statements from the NATO-led International Security Assistance Force, known as ISAF. On Sunday, an American soldier was killed by an improvised explosive device in southern Afghanistan, while another died as a result of an insurgent attack in southern Afghanistan, the NATO force said.

On Saturday, attacks by militants in eastern Afghanistan killed two American soldiers in one incident and one in a separate incident, while two other Americans were killed by an improvised explosive device in southern Afghanistan.

NATO officials did not release any further details.

The incidents brought the monthly death toll among coalition soldiers to 62 as of Aug. 29, compared with 88 in July, according to icasualties.org, which tracks coalition fatalities. In June, the bloodiest month of the nine-year war, 102 NATO soldiers were killed, according to icasualties.org figures.

At the same time, NATO forces have nearly tripled in Afghanistan since the beginning of 2009, with a total of 123,000 now. About 100,000 of them are Americans.

In the Herat Province incident, the police said 10 campaign workers for Fawzia Gilani, a current member of Parliament who is running for re-election, had been abducted in the Adraskan District last week. Five of them were discovered shot and killed on Sunday, said Col. Noor Khan Nikzad, a spokesman for the provincial police.

Elsewhere in Herat, in the Shindand District, Abdul Manan, a candidate for Parliament who was on his way to a local mosque, was shot and killed by a gunman on a motorcycle, according to Colonel Nikzad.

In northern Baghlan Province, a NATO investigation gave credence to reports from local officials that eight civilians were killed during a night raid last week.

ISAF said in a statement released Sunday that a "full assessment" of the incident early last week in Talah wa Barfak district had determined that a helicopter that fired into the wrong building "may have resulted in civilian casualties."

Document INHT000020100830e68u00001

People protest against civilians death in US forces operation in Afghan north

216 words

29 August 2010

19:33

BBC Monitoring South Asia

BBCSAP

English

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Text of report by privately-owned Afghan Arzu TV on 28 August

[Presenter] A number of residents of Tala wa Barfak District of Baghlan Province [in northern Afghanistan] have staged a demonstration to protest against the killing of civilians in an operation of US soldiers. The protesters claim that at least 20 civilians had been killed as a result of the US forces' operation in the district.

[Correspondent] Protesters, who were chanting slogans of death to America, demanded the central government, the international community and human rights organizations to stop such operations. They claim that if this practice is continued they will close the Bamian-Baghlan road which passes through Tala wa Barfak District. According to them, five civilians were killed and 16 others injured in the US forces' operation in the Tirgaran area of Tala wa Barfak. It is reported that children and women were among the victims of the incident.

The protesters said that the [US] forces had attacked the village at night and the protest ended after two hours following issuing a resolution.

[Video shows an angry demonstration on a street, people stepping on a US flag]

Source: Arzu TV, Mazar-e Sharif, in Dari 1500 gmt 28 Aug 10

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Document BBCSAP0020100829e68t001md

People protest against civilians death in US forces operation in Afghan north

SAP20100829950033 Mazar-e Sharif Arzu TV in Dari 1500 GMT 28 Aug 10

People protest against civilians death in US forces operation in Afghan north

Text of report by privately-owned Afghan Arzu TV on 28 August

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The protesters said that the [US] forces had attacked the village at night and the protest ended after two hours following issuing a resolution.

[Video shows an angry demonstration on a street, people stepping on a US flag]

[Description of Source: Mazar-e Sharif Arzu TV in Dari -- privately-owned television station launched in 2007 by Kamal Nabizada who is said to have good ties with Balkh provincial governor Atta Mohammad Nur.]

Two NATO soldiers, eight civilians killed in Afghan violence

Sardar Ahmad

588 words

25 August 2010

03:01

Agence France Presse

AFPR

English

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Two foreign soldiers died Tuesday fighting insurgents in Afghanistan, the NATO alliance said, as Afghan authorities said international forces had killed eight civilians in a recent operation.

NATO's International Security Assistance Force (ISAF) said it was aware of the charges by some Afghan officials that its soldiers had killed civilians during a raid against Islamist rebels in the northern province of Baghlan.

"On Sunday we saw 11 helicopters coming," Mohammad Ismail, the district chief for Tala Wa Barfak, where the incident took place, told AFP.

"Some of the helicopters landed deploying troops. They carried out attacks there. They killed eight people, all civilians," he said.

Tala Wa Barfak is a remote district in Baghlan, where Taliban insurgents have established a significant presence in recent months.

The district chief said that about a dozen other people, "all of them civilians," were injured in the raids, which he said had lasted for "hours".

An ISAF spokesman said the claims were being investigated, adding: "However, current operational reporting does not support any civilian casualties."

Civilian casualties caused by foreign forces have fallen this year, with NATO troops responsible for about 22 percent of more than 1,200 non-combatant deaths in the first half of 2010, a recent UN report said.

Afghan civilian casualties in the war launched against the Taliban regime in October 2001 is a sensitive issue that sometimes leads to violent anti-West protests.

President Hamid Karzai has long been calling on his Western backers, the US and NATO members with 141,000 troops in Afghanistan, to protect non-combatants during operations against rebels.

Karzai has said that civilian casualties erode public support for his administration, already unpopular among Afghans because of rampant corruption among its officials and its failure to provide security.

Meanwhile, ISAF said two foreign soldiers were killed in southern Afghanistan Tuesday, bringing to 13 the number of troops killed in the country since the weekend.

An American soldier was killed by a bomb in southern Afghanistan, and an ISAF soldier whose nationality was not disclosed was killed in fighting against insurgents, also in the south, the NATO-led force said.

The latest deaths bring to 458 the number of international soldiers killed in the Afghan war so far this year, compared with 520 for the whole last year.

Thirteen International soldiers have been killed since Saturday, seven of them Americans, according to an AFP tally based on that kept by the icasualties.org website.

The force said it had killed 35 rebels during operations east of Kabul launched to secure troubled regions ahead of Afghanistan's September parliamentary elections. The figures could not independently be verified.

The violence is worsening as the militants spread into the north and west of the country from their traditional strongholds in the south and east.

The head of the US Marine Corps, speaking in the United States after a visit to Afghanistan, said he believed Afghan forces would not be ready to take over from US troops in Afghanistan's southern provinces for a few more years.

"It will be a few years before conditions on the ground are such that turnover will be possible for us," General James Conway told reporters, referring to Marines deployed in the provinces of Helmand and Kandahar.

His comments were the latest sign from US military leaders that a major troop withdrawal remained a long way off, despite the July 2011 deadline set by President Barack Obama.

burs/bsk/dk

Document AFPR000020100824e68o006mx

Afghan official says six civilians killed in NATO strike

SAP20100823950060 Kabul [Pajhwok Afghan News](#) in English 1203 GMT 23 Aug 10

Afghan official says six civilians killed in NATO strike

Text of report in English by [Afghan independent Pajhwok news agency website](#)

Pol-e Khomri: Six civilians, including a woman and a child, were killed and as many wounded during a NATO airstrike in northern Baghlan Province, an official said on Monday [23 August].

NATO helicopters pounded the Tirgaran village of Tala wa Barfak District, killing and wounding the civilians and burning 20 houses, the district chief, Mohammad Esmail, told Pajhwok Afghan News.

There were no militants in the area at the time of the predawn strike, he said, adding International Security Assistance Force (ISAF) soldiers did not inform district officials prior to the air raid.

"NATO helicopters struck our village at about 2:00am, killing six and wounding as many. Twenty houses were torched and foreign troops arrested four residents," said Mullah Mohammad, a local imam. All victims were civilians, he alleged.

Meanwhile, the alliance said a dozen individuals killed in the operation were insurgents and two Taliban commanders, known to lead attacks on Afghan and coalition forces, were the target of the operation.

"Combined forces located and destroyed a rocket-propelled grenade launcher, several RPGs and several boxes of small arms ammunition," the International Security Assistance Force said.

[Description of Source: Kabul Pajhwok Afghan News in English -- independent news agency]

PSR(sen)1, PSR(IC)3

From: PSR(sen)1, PSR(IC)3
Sent: Wednesday, 8 December 2010 3:29 p.m.
To: PSR(sen)1, PSR(IC)3
Cc: BRADSHAW PHIL, CDR; COLEMAN PETER, MR
Subject: FW: Defence - Afghanistan - Injury - unclassified

Merry Xmas ^{PSR(sen)1}
 OIA from PSR(IC)3

Cheers

PSR(IC)3 I Media Manager
 Defence Communications Group

DDI: PSR(IC)3 I Mobile: PSR(IC)3 I DTeIN: PSR(IC)3
 NZDF website: [Click here](#) I DCG intranet site: [Click here](#)

Think before you print

PSR(IC)3 @nzdf.mil.nz

COMPLIANCE DATE 27/1/11

OIA-1454-2010

PLEASE LOG AS
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REFER TO: DSO

CC:

FOR DRAFT/DIRECT REPLY
 IN 10 WORKING DAYS
 IMMEDIATELY

From: PSR(IC)3
Sent: Wednesday, 8 December 2010 2:31 p.m.
To: PSR(IC)3, MR
Subject: FW: Defence - Afghanistan - Injury - unclassified

Hi PSR(IC)3

On 24 September 2010 NZDF provided information relating to injuries sustained by a New Zealand soldier in Afghanistan.

I make a request under the Official Information Act for a copy of all correspondence between NZDF personnel both here and overseas relating to this incident.

Thanks

PSR(IC)3

TVNZ

Television New Zealand Ltd
 Te Reo Tātaki

PSR(IC)3
 Political Reporter - Wellington

D. PSR(IC)3
 M.
 P:

CORRESPONDENCE ABOUT INCIDENT CAUSING INJURY TO NZ SOLDIER
 IN AFGHANISTAN
 8/12/2010

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8/12/2010

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From: STEER JACK, R ADM Sent: Wed, 20 Apr 2011 08:37:43 GMT
 To: CUMMINS KARL, LTCOL; **PSR(IC)3** , MR ; COLEMAN PETER, MR
 Subject: Re: Draft Release
 Ok send it over
 Thanks
 JR Steer
 RADM
 VCDF
 DTelN **PSR(IC)3**
 Cell: **PSR(IC)3**

From: CUMMINS KARL, LTCOL
To: STEER JACK, R ADM; **PSR(IC)3** , MR; COLEMAN PETER, MR
Sent: Wed Apr 20 20:33:07 2011
Subject: Draft Release

Sir

Following draft as discussed. Note, this version assumes no spokesperson. I have verified the facts. Phil and I will await comment or approval from you before passing to Ministers office.

NZDF OPERATIONS IN BAMYAN PROVINCE ON 22 AUGUST 2010

On 22 August 2010 New Zealand Defence Force (NZDF) elements, operating as part of a Coalition Force in Bamyán province, Afghanistan conducted an operation against an insurgent group.

NZDF Special Operations Forces combined with Afghan National Security Forces and other coalition elements undertook the operation.

The operation was conducted as part of the wider ISAF mission to improve the security of the Afghan people.

The operation was approved by both the Afghan Government and the International Security Assistance Force (ISAF).

Nine insurgents (not 12 as reported) were killed in the operation which targeted an insurgent group in the area where Bamyán province borders neighbouring Baghlan province.

Following the operation allegations of civilian casualties were made. These were investigated by a joint Afghan Ministry of Defence, Ministry of Interior and International Security Assistance Force assessment team, in accordance with ISAF procedures.

The investigation concluded that the allegations of civilian casualties were unfounded.

Ordinarily the NZDF declines to comment on matters of an operational nature as any release of information can put New Zealanders at risk. In this case, clarification of the facts is warranted.

Note no further comment regarding this operation will be provided.

The NZDF point of contact for this release is Commander Phil Bradshaw, Director Defence Communications

Group **PSR(IC)3**

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Lt Col K.B. (Karl) CUMMINS

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Article Information	
Article Title	<u>"Deadly retaliation by Kiwi SAS troops revealed"</u>
Source	News Hub Ministerial public statement
Date Published	20/04/2011

Deadly retaliation by Kiwi SAS troops revealed



By Charlotte Shipman with additional reporting by NZPA

The Government has confirmed New Zealand's elite Special Air Service (SAS) troops were involved in a counter-attack on the men who are thought to have killed 28-year-old Lieutenant Timothy O'Donnell in Afghanistan last year.

Lt O'Donnell died last August after his patrol in north-east Bamiyan province was attacked with explosives. He was the first New Zealand soldier to be killed in the conflict.

Until now, actions after his death had been kept secret.

TVNZ's One News said the Government had confirmed that SAS troops stationed in Kabul were involved in hunting down the Taliban insurgents and 12 were believed to have died during the counter-attack.

They mobilised from their base in Kabul two weeks after Lt O'Donnell was killed and, with American assistance, launched a counter-attack in Baghlan Province.

Defence Minister Wayne Mapp said New Zealand was taking an active interest in the region and New Zealand forces "were involved".

"We have our special forces to be able to undertake military operations - that is part of their overall remit," he said.

"It is in the remit of the special forces to be able to undertake operations at the direction of ISAF (International Security Assistance Force) and Nato, and in this case, particularly, to protect our people."

Mr Mapp denies the attack was revenge.

Lt O'Donnell died on patrol in north-east Bamyan Province and it was believed insurgents who attacked the convoy had come in from neighbouring Baghlan Province, the report said.

The report said there had been claims civilians died in the counter-attack but Mr Mapp said they had proved to be false.

NZPA / 3 News

Article Information	
Article Title	"NZ Defence Force Operations in Bamyan Province on 22 August 2010"
Source	NZDF Public Statement
Date Published	20/04/2011

NZDF operations in Bamyan Province on 22 August 2010

On 22 August 2010 New Zealand Defence Force (NZDF) elements, operating as part of a Coalition Force in Bamyan province, Afghanistan conducted an operation against an insurgent group.

NZDF Special Operations Forces combined with Afghan National Security Forces and other coalition elements undertook the operation.

The operation was conducted as part of the wider ISAF mission to improve the security of the Afghan people and to protect the NZ PRT (Provincial Reconstruction Team) in Bamyan province. The operation was approved by both the Afghan Government and the International Security Assistance Force (ISAF).

Nine insurgents (not 12 as reported) were killed in the operation which targeted an insurgent group in the area where Bamyan Province borders neighbouring Baghlan province.

Following the operation allegations of civilian casualties were made. These were investigated by a joint Afghan Ministry of Defence, Ministry of Interior and International Security Assistance Force assessment team, in accordance with ISAF procedures.

The investigation concluded that the allegations of civilian casualties were unfounded.

Ordinarily the NZDF declines to comment on matters of an operational nature as any release of information can put New Zealanders at risk. In this case, clarification of the facts is warranted.

The NZDF will be making no further comment on this operation.

The NZDF point of contact for this release is Commander Phil Bradshaw, Director Defence Communications Group 021 441 493.

Article Information	
Article Title	<u>“SAS’ deadly Afghan counter attack revealed”</u>
Source	One News Youtube
Date Published	Ministerial Public Statement 20/04/2011

SAS' deadly Afghan counter attack revealed



News Anchor 1:

We begin tonight with an astonishing admission from the government

News Anchor 2:

It's revealed to one news details of a deadly secret mission by our elite SAS troops to hunt down those who killed new Zealander Tim O'Donnell in Afghanistan. The young soldier died on patrol last year but a counter attack involving our crack soldiers left twelve Taliban fighter dead. The usually top secret information's' only just been confirmed to political editor Guyon Espiner who joins us now with more on this exclusive story, Guyon

Guyon:

Thanks Simon, well we've known for some time that Tim O'Donnell was killed last year in Bamiyan after insurgents came in from a neighbouring province. What we did not know was New Zealand's involvement in a counter attack which followed his death.

Tim O'Donnell was the first New Zealander killed in combat in Afghanistan. The tragedy was major news in early August last year. What was kept secret was what happened after that. One News has learned that the SAS was involved in hunting down Taliban insurgents, believed to be responsible for Tim O'Donnell's death, so we put that to the defence minister.

Defence Minister:

As you would imagine New Zealand has been taking an active interest in what occurs in that region and New Zealand forces were involved in that.

Guyon:

It's believed 12 insurgents died during the counter attack, the minister says it was not a revenge killing but was done to secure the area.

Guyon:

So the people who killed Tim O'Donnell were in turn killed by allied forces including New Zealand.

Defence Minister:

Well it is a war and uh military operations do take place.

Guyon:

Tim O'Donnell died on patrol in north east Bamiyan. It's believed insurgents who attacked the convoy had come in from neighbouring Baghlan Province. About two weeks later the SAS mobilised from the base in Kabul and, with American assistance, launched a counter attack in Baghlan.

Defence Minister:

We have our special forces to be able to undertake military operations, that is part of their overall remit.

Guyon:

So you're not denying that?

Defence Minister:

No I'm not denying that.

Guyon:

Tim O'Donnell was part of the provincial reconstruction team of about 140 New Zealand troops who do a mixture of aid work and military patrols in Bamiyan province.

Guyon:

Is it within our remit in our rules of engagement to go into that neighbouring province for military action?

Defence Minister:

It's in remit of the Special Forces to be able to undertake operations at the direction essentially of ISAF NATO and in this case particularly to protect our people.

Guyon:

There were also claims that civilians died in the kiwi counter attack.

Defence Minister:

That's been investigated and proven to be false

Guyon:

So no civilians were killed in that. You're satisfied about that? You've seen some reports?

Defence Minister:

I am satisfied around that.

Guyon:

Although no public reports about any New Zealand involvement in this attack, not until tonight.

News anchor 2:

Alright then Guyon why is the government then kept this secret for the last 8 months?

Guyon:

Well I asked the defence minister that direct question today, he affectively said, "Well that's because all SAS operations by their very nature are secret"

I mean this isn't information that the government has willingly volunteered, this came about because one news found about this operation, this counter attack, and we put those questions to defence minister Wayne Mapp as part of a wider interview about defence matters for the Q+A political program which screens on Sunday mornings. You can see that full interview this Sunday including the defence minister reaction to some of the other controversial aspects of New Zealand's involvement in the war in Afghanistan.

News anchor 2:

Political editor Guyon Espiner

Article Information	
Article Title	"SAS attack not 'revenge killing' - Mapp"
Source	Dominion Post Ministerial public statement
Date Published	21/04/2011

SAS attack not 'revenge killing' - Mapp

An attack by the New Zealand SAS which killed a group of Taleban fighters responsible for the death of a Kiwi soldier was not a "revenge killing", says Defence Minister Wayne Mapp.

Mapp last night confirmed the attack, which he said was undertaken to secure the area. The operation was approved by both the Afghan Government and the International Security Assistance Force (ISAF).

Last August Lieutenant Tim O'Donnell died after an ambush on his convoy in the northeastern province of Bamiyan on August 3.

The SAS responded, with help from the United States and Afghan forces, on August 22. They mounted a counter-attack in neighbouring Baghlan province in which nine insurgents were killed. Article V. The attack was "based on intelligence" that there was insurgence in the area, Mapp told Radio New Zealand this morning.

"The main thing that we are trying to do is actually protect the provincial reconstruction team, so we make it our business to know what is happening in the vicinity of our region, and obviously you would expect us to take action if we had intelligence that indicated operations were likely against us to protect our people. Article VI. "I'm clearly accepting that we undertook a mission, and it was to protect our people," Mapp said.

"As much as possible we are not going to wait there to get attacked by insurgence, that frankly would be irresponsible."

Claims that civilians had been killed in the operation had been proven false, Mapp said, and he was satisfied with the investigation into these allegations.

O'Donnell, of Feilding, was serving as part of the Provincial Reconstruction Team made up of about 140 Kiwi troops carrying out a mix of aid work and military patrols in Bamiyan province.

He died when a convoy carrying 12 soldiers came under rocket and gunfire from insurgents. Fellow New Zealand soldiers Private Allister Baker and Lance Corporal Matthew Ball were injured in the ambush.

O'Donnell was the first Kiwi war casualty in 10 years.

He was awarded the Distinguished Service Decoration for valour while serving as a 25-year-old platoon commander in East Timor in 2008.

The deaths of the Taleban group were reported last August, but this is the first time that New Zealand's special forces have been linked to the attack.

The ISAF reported the day after the attack that two Taleban commanders known to lead attacks on Afghan and coalition forces had been the target of the operation, and the ISAF was confident it would have "a significant disruptive effect on the command and co-ordination of Taleban elements throughout Baghlan province".

About a week later, it was reported that there were concerns civilians had been killed in the attack. An investigation team comprising Afghan and ISAF officials found that several rounds from coalition helicopters had fallen short, missing the intended target and instead striking two buildings.

However, the inquiry concluded that claims of civilian casualties were unfounded.

-Dominion Post with NZPA

Article Information	
Article Title	<u>"Q+A's Guyon Espiner interviews Dr Wayne Mapp"</u>
Source	Scoop Ministerial public statement
Date Published	24/04/2011

Q+A's Guyon Espiner interviews Dr Wayne Mapp

Q+A's Guyon Espiner interviews Dr Wayne Mapp.

The interview has been transcribed below. The full length video interviews and panel discussions from this morning's Q+A can also be seen on tvnz.co.nz at, <http://tvnz.co.nz/q-and-a-news>

Q+A is broadcast live on TV ONE between 9-10am on Sunday mornings and repeated on TVNZ 7 at 9.10pm on Sunday nights and 10.10am and 2.10pm on Mondays .

DR WAYNE MAPP interviewed by GUYON ESPINER

GUYON If we look back to Anzac Day and look at the battle of 1915 when you look at more than 2700 young New Zealand men losing their lives in that battle, nearly 100 years on, what is it that we are commemorating there? Are we commemorating sacrifice, independence, the birth of a nation? What are we actually commemorating when we celebrate Anzac Day?

WAYNE MAPP – Defence Minister

I think it's all of that, in fact. If you think of the young New Zealanders who go to Anzac now in increasing numbers, they are obviously remembering sacrifice, but they're also thinking about what it means to be a New Zealander in contemporary times. So I think all of us when we think of Anzac are really thinking of it through those multiple lenses, because there have been many battles, but the Gallipoli campaign stands out – in part, really, because it's probably the first real identification of what it means to be a New Zealander.

GUYON Do you think we'll always celebrate Anzac Day? It's been a public holiday since 1921. Will we always continue to celebrate that battle forever?

DR MAPP Well, certainly... Yes, I believe we will, actually, because it is so intimately bound up with our own nationhood, and that is what actually makes it unique It is about sacrifice, but it's also about what it means to be a New Zealander – not just in 1915, but also in 2011.

GUYON We're approaching the 10-year anniversary of the current major conflict that we're fighting in in Afghanistan . When we spoke to you last year on this programme, you were confident about the course of the war. You were confident about the capacity that the Afghan government was generating. Are you still, as you sit here today, confident about the course of the war in Afghanistan ?

DR MAPP Yes, I am. In fact, you can see progress having been made in the fact that you saw a transition occurring in Bamiyan – one of the first five provinces for transition to occur – indicates gains. Obviously it's going to take time – that's why we've said through to 2014 that we're there in Bamiyan. But clearly the government is building its capability. Clearly it's both in governance, both in economics, and also in security.

GUYON Well, let's talk about Bamiyan, because it seems to me that we're potentially going backwards there. When we spoke on this show last year, we had 106 people in the provincial-reconstruction team in Bamiyan and you were looking at winding that presence down from this year, but as we speak today, we have 140 troops in the provincial-reconstruction team, and we now have eight of the light-armoured vehicles in that region precisely because it's more dangerous.

DR MAPP Well, we certainly had to improve the protection of our soldiers. That did mean deploying the light-armoured vehicles. We could do that because the roads have been improved...

GUYON I want to come on to the roads in a second, but can I just clarify this. So we needed to do that because it's more dangerous now?

DR MAPP Better protection for our people.

GUYON But what does that mean, with respect? Does that mean it is more dangerous, there's more conflict, there's more risk from insurgents – that's why we need more troops and stronger vehicles?

DR MAPP Well, the dangers being there over the years – there's been IED incidents going back several years, and we're just making sure that we've got the best possible protection for our people to be able to deal with the issues around IEDs.

GUYON OK, can I put this simply: is it more dangerous there now than it was a year ago or not?

DR MAPP Well, I think it's as dangerous in the sense that there's still the threat there, but also at the same time, the government of Bamiyan – the provincial government – is building its own capability. More police are being trained, there's better economic reach...

GUYON Yet it's still as dangerous as it was. Doesn't sound like progress to me.

DR MAPP Well, there is progress, because the internal capability of the government itself has been improved and you'll see them be able to take over responsibility for their own security. Most parts of Afghanistan are still at risk – that's why ISAF is there

– but the challenge here has been really to get the Afghan government to build its own capacity to deal with its own internal problems. That process is occurring.

GUYON We talked about the light-armoured vehicles. On this programme last year, we asked you why don't you deploy some of those 105 light-armoured vehicles. You said, and I'll quote you, 'That's certainly been looked at and the view is the roads are simply too narrow, too steep, too windy for what is effectively a 20-ton vehicle.' What's changed in a year?

DR MAPP Well, the roads have been improved. I've been...

GUYON Really? To that extent?

DR MAPP I've been there a couple of times, and I've seen dramatic changes in the quality of the roads, and that's continuing. We evaluated, you know, the quality of the roads and we concluded, yes, it is possible to deploy the vehicles.

GUYON My question is, though, really, was that the right vehicle all along?

DR MAPP Not when the roads weren't good enough. When the roads were improved...

GUYON But Tim O'Donnell died, which is the key date, isn't it, in early August of 2010, which sparked this? You did a review about that. Now, he was in a Humvee vehicle, obviously, and you looked into this. Is it really the case, Minister, that that was the right vehicle to have there all along?

DR MAPP Well, as you know, I've raised questions about the deployment of the LAVs going back several years, including when I was the Opposition spokesperson for defence, and the roads have been progressively improved. That is a reality, and, as a consequence, the vehicles themselves have been able to be deployed.

GUYON So at the time that Tim O'Donnell died, what condition were the roads in then?

DR MAPP Well, I'm... Well, they weren't... They probably, particularly in that corner, weren't quite good enough. They've been progressively improved. That's what I've been advised, and based on my own visits, I have seen that to be the case.

GUYON Now, he died on August the 3rd last year in what was believed to be an attack by Taliban insurgents who perhaps came in from the neighbouring Baghlan province. There's a press release on the public record from ISAF dated around the 23rd of August which talks about coalition operations conducted in Baghlan province where 12 insurgents were killed a short time after Tim O'Donnell's death. Do you know whether New Zealand forces were involved in that counterattack which followed Tim O'Donnell's death?

DR MAPP Well, as you would imagine, New Zealand has been taking an active interest in what occurs in that region, and New Zealand forces were involved in that. They're there to protect our people in Bamiyan.

GUYON 12 insurgents were killed, including two Taliban commanders, so New Zealanders took part in the counterattack which sought to... I won't say revenge or avenge, but in terms of securing an area after Tim O'Donnell's death?

DR MAPP To essentially protect our people. When you... When there are attacks occurring, you have to obviously deal with the cause of the insurgents.

GUYON So the people who killed Tim O'Donnell were in turn killed by allied forces, including New Zealanders?

DR MAPP Well, it is a war, and, you know, military operations do take place.

GUYON And so that is the case, though. My interpretation of that, which is largely stitched together from the public record – that is right?

DR MAPP Well, as I say, operations do take place.

GUYON Yes, and you can confirm that New Zealanders were involved in an operation which killed those Taliban commanders who'd been responsible for Tim O'Donnell's death?

DR MAPP Well, as I said, military operations do take place to protect our forces in Bamiyan.

GUYON I'll take that as a yes. I understand that SAS soldiers were involved in that attack. Can you confirm that that is the case?

DR MAPP Well, our special-operations soldiers are obviously deployed to undertake special operations. Beyond that, I'm not going to elaborate, because... for reasons, but you can imagine that we have our special forces to be able to undertake military operations. That is part of their overall remit.

GUYON And so you're not denying

that? DR MAPP No, I'm not denying

that.

GUYON Is it within our remit in our rules

of engagement to go into that

neighbouring province for military

action?

DR MAPP It's in the remit of the special forces to be able to undertake operations at the direction, essentially, of ISAF, NATO and, in this case particularly, to protect our people.

GUYON Why didn't you put a press release out about that? Why didn't you communicate that with the New Zealand public? Was it necessary to do that?

DR MAPP Well, as you know, we have a general principle of not, basically, discussing the operations of the special forces. In Kabul, it's been a bit different, but as a general proposition, we don't.

GUYON There's an Associated Press report around that time that contains a claim that a number of civilians were killed during that operation.

DR MAPP And that's been investigated and proven to be false.

GUYON So no civilians were killed in that? You're satisfied about that? You've seen some reports on it?

DR MAPP I am satisfied around that.

GUYON Only insurgents were killed in that operation?

DR MAPP I am satisfied around that.

GUYON Did you... And this, I hope, isn't a macabre question, but did you inform the family – Tim O'Donnell's family – that this action had taken place?

DR MAPP Not specifically, but, as I say, this is about protecting our people for the future specifically, and we do keep, as we know, as much as possible, special operations are kept in the domain of confidentiality.

GUYON Before I leave that aspect, that action, which obviously took out a number of insurgents – has that secured the area to any extent? Because I know that there were several incidents where there was a belief that people had come in from the Baghlan province to attack the provincial-reconstruction team. Is it a safer area, more secure area as a result of that operation?

DR MAPP Well, as you would imagine, we do, through ISAF generally, take particular attention to what's happening there, and it remains dangerous. There's no question about that, and we have to be prudent about that.

GUYON The other very controversial aspect of our time in Afghanistan has been the treatment of prisoners who've been perhaps taken by the SAS and handed over to security forces – both the Americans and the Afghan national forces. This has been a persistent issue in the media. I understand that Jon Stephenson is writing a piece for Metro this weekend where he's making allegations that this has been going on for a long time and that some of these people have been subject to effectively torture at the hands of the Americans. What do you know of this?

DR MAPP Well, as you know, the issues around detainees has been a major issue for all the countries involved in NATO-ISAF deployments, and there's been a huge amount of work been done in recent times to ensure there's much better attention paid to rule of law. I've spoken directly to General Petraeus and indeed his predecessors about that – the issues around rule of law – and I can assure you that basically we do everything properly. You would expect that of New Zealand soldiers. They expect that of themselves.

GUYON Have you been given information... And I know you weren't the responsible minister, but some of these allegations, and they appear to be pretty serious, including handing over prisoners in the early phases – 2001, 2002 – the claims are that people were badly beaten, forced to strip and parade in front of US troops, later released without charge. Have you had information and reports about these incidences? Can you talk about that validity of that?

DR MAPP Well, as you know, in relation to those situations, the New Zealand forces actually lodged their complaints about what had happened there. I think actually the New Zealand forces conducted themselves with the professionalism that you would expect, and the fact that they actually lodged a complaint about the treatment I think is a great credit to the SAS at the time. They understood their responsibilities, ultimately, to New Zealand and our reputation.

GUYON The most recent concern, and it was lodged last year around August, was that troops were still handing over prisoners to the Afghan secret police. Now, you and the Prime Minister said that you would look into that. Are you satisfied that the current and most recent action of our troops in handing over prisoners and suspects to the Afghan police and secret police forces has been appropriate and in line with our international law and obligations?

DR MAPP Well, as you can expect with my particular background, I have taken a special interest in this, and, yes, I am satisfied, and I know that NATO-ISAF, as I've said, has taken a much closer approach on this and worked, actually, in building the capacity of the Afghan government to, frankly, obey the principles and norms of international law.

GUYON So, we in the West – or the allies, if you like – have announced that the war's finishing in 2014. Wouldn't you just wait it out if you were the Taliban? Isn't that what's going to happen?

DR MAPP Doesn't work that way, because the capacity of the Afghan government is continuously building up, and that's why the Afghan government itself is actually being more effective. Now, you know, they're starting from a relatively low base, but that is being progressively built, and I'm confident by 2014, essentially the Afghan government will be able to take responsibility for its own security.

GUYON The US spends, I read, about \$7 billion a month US money on this war. Do you know what New Zealand has spent, roughly, on this war over the last decade?

DR MAPP Well, it takes around \$35 million per year in total. That includes, actually, foreign aid expenditure as well, so you can extrapolate, and it has cost us quite a lot. There's no doubt about it. But you have to think...

GUYON Money well spent, Minister?

DR MAPP You have to think why we're there. Seven New Zealanders have been killed in international terrorist incidents – that's civilians – in New York, in London, in Bali and indeed actually in Mumbai as well. That is why, fundamentally, we are there

– to protect ourselves against the scourge of international terrorism, most of which has its origins in Afghanistan.

GUYON That's all we've got time for, but, Minister, thanks very much. We appreciate your time

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