

MOD-198-0002062-A



# **MOD FORM 247** (Revised 9/97)

Case Reference No:  Exhibit Identifying Mark:  Property Register Serial Number:
Description of Article:  COLO PERSONAL ID DE FITTE  PERSONAL IDEAL
Details of Person Originally Identifying Article:  Service Number Number Number Unit: 00 50 20000000000000000000000000000000
Location Exhibit Found/Recovered: London
Time: Date: 2 GOAT
Forensic Laboratory Reference No: Other Agency Reference No:
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Signature of Persons Handling Exhibit		

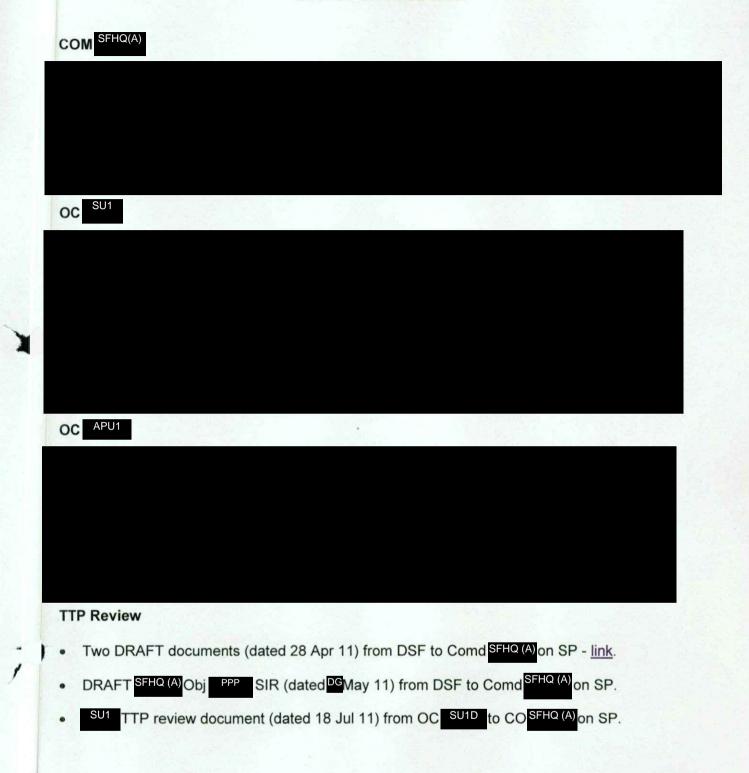


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- Item 1: 7 Apr 11, Email from (UK) J1-SO1-Legal to ACOS Ops regarding legal advice.
- Item 2: 7 Apr 11, Email from ACOS Ops to DSF outlining SU1 concerns.
- Item 3: 8 Apr 11, ToRs for SU1 TTPs DSF to SO1 J35
- Item 4: 11 Apr 11, ToRs for SU1 TTPs DSF to Comd SFHQ(A)
- Item 5: 20 Apr 11, TTP Review Final Report & Op examples
- Item 6: 28 Apr 11, TTP Review, DSF to Comd SFHQ(A) (2 x differing versions)
- Item 7: 20 May 11, SU1 TTP development, Comd SFHQ(A) to Comd SU1
- Item 8: 27 May 11, Email from COS SFHQ(A) outlining changes to TTPs
- Item 9: 25 Nov 11, SU1 POR (DG May DG Nov 11)
- Item 10: 06 Jun 12, SU1 POR (DG Nov DG May 12)



# SECRET UK EYES ONLY



Objective PPP: Not one of the 11 TTP review DDOs

N2108



Contact Details

From: (UK) J1-SO1-LEGAL-S
Sent: 07 April 2011 17:53
To: (UK) COMD-ACOS-OPS-S

Subject: 20110407-Initial Legal Thoughts-LIMDIS-S

N1466

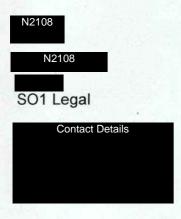
We have spoken about when there is an obligation on a CO to report matters to the Service Police to investigate allegations. These are some of my rough thoughts which I can finesse over the next couple of days. They are more initial musings.

The Law. Armed Forces Act 2006 (AFA 06) sets out the legal duties upon a commanding officer where there is a possibility that a serious offence has been committed. If a CO becomes aware of certain allegations or circumstances he must ensure that the service police are aware of them. He must do so as soon as reasonably practicable. The duty applies to allegations or circumstances which would suggest to a reasonable person that someone (whether or not identified) within the CO's command *may have* committed any service offence listed within Schedule 2 of AFA 06. The service offences listed in Schedule 2 are all inherently serious and the schedule includes offences such as murder, manslaughter, etc.

There is no definition of what an 'allegation' is, ie there is nothing stipulating that there must be a complainant or a first hand witness to the commission of such an offence. All that is stated is that the allegation is one or the circumstances are such as would suggest to a reasonable person that a service offence *may have* been committed. Arguably this is a pretty low bar and it is possible that second hand accounts from other persons or written records which would suggest to a reasonable person that an offence may have been committed.

My assessment based on the OPSUMs and the SIRs prepared to date indicate that there is at the *very least* a requirement to look very carefully at the current TTP of sending males back into compounds to remove weapons / threats. Without explicitly clear direction (the role of the 'terp' / APU / ISAF linguist but the responsibility of the substituting of the safe course of action the 'searching male' should follow (or amendment of the TTP in some other way to negate a potential threat being created) there is the likelihood that any deviation from that directed COA by the male (be it by confusion / hostile intent or indeed misdirection) will result in him being engaged and killed. The number of similiar incidents *may* indicate the TTP is a systemic failing. [If the TTP was being employed deliberately to generate a certain outcome to justify an engagement under the ROE then this would suggest service offences may have been committed.]

Caution. I have not spoken to ex-CO pure properties of the accounts that he has been made party to. However I do understand that, in the main, this consists of 'bar chat'. It would be wrong of me to make an assessment without seeing this extra information. Further it should also be remembered that the OPSUMs themselves cannot be relied upon with any real confidence as the 'definitive account' of what occurred. Whilst signed off by the support of the composition of the ground of the composition of the properties of the composition of the compos



Prepared for OPEN publication in relation to the Independent Inquiry Relating to Afghanistan SUKED Email: 20110406 - SU1 Operations Sent 07 April 11 10:06:36 BST Arms of ) DSF <<<<<<<< < LIMDIS - DSF ONLY >>>>>>>>>>> Sir, I've kept this out of your Return to Work brief to limit distribution. at UKSF3 to mark the supercession of COs. At the end of last week I attended an event In the bar afterwards, I was in conversation with N1785 when he took me to one side and voiced a concern about the conduct of SU1 Priority operations. I replied that I had heard similar unease before from the UKSF3 and that an upward trend in statistics on EKIA had previously been noticed by this HQ. I explained that this issue was in hand; you had made it clear that SU1 needed to exercise restraint in the use of lethal force on target, I had spoken to N1786 at your behest in Feb and you were likely to reinforce that message again during your current visit. What followed was rather more concerning. He felt that this was not necessarily about 'degrees of restraint' but possibly a deliberate policy among the current males on target even when they did not pose a threat. He had been approached by some of his men who recounted separate conversations with Trained members of UKSF1 in which such suggestions had been made. You might suspect SNCO bar-talk and perhaps some residual bitterness over the UKSF3 loss of the role, but knowing his men, N1785 is sure that they are accurately reporting what they are hearing from colleagues at though clearly he cannot guage the veracity of those initial accounts. It may be no more than the support of those initial accounts. It may be no more than the support of those initial accounts. more than rumour at play or perhaps an attempt to 'wind up' opposite numbers, but apparently the context would not support either assertion. The very fact that this rumour is circulating is in itself distasteful and in my view unacceptable to UKSF ethos and UKSF dynamics - it could prove explosive. Clearly, if there *is* anything more than rumour behind it then elements of UKSF have strayed into indefensible ethical and legal behaviour. N1785 feels sufficiently concerned to write to you formally; a letter is almost certainly inbound. When I spoke to N1786 in Feb, I raised with him 2 particular indicators that were fueling our concern; (1) the EKIA vs Wpns statistics and (2) the number of instances where the 'head of family' Bs were being invited to lead the compound clearance and were subsequently being engaged and killed. After a period Obj 10 of relative restraint, there has been another case of the latter event on 02 Apr separate compounds were shot on re-entering the compounds with SU troops. I am wary of making tactical judgements from 1000s of miles away, and therefore spoke to about the TTP of having a B re-enter the compound (whilst I understand the rationale, it was not a modus operandi that was in use when I held comd appointments in Afghanistan valid TTP which reduces the threat to the SU from VOIEDs and SVIEDs, but he recounts that during his su tour there was not a single incident when the B chose to take aggressive action against what were clearly impossible odds. He is therefore surprised that there have been multiple examples of this happening during the current SU1 tour. There could be a deliberate TB tactic to conceal weapons for the 'clearance' phase Noted that if this was a deliberate tactic, the facts suggest a high level of dissemination be uneccessary given general TB understanding of the limitations of our detention/exploitation regime. If it is intended to have an IO effect, it is certainly achieving that; associated families are likely to believe that something nefarious is occuring and this view is certainly held by the APU who have again this weekend refused to accompany SU1 on tgt. As we have discussed before, even if the APU1 perception is unfounded, it puts at risk the UKSF transition plan and more importantly the prospects of enduring UK influence with the Afghan M2

Personally, I find the co-incidence of rumour (albeit second hand) and R2 very disturbing.

Admittedly, I have not visited theatre recently (having cancelled my last scheduled visit) and looked into this first hand. Nor have I raised this subject with N1788 since the aforementioned discussion (I wouldn't do so on such a sensitive subject without your consent). Even so, my instinct is that this merits deeper investigation, hopefully to put minds at rest (including APU1) and make a clear statement to the UKSF or at worst case to put a stop to criminal behaviour.

N1466

#### SECRET UK EYES ONLY - LIMDIS

8 Apr 11

SO1 J35 Campaigns

Copies to:

COS

ACOS Ops

Comd SFHQ(A)

OP – TERMS OF REFERENCE FOR A REVIEW OF TTPS

# INTRODUCTION

- 1. For over a year, SU1 operations in Afghanistan have employed a tactical technique/procedure (TTP) during deliberate detention operations in which:
  - A cordon is established around the target compound or compounds.
  - The Afghan Partner Unit (APU) call to the occupants to leave the compound.
  - As the occupants leave they are checked for weapons and the male head of household is then instructed to re-enter the compound to remove blankets from doorways and windows
  - The assault force then enters the compound and conducts a sequenced procedure for clearance/exploitation of the accommodation. The male household member may be used to lead/assist in this clearance.
- 2. Having the head male re-enter the compound ahead of the assault force is intended to protect the SU1 during the clearance phase. Perceived threats are;
  - Insurgents who have remained within the accommodation after the occupants have been 'called out'. They could be armed with small arms, grenades and/or suicide vest IEDs (SVIEDs).
  - Victim operated improvised explosive devices (VOIEDs) hidden within the compounds (particularly doorways etc),
  - Command wire or radio controlled improvised explosive devices (CWIEDs or RCIEDs)
    operated from external firing points.
- 3. Between Dec 10 and Apr 11 there have been several instances in which substituting forced to engage and kill the nominated Afghan male, either as the individual returned into the compound or during the clearance phase, because he had reached for a concealed weapon in the accommodation area. This is a relatively new trend. The consequence is that:
  - The TTP may no longer be appropriate in that it offers the insurgent an opportunity to arm himself.
  - There are an increasing number of families/tribes who may perceive that their male heads have been killed whilst in substitution custody' (having surrendered). This is likely to harm the perception of ISAF/GIRoA force legitimacy and increase the challenges of district-level reintegration.
  - There is a sense among members of the Afghan APU1 that SU1 can be overly kinetic during the clearance phase of DDOs In several instances the APU has refused to accompany the SU on any further operations. This threatens the relationship between UKSF/HMG and APU1 HMG and if allowed to deteriorate, could undermine UKSF's transition plans in Afghanistan.

**REVIEW** 

#### SECRET UK EYES ONLY - LIMDIS

- 4. You are to deploy to theatre to support Comd SFHQ(A) in his review of the TTP of having an Afghan male head-of-household re-enter a target compound after call-out, to determine whether it offers the optimum balance between effective detention/exploitation and protection of the
- 5. You are to examine the following:
  - Has there indeed been a change in the reaction by insurgents to this TTP?
  - If so, what is the likely driver for their modified behaviour?
  - Is the TTP still appropriate to provide protection to the SU1 ?
  - If so, could it be modified to reduce the probability of the male heads-of-household taking action that results in them being engaged and killed?
  - What is the nature/severity of the APU concerns and will a modified TTP address it?
  - Should the APU be used to observe/follow up the Afghan male? [Reducing the potential for tension between UKSF, the APU, the Afghan locals and GIRoA].
  - Is it necessary for Afghan male heads-of-household to be involved in the subsequent searching process
  - · If so, should they be restrained?
  - Is sufficient use being made of TX

### RECOMMENDATIONS

- 6. You are to provide a report to me which provides:
  - An assessment of the developing insurgent reaction to this TTP.
  - A judgement as to the continued suitability of the TTP; does it successfully balance protection of the force against the aim of effecting detention of TB suspects.
  - Any recommendation to modify the TTP which might reduce the operational risks at para 3 above.
  - An assessment of the severity of APU concerns and how these might be addressed.

## CO-ORDINATING INSTRUCTIONS

- 7. <u>Timings</u>. You are to time your visit to theatre to coincide with the return of OC following his R&R. You are to provide your report to me by 20 Apr.
- 8. <u>Visit Structure</u>. As a minimum, you are to speak to (in order) Comd SFHQ(A) OC SU1A OC SU2 CO APU1 You may consult others, but are to check with this HQ before discussing this matter outside of the UKSF/ APU1 command chain.
- 9. <u>Staff Support</u>. You should travel to theatre unaccompanied, but may seek staff support from the remainder of the Ops Team in consultation with ACOS Ops.
- 10. <u>Legal Implications</u>. The Review is not to recommend disciplinary or administrative action against any individual, which is purely a matter for Comd SFHQ(A) However, if your review leads you believe that any criminal act may have been committed; you are to notify both him and myself at the earliest opportunity.

DSF

#### SECRET UK EYES ONLY - LIMDIS

11 Apr 11

Comd SFHQ(A)

Copies to:

COS

ACOS Ops

SO1 J35 Campaigns

OP TERMS OF REFERENCE FOR A REVIEW OF TTPS

## INTRODUCTION

- 1. For over a year, SU1 operations in Afghanistan have employed a tactical technique/procedure (TTP) during Deliberate Detention Operations (DDO) in which:
  - A cordon is established around the target compound or compounds.
  - The Afghan APU1 elements assigned to SU1 call to the occupants to leave the compound.
  - As the occupants leave they are checked for weapons and a male member of the household (often the male head of family) is then instructed to re-enter the compound to remove blankets from doorways and windows
  - The assault force then enters the compound and conducts a sequenced procedure for clearance/exploitation of the accommodation. The male household member may be used to lead/assist in this clearance.
- 2. Having the nominated male re-enter the compound ahead of the assault force is intended to protect the force during the clearance phase. Perceived threats are;
  - Insurgents who have remained within the accommodation after the occupants have been 'called out'. They could be armed with small arms, grenades and/or suicide vest IEDs (SVIEDs).
  - Victim operated improvised explosive devices (VOIEDs) hidden within the compounds (particularly doorways etc),
  - Command wire or radio controlled improvised explosive devices (CWIEDs or RCIEDs)
    operated from external firing points.

This TTP is now a recognised procedure across the UKSF and is taught during collective PDT.

- 3. Between Dec 10 and Apr 11 there have been several instances in which sum have been forced to engage and kill the nominated Afghan male because he had reached for a concealed weapon in the accommodation area, either as he returned into the compound or during the clearance phase. This is a relatively new trend. The consequence is that:
  - The TTP may no longer be appropriate in that it offers the insurgent an opportunity to arm himself.
  - There are an increasing number of families/tribes who may perceive that their male heads have been killed whilst in substitution custody' (having surrendered). This is likely to harm the perception of ISAF/GIRoA force legitimacy and increase the challenges of district-level reintegration.
  - There is a sense among members of the Afghan APU1 that SU1 can be overly kinetic during the clearance phase of DDOs This weakens the relationship between UKSF/HMG and APU1 HMG and if allowed to deteriorate, could undermine UKSF's transition plans in Afghanistan.

**REVIEW** 

#### SECRET UK EYES ONLY - LIMDIS

- You are to conduct a review of the TTP of having an Afghan male resident re-enter a target compound after call-out, to determine whether it offers the optimum balance between effective detention/exploitation and protection of the
- 5. You are to examine the following:
  - Has there indeed been a change in the reaction by insurgents to this TTP?
  - If so, what is the likely driver for their modified behaviour?
  - Is the TTP still appropriate to provide protection to the SU1?
  - If so, could it be modified to reduce the probability of the male household members taking action that results in them being engaged and killed?

    What is the nature/severity of the APU1 concerns and will a modified TTP address
  - them?
  - Should Afghan members of APU1 be used to observe/follow up the male household member? [Reducing the potential for tension between UKSF, members of APU1 the Afghan locals and GIRoA].
  - Is it necessary for Afghan male household members to be involved in the subsequent searching process
  - If so, should they be restrained?
  - Is sufficient use being made of Technique

## RECOMMENDATIONS

- 6. You are to write a report to me which provides:
  - An assessment of the developing insurgent reaction to this TTP.
  - A judgement as to the continued suitability of the TTP; does it successfully balance protection of the force against the aim of effecting detention of TB suspects.
  - Any recommendation to modify the TTP which might reduce the operational risks at para 3 above.
  - An assessment of the severity of APU1 concerns and how these might be addressed.

## CO-ORDINATING INSTRUCTIONS

- Timings. You are to provide your report by 20 Apr. 7.
- Visit Structure. You are to check with this HQ before discussing this matter outside of the APU1 command chain. UKSF/
- Staff Support. You will be supported in your review by SO1 Campaigns from HQ DSF. He will visit Theatre from Wed 13 Apr, timing his travel to coincide with the return of OC following R&R. If essential, you may seek additional staff support in consultation with ACOS Ops.
- Legal Implications. If your review leads you believe that any criminal act may have been committed; you are to notify RMP and myself at the earliest opportunity in accordance with the Armed Forces Act 20061.

#### DSF

<sup>&</sup>lt;sup>1</sup> Armed Forces Act 2006 (AFA 06) sets out the legal duties upon a commanding officer where there is a possibility that a serious offence has been committed. If a CO becomes aware of certain allegations or circumstances he must ensure that the service police are aware of them. He must do so as soon as reasonably practicable. The duty applies to allegations or circumstances which would suggest to a reasonable person that someone (whether or not identified) within the CO's command may have committed any service offence listed within Schedule 2 of AFA 06.