

MOD-198-0002062-A

MOD FORM 247  
(Revised 9/97)

## Service Police Exhibit Label

Case Reference No: 02006/14  
Exhibit Identifying Mark: JLN/1  
Property Register Serial Number: \_\_\_\_\_

Description of Article:

FOUO PERTAINING TO D&F TTP  
REVIEW

Details of Person Originally Identifying Article:

Number: \_\_\_\_\_ Service Number: \_\_\_\_\_ Rank: CPT Name: JL N. Hunt  
Unit: OP Personnel

Location Exhibit Found/Recovered:

D&F [REDACTED] London

Time: \_\_\_\_\_ hrs.

Date: 2nd June 15

Forensic Laboratory Reference No: \_\_\_\_\_

Other Agency Reference No: \_\_\_\_\_

For Court Use Only

# Signature of Persons Handling Exhibit

Signature	Date	Name (Block Capitals)
<div data-bbox="31 1079 409 1282" data-label="Text"> <p>Signature</p> </div>	26/6/15	N/466
	26/6/15	JL MOUNT

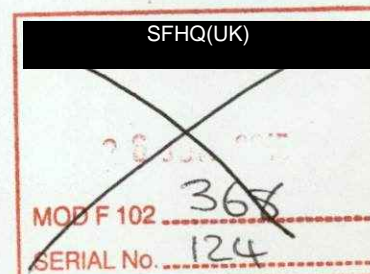


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X372

Contents

- Item 1: 7 Apr 11, Email from [SFHQ (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)




Items 5, 6, 7, 8, 9, 10 appear in MOD-198-0002063-A

MOD F102 BOOK 001  
SER No. 006



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COM SFHQ(A)



OC SU1



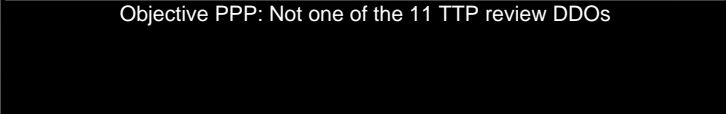
OC APU1



#### TTP Review

- Two DRAFT documents (dated 28 Apr 11) from DSF to Comd SFHQ (A) on SP - [link](#).
- DRAFT SFHQ (A) Obj PPP SIR (dated DG May 11) from DSF to Comd SFHQ (A) on SP.
- SU1 TTP review document (dated 18 Jul 11) from OC SU1D to CO SFHQ (A) on SP.

Objective PPP: Not one of the 11 TTP review DDOs



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N2108

N2108

SO1 Legal

Contact Details

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**From:** SFHQ (UK) J1-SO1-LEGAL-S  
**Sent:** 07 April 2011 17:53  
**To:** SFHQ (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.



**Assessment.** In these case it is arguable that, taken in isolation, each operation does not meet the statutory criteria for notifying the service police. Indeed it is notable that SIRs, an internal exercise which is partly used as an aid to the CO to determine whether a service offence may have been committed, have been carried out in a couple of the cases (Obj [REDACTED] 3 Obj [REDACTED] 1). In both, following legal advice being given to Comd [REDACTED] SFHQ(A) it was assessed that the matters did not require reporting to the Service Police. However it is arguable that when all these cases are taken together and there is an identification of similar trends and suspicion developing over the credibility of the accounts given in the OPSUMs then the circumstances are such that a reasonable person would consider that service offences 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 [REDACTED] SU) as to 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 similar 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 [REDACTED] UKSF3 nor been made aware 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 [REDACTED] SU Comd, I am told that the detail is often gleaned by Ops Room staff from radio logs, etc. As such it is not an accurate and first hand account of what occurred on the ground (there may be a tendency to paraphrase and 'cut and paste' on reporting, compounded by the failure by the relevant OC to fully check the OPSUM.

[REDACTED]  
N2108

[REDACTED]  
N2108

[REDACTED]  
SO1 Legal

[REDACTED]  
Contact Details



SUKED O



[illegible]



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8 Apr 11

SO1 J35 Campaigns

Copies to:

COS

ACOS Ops

Comd SFHQ(A)

OP [REDACTED] B – TERMS OF REFERENCE FOR A REVIEW OF [REDACTED] SU1 TTPS

INTRODUCTION

1. For over a year, [REDACTED] SU1 operations in Afghanistan have employed a tactical technique/procedure (TTP) during [REDACTED] 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 [REDACTED].
  - 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 [REDACTED] 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 [REDACTED] SU1 have been 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 [REDACTED] SU1 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 [REDACTED] APU1 that [REDACTED] SU1 can be overly kinetic during the clearance phase of [REDACTED] DDOs. In several instances the APU has refused to accompany the [REDACTED] SU1 on any further operations. This threatens the relationship between UKSF/HMG and [REDACTED] APU1 HMG and if allowed to deteriorate, could undermine UKSF's transition plans in Afghanistan.

REVIEW



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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 [SU1]
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 [REDACTED]?
  - If so, should they be restrained?
  - Is sufficient use being made of [Technique 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. Timings. You are to time your visit to theatre to coincide with the return of OC [SU1A] following his R&R. You are to provide your report to me by 20 Apr.
8. Visit Structure. 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. Staff Support. You should travel to theatre unaccompanied, but may seek staff support from the remainder of the Ops Team in consultation with ACOS Ops.
10. Legal Implications. 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



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11 Apr 11

Comd SFHQ(A)

Copies to:

COS ACOS Ops SO1 J35 Campaigns

OP B – TERMS OF REFERENCE FOR A REVIEW OF SU1 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 [REDACTED].
  - 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 SU1 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 SU1 '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



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4. 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 [SU1]
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 [REDACTED]?
  - If so, should they be restrained?
  - Is sufficient use being made of [Technique TX]

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

7. Timings. You are to provide your report by 20 Apr.
8. Visit Structure. You are to check with this HQ before discussing this matter outside of the UKSF [APU1] command chain.
9. 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 [SU1A] following R&R. If essential, you may seek additional staff support in consultation with ACOS Ops.
10. 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 2006<sup>1</sup>.

DSF

<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.