

OIA-2015-2386

22 February 2016

Mr Peter Page

fyi-request-3452-c9141fe1@requests.fyi.org.nz

Dear Mr Page

I refer to your email of 8 December 2015 requesting, under the Official Information Act 1982 (OIA), *all transcripts of interviews, MP investigation reports, COI investigation reports, witness statements and email correspondence in relation to the 4/8/2012 Baghak contact during the CRIB 20 deployment.*

The summary of the Court of Inquiry, the redacted report of the Court of Inquiry and Annex A to the report of the Court of Inquiry are published on the NZDF website (www.nzdf.mil.nz/corporate-documents/coi/reports/htm); therefore this part of your request is declined pursuant to s.18(d) on the grounds that the information is publicly available. Pages 3A to 3H of the report and the Glossary are enclosed – these are not on the NZDF website as they were previously withheld. The Glossary has three redactions in it, in accordance with s.6(a) of the OIA on the grounds that release of the information would be likely to prejudice the security or defence of New Zealand or the international relations of the Government of New Zealand.

Enclosed is your witness statement, which is partially redacted pursuant to s.9(2)(a) of the OIA to protect the privacy of natural persons, both living and deceased. A redaction was also made pursuant to s.6(a) of the OIA. It is acknowledged that you are aware of the content of your own statement; however certain matters such as the content of Rules of Engagement (ROE) and the actions and timings of the American Emergency Close Air Support (ECAS) are required to be withheld as they could pose a risk to continuing NZDF and allied operations.

The following Military Police reports are also attached, portions of which are redacted pursuant to s.6(a) and s.9(2)(a) of the OIA:

- Interim Report – Operation Baghak
- Breach of ROE
- Speculative Fire
- Allegation of Ill Treatment of a Detainee
- Allegation of Threatening to Fire Upon Afghani Personnel Moving Along the Shikari Valley

Transcripts of interviews and the other witness statements are withheld pursuant to s.9(2)(ba)(i) on the basis that release of this information would be likely to prejudice the supply of similar information. Statements made by the witnesses were given to the Military Police under the expectation that those statements would be used solely

for the purpose of the investigation. The release of these statements would therefore be likely to breach confidence between the NZDF Service personnel and the Military Police, possibly inhibiting witnesses from cooperating with the Military Police in the future. It is my view that public release of this information does not outweigh the need to maintain the integrity of the investigative process.

In order to answer the portion of your request relating to email correspondence, we need to know specifically what information you require so that we have parameters with which to conduct the search. We will treat it as a separate OIA request once we hear back from you.

You have the right, under section 28(3) of the OIA, to ask an Ombudsman to review my response to your request.

Yours sincerely



G.R. SMITH
Commodore, RNZN
Chief of Staff HQNZDF

ORDER FOR THE ASSEMBLY OF A COURT OF INQUIRY

Orders by Major General A.D. Gawn, MBE, Commander Joint Forces New Zealand
Service description and appointment of assembling authority

A court of inquiry consisting of the following persons is to assemble at Bagram Air Force Base, Afghanistan
Place

on 20 August 2012 at 0900 hours for the purpose of collecting and recording evidence on:¹
Date Time

the circumstances in which elements of TU 653.1.1 (OP CRIB) came into contact with insurgents in the vicinity of Do Abe, Bamyan province, Afghanistan, while providing *in extremis* support to the NDS

(and reporting and commenting)² ~~(and making a declaration under section 201 of the Armed Forces Discipline Act 1971)²~~
as required by the terms of reference below not later than 17 September 2012, with an initial report by 31 August 2012.

President³ Colonel E.G. Williams
Members⁴ Lieutenant Colonel G.L. King, RNZAC
Warrant Officer Class One P. McIntosh, RNZIR
Counsel assisting⁵ Major L.M. Ferris, LL.M, BCA, NZALS

The president is to order or summon the witnesses to attend in accordance with section 200I of the Armed Forces Discipline Act 1971.⁶ Upon completion the president is to forward the record of proceedings to the assembling authority.

The court is to have regard to sections 200M and 200N of the Armed Forces Discipline Act 1971 at all times. The court is to read DM 69 (2 ed) Volume 1 Chapter 11 Section 2 before commencing its inquiry.

TERMS OF REFERENCE⁷

See attached Terms of Reference.

Dated at Trentham on 16 August 2012.
Place Date



Signature of assembling authority

Major General
Rank

Commander Joint Forces New Zealand
Appointment

- ¹ Insert a short description of the matter to be inquired into.
- ² Delete the words in parentheses if inapplicable.
- ³ Insert full Service description of the officer appointed as president.
- ⁴ Insert full Service description of the officer(s) and/or warrant officers and/or the members of the Civil Staff appointed as members.
- ⁵ Insert full Service description of the officer appointed as counsel assisting, if appointed.
- ⁶ A summons is to be in form MD 637.
- ⁷ Specify the terms of reference. If necessary attach an additional page.

3B
TERMS OF REFERENCE

You are to consider and report in accordance with the following Terms of Reference:

1. What were the circumstances leading up to and surrounding the contact, including the death of the deceased soldiers and the wounding of the casualties? Provide a story board / sequence of events that chronologically details the actions taken from initiation through to reconstitution of the patrols in FOBs.
2. What was the nature and extent of the injuries sustained by the deceased and the casualties?
3. What was or were the cause(s) of those injuries?
4. How effective was the integration and conduct of the Tactical AME during this combat action? Identify any areas for improvement, eg TTPs, C2, trauma care.
5. What actions were taken to treat the injuries sustained by the casualties? Were these actions in accordance with Tactical Combat Casualty Care?
6. What can we learn from the nature of the injuries sustained by our casualties with respect to training, equipment and TTPs?
7. Were the personnel involved in the incident, including the deceased and the casualties, qualified and sufficiently trained to perform their duties?
8. Did the weapons and equipment issued to the force elements perform to the expected standard during this combat action? What improvements to the equipment or the way that it is used are recommended?
9. How effective was the *in extremis* support provided to the NDS and what lessons can be learnt for the future provision of such support, if any?
10. What coalition support did TU 653.1.1 draw on during this incident? How effective was this support in neutralising insurgent action? Was the integration of the air support into the tactical ground plan effective? If not, what were the factors limiting its effectiveness, eg tactics, C2, training, weapon systems, geography, weather?
11. What intelligence picture did TU 653.1.1, the wider NZDF and OGAs have of this insurgent group leading up to this incident and how could this be improved?
12. After the initial request to support the NDS, did TU 653.1.1 have sufficient situational awareness of the incident and the insurgent threat to guide the decisions and actions that were taken? If not, what could be done to address this?
13. Provide an assessment of the insurgent actions, reactions and counteractions, encompassing their tactics and weapon systems. What lessons can be derived from this combat action to better inform the preparation of NZDF force elements for operations against insurgents?

14. Can TU 653.1.1 be more effectively structured, trained, and equipped to deal with this type of combat action in the restrictive terrain typical in the Kahmard district of Bamyan? If so, how?
15. What lessons can be derived from this incident to improve the NZDF's ability to conduct counter-insurgency?
16. Are the NZFOR ISAF *Individual Guidance for the Detention of Non-ISAF Personnel* and the training provided to TU 653.1.1 on detainee handling fit for purpose?
17. Are NZDF policy and practices around the provision of on-going support to casualties and their next of kin fit for purpose?
18. Subject to Term of Reference 19 below, comment on any other matters the Court considers relevant to the purpose of the inquiry.
19. If, in the course of your inquiry, you collect any evidence which may suggest any member of the NZDF has committed an offence contrary to the Armed Forces Discipline Act 1971, you are not to comment on that but are to refer that evidence to the RNZMP investigation team which has been appointed to investigate such allegations alongside your inquiry.
20. When you have assembled, you are to meet with the RNZMP investigation team as soon as practicable to develop a plan for that investigation and this inquiry to cooperate in performing their discrete roles. The RNZMP investigation team will be available to assist you with forensic tasks in support of your inquiry but you are to ensure that the RNZMP investigation is not impeded by your inquiry.

RELEASED UNDER THE OFFICIAL INFORMATION ACT

ORDER FOR THE ASSEMBLY OF A COURT OF INQUIRY
AMENDMENT NO. 1

Orders by Major General A.D. Gawn, MBE, Commander Joint Forces New Zealand

WHEREAS on 16 August 2012 a court of inquiry was assembled on my behalf for the purpose of collecting and recording evidence on the circumstances in which elements of TU 653.1.1 (OP CRIB) came into contact with insurgents in the vicinity of Do Abe, Bamyan province, Afghanistan, while providing *in extremis* support to the NDS:

AND WHEREAS I have now decided to refer some of the terms of reference of that court of inquiry to an operational evaluation team, which I have established separately:

NOW THEREFORE I hereby vary the order assembling the court of inquiry pursuant to section 200C(2) of the Armed Forces Discipline Act 1971 as follows:

- a. Warrant Officer Class One P. McIntosh, RNZIR is removed from the membership of the court of inquiry and is instead appointed to the operational evaluation team; and
- b. The terms of reference of the court of inquiry are revoked and replaced with the terms of reference annexed to this order.

Dated at Trentham on ²² August 2012.



A.D. GAWN
Major General
Commander Joint Forces New Zealand

TERMS OF REFERENCE**TERM OF REFERENCE 1:**

What were the circumstances leading up to and surrounding the contact, including the death of the deceased soldiers and the wounding of the casualties?

TERM OF REFERENCE 2:

- a. What was the nature and extent of the injuries sustained by the deceased and the casualties?
- b. What was or were the cause(s) of those injuries?

TERM OF REFERENCE 3:

What actions were taken to treat the injuries sustained by the casualties?

TERM OF REFERENCE 4:

Were these actions in accordance with Tactical Combat Casualty Care?

TERM OF REFERENCE 5:

Were the personnel involved in the incident, including the deceased and the casualties, qualified and sufficiently trained to perform their duties?

TERM OF REFERENCE 5A:

- a. What precautions were taken, in preparing the remains of the soldiers-killed in the IED attack on 19 August 2012 for repatriation, to ensure that no hazardous substances were present?
- b. How, if at all, could such processes be improved?

TERM OF REFERENCE 6:

How effective was the *in extremis* support provided to the NDS?

TERM OF REFERENCE 7:

- a. What coalition support did TU 653.1.1 draw on during this incident?
- b. How effective was this support in neutralising insurgent action?

TERM OF REFERENCE 8:

Comment on any other matters the Court considers relevant to the purpose of the Inquiry.

ORDER FOR THE ASSEMBLY OF A COURT OF INQUIRY

AMENDMENT NO. 2

Orders by Major General A.D. Gawn, MBE, Commander Joint Forces New Zealand

WHEREAS on 16 August 2012 a court of inquiry was assembled on my behalf for the purpose of collecting and recording evidence on the circumstances in which elements of TU 653.1.1 (OP CRIB) came into contact with insurgents in the vicinity of Do Abe, Bamyan province, Afghanistan, while providing *in extremis* support to the NDS;

AND WHEREAS on 19 August 2012 a High Mobility Military Wheeled Vehicle (HMMM WV) was destroyed by an improvised explosive device (IED) during a patrol in the same general vicinity, causing the deaths of three soldiers:

AND WHEREAS live munitions were discovered by the civil authorities with the remains of the deceased when they were returned to New Zealand:

NOW THEREFORE I hereby vary the order assembling the court of inquiry pursuant to section 200C(2) of the Armed Forces Discipline Act 1971, as follows:

- a. The order is amended by inserting, after the words "while providing *in extremis* support to the NDS", the words "on 4 August 2012, and the circumstances in which the remains of three soldiers were returned to New Zealand following a separate IED attack on 19 August 2012"
- b. The terms of reference of the court of inquiry are amended by inserted, after Term of Reference 5, a new Term of Reference 5A, as follows:

"What precautions were taken, in preparing the remains of the soldiers killed in the IED attack on 19 August 2012 for repatriation, to ensure that no hazardous substances were present? How, if at all, could such processes be improved?"

Dated at Trentham on 24 August 2012



A.D. GAWN
Major General
Commander Joint Forces New Zealand

**ORDER FOR THE ASSEMBLY OF A COURT OF INQUIRY
AMENDMENT NO. 3**

Orders by Air Vice Marshal K.R. Short, Commander Joint Forces New Zealand

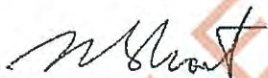
WHEREAS on 16 August 2012 a court of inquiry was assembled on behalf of then Commander Joint Forces New Zealand, Major General A.D. Gawn, MBE for the purpose of collecting and recording evidence on the circumstances in which elements of TU 653.1.1 (OP CRIB) came into contact with insurgents in the vicinity of Do Abe, Bamyan province, Afghanistan, while providing *in extremis* support to the NDS:

AND WHEREAS I am now Assembling Authority by virtue of my recent appointment as Commander Joint Forces New Zealand, I have decided that Major General A.D. Gawn should remain as the Assembling Authority of this court of inquiry:

NOW THEREFORE I hereby vary the order assembling the court of inquiry pursuant to section 200C(2) of the Armed Forces Discipline Act 1971 as follows:

- a. Commander Joint Forces New Zealand is removed as the Assembling Authority for the court of inquiry and replaced with Major General A.D. Gawn, MBE.

Dated at Trentham on 7 March 2013.



K.R. SHORT
Air Vice Marshal
Commander Joint Forces New Zealand

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ORDER FOR THE ASSEMBLY OF A COURT OF INQUIRY
AMENDMENT NO. 4

Orders by Major General A.D. Gawn, MBE, Chief of Army

WHEREAS on 16 August 2012 a court of inquiry was assembled on my behalf for the purpose of collecting and recording evidence on the circumstances in which elements of TU 653.1.1 (OP CRIB) came into contact with insurgents in the vicinity of Do Abe, Bamyan province, Afghanistan, while providing *in extremis* support to the NDS:

AND WHEREAS on 24 August 2012 I varied the order assembling the court as follows:

- a. The order was amended by inserting, after the words "while providing *in extremis* support to the NDS", the words "on 4 August 2012, and the circumstances in which the remains of three soldiers were returned to New Zealand following a separate IED attack on 19 August 2012"
- b. The terms of reference of the court of inquiry were amended by inserting, after Term of Reference 5, a new Term of Reference 5A, as follows:


"What precautions were taken, in preparing the remains of the soldiers killed in the IED attack on 19 August 2012 for repatriation, to ensure that no hazardous substances were present? How, if at all, could such processes be improved?":

AND WHEREAS by order of Air Vice Marshal K.R. Short, Commander Joint Forces New Zealand, I was authorised to continue as Assembling Authority for the Court of Inquiry:

AND WHEREAS on 29 April 2013 I received new information not put before the Court of Inquiry alleging further circumstances of "friendly fire":

NOW THEREFORE I hereby vary the order assembling the court of inquiry pursuant to section 200C(2) of the Armed Forces Discipline Act 1971, to investigate and, if necessary, report on any additional incidents of "friendly fire" in accordance with the original terms of reference and report back to me by 6 May 2013

Dated at Wellington on 2 May 2013



A.D. GAWN
Major General
Chief of Army

GLOSSARY

AAR	After Action Review
Aircraft	Redacted: s.6(a) Official Information Act 1982
AFDA	Armed Forces Discipline Act Redacted: s.6(a) Official Information Act 1982
AME	Aero medical Evacuation
AMR	Air Movement Request
ANA	Afghan National Army
ANP	Afghan National Police
ANSF	Afghan National Security Forces
AO	Area of Operations
AWT	Air Weapons Team
AXP	Ambulance Exchange Point
BAF	Bagram Air Force Base
CAS	Casualty or Close Air Support
CDIED	Command Detonated Improvised Explosive Device
CCP	Casualty Collection Point
CLS	Combat Life Saver – Advanced Patrol Medic
COAX	Coaxial .50in calibre Machine gun mounted in the LAV turret. Fires on the same axis as the main armament.
COI	Court of Inquiry
COMISAF	Commander, International Security and Assistance Force
COMJFNZ	Commander, Joint Forces, NZ
COP	Company Out-Post
CSM	Company Sergeant Major
CTC	Collective Training Centre
Directions	N – North E – East W – West S – South
DLOC	Directed Level of Capability
DMW	Designated Marksmanship Weapon
DVI	Disaster Victim Identification
ECAS	Emergency Close Air Support.
EHCT	Explosive Hazard Clearance Team
EOD	Explosive Ordnance Disposal
FCO	Fire Control Order
FLEX	Flexible Machine Gun mounted on LAV Turret. Also called MAG 58. 7.62mm in calibre.
FPB	Forward Patrol Base
GRIT	Group, Range Indication, Type of Weapon
GMG	Grenade Machine Gun (Mounted on HMMWV – 40 mm)

HBW	High Band Width
HEI - T	High Explosive Incendiary - Tracer
HQJFNZ	Headquarters, Joint Forces, NZ
HLZ / S	Helicopter Landing Zone / Site
HMMWV	High Mobility, Medium Wheeled Vehicle
IED	Improvised Explosive Device
INS	Insurgent
ISAF	International Security and Assistance Forces
ISR	Intelligence Surveillance Reconnaissance
KIA	Killed in Action
KT	Kiwi Team(s)
LAV	Light Armoured Vehicle
LCC	Land Component Commander
LN	Local National (Afghan Civilian)
LOAC	Laws of Armed Conflict
LZ	Landing Zone
MA	Mortuary Affairs
MARCHH	Massive Bleeding, Airway, Respiration, Circulation, Head, Hypothermia.
MP	Military Police
NDS	National Directorate of Security. Plain Clothes ANSF element.
NSE	National Support Element
NZPOL	NZ Police
NZ PRT	NZ Provincial Reconstruction Team
OFOF	Orders for Opening Fire
OLOC	Operational Level of Capability
OMT	Operational Level of Capability Minus Training.
PDT	Pre-Deployment Training
PRR	Personal Role Radio
Ranks	PTE – Private SPR – Sapper (Engineer) LCPL – Lance Corporal CPL - Corporal SGT - Sergeant SSGT – Staff Sergeant WO (2/1) – Warrant Officer Class 2 or 1 2LT – 2 nd Lieutenant LT - Lieutenant CAPT - Captain MAJ - Major LTCOL – Lieutenant Colonel COL - Colonel
RBAV	Removable Body Armour Vest
RC (N/E)	Regional Command (North / East)
RIT	Range, Indication, Type of Fire
RNZALR	Royal New Zealand Logistics Regiment
ROE	Rules of Engagement

RTNZ	Return to NZ
SIGACT	Significant Activity
SOP	Standard Operating Procedures
SPEC FIRE	Speculative Fire
TCCC	Tactical Combat Casualty Care
TSE	Tactical Site Exploration
TOR	Term(s) of Reference
UAV	Unmanned Aerial Vehicle Redacted: s.6(a) Official Information Act 1982
VHF	Very High Frequency - Radio
VIIED	Victim Initiated Improvised Explosive Device (Pressure Plate)
VP	Vital Point
NDS	National Directorate of Security
RIT	Range, Indication, Type of Fire
SATVOX	Satellite Voice Communications
9 Liner	Is the title given to the Report used to call for Air Assistance including AME, CAS and ECAS.
25MM	LAV Main Armament Ammunition - 25mm Calibre
40MM	The short name for 40MM HE Grenade ammunition fired from the M203 and the GMG.

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J1014078 LANCE CORPORAL PETER BRIAN PAGE, RNZIR, STATES:

I am J1014078 Lance Corporal (LCPL) Peter Brian PAGE. I am currently employed as a Rifleman at 2/1 Royal New Zealand Infantry Regiment. I currently reside in Room 64, Ipoh Barracks, Burnham Military Camp, telephone 027 782 7226. I am 28 years of age, born 20 March 1984.

I am making this statement to Staff Sergeant R.J. B YERS of the Royal New Zealand Military Police in relation to the contact in vicinity of DAHANE BAGHAK, Afghanistan, on 4 August 2012.

I joined the New Zealand Army in April 2004, I am unsure of the exact date. I have deployed to an operational theatre prior to my deployment on Task Group (TG) CRIB 20 on 7 April 2012. I had deployed to Afghanistan previously on TG CRIB 6 in 2005 and to the Solomon Islands on Operation (OP) RATA in 2006. I am a Band 5 Infantryman and I am Junior Non Commissioned Course (JNCO) course qualified.

I deployed on TG CRIB 20 as a vehicle commander. My main role was commanding one of the patrol vehicles used in Afghanistan.

My patrol number was Kiwi Team Three (KT3) and my role involved commanding the troops in the vehicle and assisting with patrol tasks as given by the Patrol Commander.

Our patrol consisted of 4 Armoured HUMVEE's. My vehicle was armed with a .50 calibre machine gun and a 7.62 calibre MAG 58 machine gun as the secondary weapon.

I was also part of the dismounted patrol team for my patrol group. My vehicle call sign was KT3 Bravo.

Members of KT3 Bravo were myself as Vehicle Commander, S.9(2)(a) the vehicle driver, S.9(2)(a) as the vehicle Gunner.

S.9(2)(a) was the Patrol Commander of KT3 and S.9(2)(a) was the Patrol Second in Command (2IC), located in KT3 Alpha.

The other members of the patrol were S.9(2)(a) (Patrol Medic KT3 Alpha), S.9(2)(a) (Gunner KT3 Alpha), S.9(2)(a) (Patrol Signaller located in KT3), S.9(2)(a) (Gunner KT3), S.9(2)(a) (Vehicle Commander KT3 Charlie), S.9(2)(a) (Driver KT3 Charlie) and S.9(2)(a) (Gunner KT3C)

The make up of the dismounted patrol was generally decided on the day as we tried to rotate everyone through. I was always in the patrol, either as the Patrol Commander or as the Patrol 2IC, if S.9(2)(a) was commanding the patrol.

Our patrol was based at the Forward Patrol Base (FPB) at ROMERO on the day of 4 August 2012. Patrols rotated around between ROMERO, DO ABE and KIWI BASE every six weeks. The KT2 patrol/call sign was also co-located at FPB ROMERO with us.

CONTINUATION OF STATEMENT BY J1014078 LANCE CORPORAL PETER BRIAN PAGE, RNZIR:

On 3 August 2012 we conducted our usual maintenance day, which we conducted every Friday. This involved just a general clean up around the camp.

I had sentry that night from 2300 hours to midnight so I would have gotten about 7 hours unbroken sleep that night.

On 4 August 2012 I was woken up about 0700 hours by S.9(2)(a) and told that the National Directorate of Security (NDS) had been attacked at Check Point Delta 2 earlier that morning. He also told me that my vehicle crew would be attached to call sign KT2 to assist in a Tactical Site Exploitation (TSE) of the contact area and to be prepared to stay for a 24 hour period.

I then located and briefed the rest of my vehicle crew as to what was happening and we organised our kit for the patrol. I was armed with a Designated Marksman Weapon (DMW), S.9(2)(a) had a Steyr with M203 grenade launcher attachment and at this time I had a S.9(2)(a) as my vehicle gunner and he was armed with a Steyr.

S.9(2)(a) was in my vehicle crew at this time as S.9(2)(a) had been injured a few days earlier and had been flown to KIWI BASE for treatment. He had been bitten by a village dog while running outside FPB ROMERO.

I was carrying S.6(a) S.6(a) I believe that S.9(2)(a) and S.9(2)(a) S.6(a) I did not physically check this but our Standing Operating Procedures state that this is the minimum amount to carry on patrol.

We were all wearing our S.6(a)

S.6(a)

S.6(a)

All our equipment and kit is prepped and ready to go for short notice tasks. Weapons and ammunition are kept on us at all times generally.

About 10 minutes after being woken up and briefed by S.9(2)(a) my vehicle crew were ready and met up with call sign KT2 in the vehicle parking bay at FPB ROMERO.

S.9(2)(a) briefed then briefed us that my call sign, KT3 Bravo, would be attached to his dismounted patrol and that we would travel in S.9(2)(a) New Zealand Light Armoured Vehicle (NZLAV). I believe S.9(2)(a) vehicle was call sign KT2 Bravo).

S.9(2)(a) also briefed me that call sign KT4 had deployed from FPB DO ABE and to clear the route for Improvised Explosive Device's (IED's) towards Check Point

CONTINUATION OF STATEMENT BY J1014078 LANCE CORPORAL PETER BRIAN PAGE, RNZIR:

Delta Two where they would prop short and wait for KT2 to push past to Check Point Delta Two.

I also saw that S.9(2)(a) was on this patrol but I am unsure if the rest of his call sign came as he was in a different wagon.

We then mounted up into our respective NZ LAV and the patrol departed FPB ROMERO. I am unsure of the exact time but it was about 15 to 20 minutes after being woken up.

Present in KT2 Bravo were myself, S.9(2)(a), S.9(2)(a), S.9(2)(a) and S.9(2)(a) as the dismounted troops in the vehicle. I am unsure who the driver and gunner of KT2 Bravo were but S.9(2)(a) was the Vehicle Commander.

I am unsure exactly how long it took to reach FPB DO ABE but from experience it takes about an hour to drive by NZLAV as I have patrolled there countless times during my deployment.

FPB DO ABE is located to the South of FPB ROMERO. The order of march was KT2 Bravo, KT2 and KT2 Alpha in the rear.

On reaching FPB DO ABE the patrol did not enter the FPB but one NZLAV dropped off some personnel at the FPB entrance, including S.9(2)(a) and we were told by S.9(2)(a) that the FPB was going to be used as a Company Aid Post as the NDS had received casualties and they were going to be processed through the FPB.

We were at the FPB for about five minutes before the patrol continued South towards call sign KT4 and Check Point Delta Two.

During the patrol to Check Point Delta Two S.9(2)(a) briefed us that the contact had not been at Delta Two and that call sign KT4 had pushed South, towards the Sangpar Checkpoint.

We drove through Check Point Delta Two about 5 minutes after leaving FPB DO ABE and continued South to link up with call sign KT4.

Our patrol continued South for about another 10 to 15 minutes before we encountered a lone HUMVEE on the road. I am unsure whose vehicle this was but I believe it was a KT4 vehicle as S.9(2)(a) KT4 patrols Signaller was standing by the vehicle and told us that the rest of his call sign were at the contact site.

I heard this as I was standing in the driver's side air sentry hatch and S.9(2)(a) was standing in the right air sentry hatch. S.9(2)(a) and S.9(2)(a) were inside the NZLAV.

The patrol then pushed South to the contact site. As we approached I could see the other three HUMVEE's from call sign KT4 parked on the road orientated East.

CONTINUATION OF STATEMENT BY J1014078 LANCE CORPORAL PETER BRIAN PAGE, RNZIR:

S.9(2)(a), who was linked to the Very High Frequency (VHF) Communications, told me that KT4 was asking S.9(2)(a), the KT2 Commander to fire speculative fire. He did not mention where this was going to go.

S.9(2)(a) then told me that call signs KT2 and KT4 were going to fire speculative fire. I assumed this was to the East as this was where all the barrels were facing.

Then both call signs fired their primary weapons, namely the 25 millimetre on the NZLAV, and the .50 and Grenade Machine Gun's.

The fire was directed up a re-entrant to the East of us.

To the East of the contact site there was a river about 20 metres off the road with a foot bridge crossing it. About 50 metres past the far side of the river were about 3 buildings on flat pastoral land by the southern ridge of the re-entrant.

To the South the road continued towards Sangpar Checkpoint and call sign KT4's vehicles were blocking the road, about 20 to 30 metres in front of our NZLAV.

To the West was basically a steep cliff face and to the North the road heading back to Check Point Delta Two and DO ABE. KT2 and KT2 Alpha were located North of our vehicle and we were spaced out about 40 metres apart.

The speculative fire lasted about five minutes before ceasing.

After the firing ceased a member of KT2 wagon radioed over the PRR that they could see a body to the west of their vehicle.

Also at this time the dismounted patrol, who we call dismounts, were dismounting from the NZLAVs.

When I exited my vehicle I noticed that S.9(2)(a), the Patrol Commander for KT4 was talking to S.9(2)(a) by S.9(2)(a) NZLAV.

The KT2 medic then went and checked the body that had been identified and S.9(2)(a) went with her to assist. I am unsure of the medic's name.

The rest of the dismounts were waiting on the west side of their respective wagons waiting to be briefed.

S.9(2)(a) came back to our wagon about five minutes later and told us that the NDS soldier was dead.

It was at this point that S.9(2)(a) walked past us, towards his vehicle, and advised us to change into light order and to meet him over by his wagon when we were ready.

CONTINUATION OF STATEMENT BY J1014078 LANCE CORPORAL PETER BRIAN PAGE, RNZIR:

This is a common practice to remove RBAV if patrols are heading up steep terrain, however in my patrol we generally keep it on if we were going on a short patrol due to the protective nature of the RBAV.

The Officer Commanding, S.9(2)(a) told us it was the Patrol Commanders decision to wear or not to wear RBAV when conducting a patrol.

On changing into light order the KT4 dismounts came over to our wagon with S.9(2)(a)

S.9(2)(a) gave us a rough set of Quick Battle Orders for the patrol.

He pointed out on the ground where the NDS had told him where they had last seen the insurgents and that NDS had maybe wounded or killed an insurgent at that spot. This was to the East, up inside the re-entrant.

He also told us our task was to patrol up the re-entrant to conduct a TSE of the scene and to try and look for the wounded or killed insurgent.

S.9(2)(a) then told us there would be two sections, the first being KT4, lead by S.9(2)(a). The second was KT2 with KT3 attachments, lead by S.9(2)(a) and that S.9(2)(a) would act as Platoon Commander.

He finished off by telling us his intent was to conduct a quick TSE and then come straight back down.

There was no small arms fire at all during this or even after the speculative fire earlier.

I asked S.9(2)(a) if they were going to send up the Unmanned Aerial Vehicle (UAV) but was told that it was back in DO ABE.

S.9(2)(a) then told us that the S.6(a)

We waited in our position for the ECAS and while we were waiting S.9(2)(a) gave us a situation brief.

He told us that the NDS had come to DO ABE to see them and that they had told them that they had been in the area off duty having a work function type of thing when the insurgents had come down to attack them.

He also told us that the NDS had repelled the attack and had pushed the insurgents back up the re-entrant and had pursued them briefly. The NDS had told them that this was in the vicinity of Delta Two.

S.9(2)(a) told us that they had patrolled to Delta Two and had not reached the contact site so they had pushed on to here. He also told us that they had got here

CONTINUATION OF STATEMENT BY J1014078 LANCE CORPORAL PETER BRIAN PAGE, RNZIR:

about five minutes before us. I am unsure what the time was as I didn't look at my watch really.

He then told us that the NDS had captured an insurgent during their pursuit and that one of the NDS recognised the insurgent as his cousin and proceeded to point out again on the ground where the insurgents were last seen.

S.6(a)

They did two passes, both North to South, and it came back to us that it was all clear. They dropped some flares on the North face of the re-entrant. I am unsure of how many,

We then shock out into our patrol formation which was single file, KT4 leading. It was at this point I turned on my MBITR.

We crossed over the bridge and KT4 with elements of KT2 cleared the buildings.

We then commenced patrolling up the re-entrant, along the Southern Face.

KT4 split into two groups and were bounding up the re-entrant. By this I mean half the call sign would push forward then go firm while the next group would patrol up to them and go firm allowing the first group to move on.

Our patrol just patrolled in single file about five to 10 metres behind KT4. Our patrol consisted of myself, S.9(2)(a), S.9(2)(a), S.9(2)(a) (carrying a Light Support Weapon (LSW) C9), S.9(2)(a) (DMW) and S.9(2)(a) (DMW).

We were patrolling up the re-entrant for about 15 minutes when S.9(2)(a) advised us over the MBITR that the patrol had to move more to the left as we were heading too much to the right.

He also advised us that we S.6(a) and that they were patrolling towards the East to try and locate any insurgents.

I then heard S.9(2)(a) KT3, on the MBITR shortly after this requesting our location, which surprised me as I wasn't expecting him to be called out.

We halted to relay our location and during this we were advised that our Officer Commanding (OC) S.9(2)(a) was here as well which again surprised us. It surprised us as he hadn't come out on a patrol before and no one had mentioned that he was coming.

Due to S.9(2)(a) arrival we thought that this was no longer going to be just a simple TSE but maybe a pursuit.

CONTINUATION OF STATEMENT BY J1014078 LANCE CORPORAL PETER BRIAN PAGE, RNZIR:

We then carried on up the re-entrant. About 10 to 15 minutes away from our intended objective, which was where the NDS has indicated that the injured or dead insurgent was, we heard a couple of shots from small arms fire at the front of the patrol.

I asked what was happening and S.9(2)(a) advised me he was conducting speculative fire.

This happened a couple of times while patrolling towards the objective. About five minutes away from the objective KT4 halted and we were patrolling to them when we heard the vehicles on the road opening up. By this I mean firing their weapons.

We were looking to the west to see what they were doing and S.9(2)(a) said he thought they were speculative firing.

I thought the rate of fire was too much to be speculative fire and told S.9(2)(a) that. He told me to look down on the road at the people standing still and said if they were being fired at they would be moving or words to that effect.

I then heard S.9(2)(a) on the MBITR asking KT2 commander what was happening and there was no reply. About 20 seconds later S.9(2)(a) replied with "Contact North/North East".

S.9(2)(a) then relayed to them that he believed he heard the fire coming from the South.

I then looked down on the road through my scope and I could see all the vehicle barrels pointing to the North East, with the last of KT3's vehicle's barrel pointing to the North.

From there S.9(2)(a) told S.9(2)(a) that he was going to take his section to the top of the re-entrant to act as a cut off. S.9(2)(a) agreed with this course of action.

Meanwhile at this stage my patrol was getting into position to observe to the North where the call signs on the road believed the enemy threat was.

S.9(2)(a) then informed us he could see where the wagons were shooting so I moved up to his position and looked through my weapon sight in the direction he indicated.

I observed that they were shooting to the North East at the top of a cliff that was by the road. I could not see any insurgent movement just dust rising from the fall of shot.

At this stage we had not received any direction from S.9(2)(a) as to what he wanted us to do so I continued scanning the ridgeline to our North.

CONTINUATION OF STATEMENT BY J1014078 LANCE CORPORAL PETER BRIAN PAGE, RNZIR:

The rest of the section then proceeded to move up to the top of the spur we were on to get in a safer and better position to observe. I was already on the spur line with S.9(2)(a).

When we were in position we continued to observe the North ridgeline attempting to identify targets.

It was at this time I heard over my MBITR that the OC was down and that the NDS had received casualties. By down I mean injured or dead. We did not know which.

Since we could not identify any enemy on the Northern ridge S.9(2)(a) decided we were going to follow after S.9(2)(a) section.

S.9(2)(a) wanted to drop back down into the re-entrant to follow KT4 but I suggested to him that we move down the South side of the spur line we were on to provide cover from the enemy threat to the North. S.9(2)(a) believed the enemy was to the South so we would be safer on the North face of the spur line we were on.

It was at this time that we came under small arms fire on our position. We could not tell initially where they were coming from.

I was in good cover at this point and I yelled out for the patrol to come near me due to the good cover.

At this time I believe S.9(2)(a) and S.9(2)(a) had moved down into the re-entrant. S.9(2)(a), S.9(2)(a), S.9(2)(a) and S.9(2)(a) remained with me.

The rounds coming in seemed to be getting more accurate and the rate of fire my intense. We also worked out that the rounds were coming from the North and the West. Due to this I told everyone we weren't safe here and that we needed to drop down the Southern side of the spur line.

We picked up ourselves up and made a dash for the very top of the spur line so we could drop down. At the top of the ridgeline I stopped and went to cover and observed to the North through my scope. I could hear KT4 shooting that is why I stopped. S.9(2)(a) stopped beside me, to my left.

I then heard S.9(2)(a) giving a target indicated over the radio. I am unsure if it was using MBITR or PRR. I looked over to the area of his target indication and could see the splash of rounds from his call sign. Where they were shooting was along the Northern ridge, up the re-entrant near a small knoll.

At this stage rounds were impacting just to the front and right of me, one landing about 10 centimetres from my face. I looked through my scope and fired one round in the direction that KT4 were firing.

I then looked towards S.9(2)(a) and told him we were going to move down the Southern slope of the spur line.

CONTINUATION OF STATEMENT BY J1014078 LANCE CORPORAL PETER BRIAN PAGE, RNZIR:

We both got up to move and at that time we came under fire from machine gun fire or a high rate of fire. We could not tell where the rounds were coming from as they were ricocheting everywhere.

I then made a mad dash to what I perceived was cover about 20 metres away, along the spur line, near the Southern slope. The whole time I was getting shot at by a high rate of intensive fire.

As I was sprinting I noticed a big rocky out crop to my left so I ran round behind it for cover. The other members of the section had already gotten there. S.9(2)(a) was behind me at this time. The rocky out crop was like a rocky wall that extended about 20 to 30 metres up the spur line. It was jagged on the top reaching about one and a half metres in height in places. It provided cover from the North, not the West.

Just as I reached the cover I noticed that rounds were still ricocheting around to my left and that is when I felt something hit me in my upper right thigh. I was still trying run at this stage.

I managed to take two or three steps before I felt High Explosive (HE) rounds land behind me. I initially thought that ECAS had dropped an HE Bomb near us. I then saw a burst of HE rounds, about six, to my immediate front.

I saw the rocks explode and head towards my face and body. I was hit all over by flying debris. It was at this time I fell to the ground. This was due to a combination of both the terrain and my wounded leg.

I was still in cover from the North but exposed to the West.

I got on the radio, the MBITR, and broadcast "Friendly fire! Friendly fire! There are friendlies on the hill!"

S.9(2)(a) was on the radio after me saying "Stop firing! You are firing at friendlies", or words to that effect.

After I had made my radio call I looked down towards S.9(2)(a) and saw HE rounds exploding around him. He was stumbling up the hill and when the rounds exploded he hit the ground. I initially thought he was dead as I thought one of the rounds had hit him.

Thankfully straight after that I saw him get up and move up the ridge line towards me. I noticed he was bleeding from the head.

It was then that the fire seemed to stop towards us, from the west.

S.9(2)(a) then ran over to me. I am unsure where he had come from as everyone was scattered. He yelled at me that it was friendly fire and was trying to grab my MBITR. I told him that I had already radioed it in and he stopped reaching for my radio.

CONTINUATION OF STATEMENT BY J1014078 LANCE CORPORAL PETER BRIAN PAGE, RNZIR:

He then told me he had been hit in his hand by shrapnel and I then looked down at my right leg and saw that my whole trouser leg was basically red with blood.

S.9(2)(a) then came over to me and started to provide first aid to me. I noticed that S.9(2)(a) was on the ground about 10 metres away being attended to by someone, I am unsure who.

My trouser leg was cut off and I told them that I thought I had been shot in the leg. We could see what looked like an entry wound to the right of my thigh but could not find an exit wound. When I saw this I thought it was just shrapnel wound.

During this time S.9(2)(a) and S.9(2)(a) moved to our position. S.9(2)(a) checked on us to see if we were alright and then progressed up the ridgeline towards KT4, leaving S.9(2)(a) in control.

S.9(2)(a) then dressed the wound with two Israeli Compression Bandages to stop the bleeding. I was offered Pentrox for pain relief but I refused this as we were still in combat and I basically wanted my wits about me.

I was then pulled right up against the rocky outcrop for protection. I then heard that over the MBITR from S.9(2)(a) who was located on the road and was the KT1 Patrol Commander, that they had received too many casualties and that they were moving out of the killing area. This was the first time we knew that KT1 was on position.

After hearing this S.9(2)(a), S.9(2)(a), S.9(2)(a) and S.9(2)(a) were all saying that they believed that the HE rounds were in fact High Explosive Incendiary (HEI) and that they would have been fired from a NZLAV. They then discussed that the rounds probably would have come from the KT1 Patrol as they were last on scene and were to our West.

At this time KT4 had halted their patrol as we had wounded but requested permission to continue from S.9(2)(a), via the MBITR, which was granted.

During this contact I remember S.9(2)(a) firing to the North but cannot recall anyone else returning fire.

I then handed my MBITR radio to S.9(2)(a) as his battery had gone flat on his one.

I asked S.9(2)(a) what was happening now and he advised me that casualties were being evacuated to the Casualty Evacuation Point (CEP), S.6(a)

He asked if I could walk and I advised him that I couldn't without aid and S.9(2)(a) said the same when asked.

CONTINUATION OF STATEMENT BY J1014078 LANCE CORPORAL PETER BRIAN PAGE, RNZIR:

S.9(2)(a) told us due to the nature of the terrain he was going to request a helicopter evacuation, via winch, for myself and S.9(2)(a)

From there we were in position for I think about 3 hours when we got radioed that the casualties from the CEP had been evacuated and that the helicopters were on their way to us, after they refuelled. We were given an approximate time of 45 minutes.

At sometime during the three hour waiting KT3 returned to the contact site and they were doing a lot of speculative fire around the area, namely around the rocky cliff face to the East, by the road, which they were firing at the start of the contact.

There were two NZLAVs there as well. I think they were both from KT2 as I heard S.9(2)(a) talking on the radio. They were saying that there was a sniper out in the re-entrant and they started firing on our position again with .50 calibre and Grenade machine guns. These would have been from the KT3 call sign as NZLAV does not have these weapon systems and KT3 was to our North and we could not see them. We could however see KT2 as they were directly to our west.

S.9(2)(a) radioed the KT3 Commander, S.9(2)(a), and asked what they were firing at. They told him they were firing at an enemy sniper and could see movement around our area. S.9(2)(a) told them that they were pretty much firing at us and to cease fire. Which they did,

The rounds seemed to be directed at our patrol members who were observing through cracks in the rock face to the North, and firing towards the enemy. KT4 was also firing, I assume to the North as well.

And no time did we get asked to confirm our position prior to being fired upon.

Also during the waiting period S.6(a) I heard KT4 attempt to give them a fire mission but the aircraft could not identify any enemy.

Eventually the Air Medical Evacuation (AME) arrived and S.9(2)(a) and I were winched onto a helicopter and evacuated to an American Field Hospital. I am unsure where. I received pain relief on the helicopter.

I was processed at this hospital prior to being transferred to a German Hospital at MASAR E SHARIF. By processing I mean that my leg was redressed and I was stripped of my equipment and clothing prior to being forwarded on. My rifle was taken from me at this field hospital.

I was at this field hospital for about 20 minutes before being flown, by helicopter, to MASAR E SHARIF. S.9(2)(a) was with me.

On arriving at MASAR E SHARIF I was examined by a German medical team and I told them that I had been hit by shrapnel in my leg; however, the German doctor told me it looked like a bullet wound.

CONTINUATION OF STATEMENT BY J1014078 LANCE CORPORAL PETER BRIAN PAGE, RNZIR:

He told me he would run some scans and take some x-rays and from that he would be able to tell if it was a bullet or Shrapnel wound.

After the tests were done the doctor returned me and told me he believed it was a gun shot wound that had entered from the top front of my thigh and exited out on the right side of my thigh.

He also told me that I would get the best medical treatment and that my wounds would heal fast, and they have. They then operated on me to clean my gun shot wound and to attach a device that cleaned the wound by suck out toxic stuff.

They found a piece of metal shrapnel in my left forearm when I was scanned and x-rayed and that was all. I do not know what they did with this fragment.

S.9(2)(a) and I spent one night here and then we were taken to Bagram Air Force Base (BAF) by helicopter the next morning and admitted into the base hospital while we waited for transfer to LANDSTHUL hospital, Germany. This would have been about 0100 hours on 5 August 2012.

We spent about a day in BAF and I was operated on again for them to remove the device I had on my thigh and to close the wound.

It was at BAF that S.9(2)(a) and I met up with S.9(2)(a) and S.9(2)(a) and S.9(2)(a) who had also been injured during the contact. We were all in the same hospital ward in initially until S.9(2)(a) was moved.

When I arrived S.9(2)(a) asked what happened to me and if I had shot anyone. I just told him that I had been shot in the leg and that was about it. I then basically went into surgery.

I didn't really talk to anyone until we got to Germany.

We flew out of BAF to Germany about 0100 hours on 6 August 2012 and landed in Germany that morning. We were all transferred to LANDSTHUL hospital that day. I shared a room with S.9(2)(a) initially then he was transferred to another hospital the next day, being 7 August 2012, after surgery. S.9(2)(a), the European Liaison Officer met us at the hospital.

During this time, before his surgery, I talked to S.9(2)(a) about the contact. Or basically he talked to me about it. He was upset and said things like "Dam NDS why don't you wear uniforms" and that he and S.9(2)(a) were shooting at insurgents at road level to the North and that they were easy targets like a "turkey shoot".

He then told me he had been shot in the shoulder from the East and was unsure how many times. That is basically all he talked about.

I was transferred to a ward with S.9(2)(a) when S.9(2)(a) went into surgery and I was told that S.9(2)(a) and S.9(2)(a) had been discharged.

CONTINUATION OF STATEMENT BY J1014078 LANCE CORPORAL PETER BRIAN PAGE, RNZIR:

S.9(2)(a) and I spoke about what happened at the contact and how we got injured. I asked him where he had been shooting as he was call sign KT1's 2IC

He told me they were positioned 500 meters to the south of the contact point, basically where the ECP was and were to act as a reserve. When they heard that KT 2 and 3 were in contact they moved forward shooting up the hillside to the East while moving forward. This could explain why S.9(2)(a) thought we were receiving fire from the South.

He also said that they pushed up until they were inline with the re-entrant to their East.

I asked him where the enemy were and where his call sign were firing. He told me that he personally was firing at the enemy on the Southern spur line of the re-entrant with his vehicles Mag 58 7.62 machine gun.

He also told me that he saw heaps of enemy up there so he switched to the 25 millimetre cannon on his NZLAV and fired about four bursts of HE rounds towards two enemy running uphill between a gap in the rocks. A NZLAV 25 millimetre canon fires three round burst automatically on one trigger pull.

He also told me that he was pretty sure he got them and that he would have fucked them up, or words to that effect.

I had not mentioned to him where I had been or how I got injured before this.

He then told me that it was at this point he jumped out of his wagon to help S.9(2)(a) who was wounded and was shot in the leg in the process.

When he finished telling me this I asked him if he knew that there was a friendly dismounted patrol up in the Eastern hills and he told me he did that they had been told that earlier.

After hearing this I didn't say anything as he was in discomfort from his wounds and I did not want to distress him. But from what he told me I firmly believe that he fired both 7.62 and 25 millimetre HE rounds at my patrol, specifically S.9(2)(a) and I with the 25 Millimetre rounds as we were running up hill on the Southern ridgeline, running between cover.

We didn't really talk much after that as I was upset at what he had told me.

Over the next couple of days, I am unsure when exactly, I spoke to S.9(2)(a) S.9(2)(a) about the friendly fire incident and what S.9(2)(a) had told me. He told me he would pass on the information on to Joint Forces in New Zealand and that it wasn't his place to investigate it. I only told him as he was only New Zealand representative there and I thought I should pass on the information earlier rather than later and asked if I could talk about it with my colleagues. He told me I could speak to my colleagues about it as it was going to be investigated and the true story would come out.

CONTINUATION OF STATEMENT BY J1014078 LANCE CORPORAL PETER BRIAN PAGE, RNZIR:

I was in the ward for about 3 nights and S.9(2)(a) arrived at LANDSTHUL and visited us on 8 August 2012 just to check on us. With him was a Field Psychologist but I can't recall his name except for Jeff.

On the morning of 9 August S.9(2)(a) and Jeff spoke to us as a group about how we were feeling after the incident. We then all had a one on one session with Jeff.

I was later discharged from the hospital and was given accommodation in the barracks attached to the hospital.

S.9(2)(a) TPT S.9(2)(a) and I flew out from Germany to New Zealand on 11 August 2012 in the afternoon. I cannot recall exactly when. We landed on Monday, 13 August 2012 at Auckland and I went and stayed with my parents while S.9(2)(a) S.9(2) and S.9(2)(a) carried onto Wellington and Christchurch respectively.

During the contact on 4 August 2012 I did only fired one 7.62 round, in a Northerly direction towards the enemy. Other members of my patrol fired their weapon systems but I am unsure exactly who did, apart from S.9(2)(a), or how many rounds they fired.

We were operating under Rules of Engagement (ROE) in theatre. S.6(a)
S.6(a)

S.6(a)

S.6(a)

I did carry a copy of the ROE in my notebook which was on me at the time. My notebook was taken from me at the contact area when they cut off my pants leg. It was in my pants pocket at the time. I cannot recall doing any ROE refresher training apart from when we initially got into theatre.

The ROE's have not changed while I was in theatre; however, we were informed that if we came across an IED cache we were ordered to booby trap it. This came from the OC as well and was relayed to me directly from the OC himself. I believe this action is allowed under the full ROE it just was not printed on our ROE cards.

I recall being tasked to pass on a message to the local population around checkpoint Sangpar that if we saw anyone moving in the hills to the East when we were travelling along route Carolina, which this attack occurred on, we would fire upon them. S.9(2)(a) gave me this task and told me it was from the OC. This was relayed to call sign KT3 in S.9(2)(a) orders to us for this particular task.

Apart from the Psych debrief and what I told S.9(2)(a) this is this first detailed interview I have conducted regarding the contact.

CONTINUATION OF STATEMENT BY J1014078 LANCE CORPORAL PETER BRIAN PAGE, RNZIR:

I have spoken to a colleague who is going on TG CRIB 21, namely S.9(2)(a) and he told that they had been briefed as to what had happened to me during their Pre Deployment Training. I have also discussed what happened to me with some friends in Battalion as S.9(2)(a) said I could.

I have spoken to S.9(2)(a) and S.9(2)(a) who are in my Platoon at 2/1 RNZIR. No one has told me not to talk about anything.

This statement is true and correct

P. Page
P.B. PAGE
Lance Corporal
RNZIR

This statement recorded and signature witnessed by me at 3 Military Police Platoon, on 31 August 2012, about 1654 hrs.

R. J. Byers
R.J. BYERS
Staff Sergeant
RNZMP

RELEASED UNDER THE OFFICIAL INFORMATION ACT

FURTHERANCE TO STATEMENT BY J1014078 CORPORAL PETER BRIAN PAGE, RNZIR:

In furtherance to my statement made to Staff Sergeant BYERS of the Military Police, dated 31 August 2012 I would like to add the following.

On initiation of the contact at BAGHAK on 4 August 2012, just after LT S.9(2) stated over the MBITR "Contact North, North East", I was looking directly down into the valley towards where our vehicles were situated to try a gauge where our forces were firing from the road. I saw individuals, who I believe to be NDS personnel, situated in the grassy plain area just to the North of the Huts we had cleared earlier, just on the Eastern side of the river. I believe they were NDS as I saw them walk past the K2 wagons towards the bridge across the river that we crossed earlier on our patrol. I also heard over the radio that a NDS patrol was heading up to support us or something like that.

On hearing the fire I immediately noticed the splash of rounds amongst them. By splash I mean the dirt being thrown up into the air due to rounds impacting on the ground. I saw NDS falling to the ground as if hit by rounds and others diving on the ground for cover. I believed the fire was coming from the direction of where the K4 wagons were parked due to the way the splash was kicking up. It was kicking to the North, North East. This indicated to me that the fire was coming from a Southerly direction. At the start of this incident I saw about 10 to 12 NDS personnel on the grassy area. I could not tell from where I was who had been hit by fire and who were just diving or dropping to the ground for cover.

I recall S.9(2)(a) at one stage saying to us that they were NDS and not insurgents and I heard others saying the same thing. I also recall hearing some of the patrol saying that they must be enemy as the other call signs were firing on them. I can't recall who said what really as there a lot of yelling going was on.

I then heard someone say that K2 were firing in a different direction to that of the fire that was strafing across the grassy plain. I looked through my scope at this point and saw that the K2 vehicle weapons were facing North East, up the re-entrant and not at where the NDS were. The NDS were about 100 metres away from the K2 wagons. I could not see the KT4 call sign from where I was located at this point but I new where the call sign was located and the fire seemed to come from that direction.

Just after this my patrol switched our attention to where call signs K2 and K3 were firing as we believed that was where the insurgents were located. I did not look back down the valley towards where the NDS had been shot at as our patrol came under fire shortly after and we moved position and then I was wounded as I previously stated.

Also during the contact when my patrol came under fire from 25 millimetre rounds there was a specific incident that I vividly recall occurring. That is a 25 millimetre burst striking a rocky face above our heads when we were travelling up the ridgeline towards cover. The reason I remember those so vividly was that when I was recovering in LANDSTHUL hospital in Germany with everyone S.9(2)(a) recalled to us that when he fired the 25 millimetre canon from his NZLAV up the re-entrant towards what he believed were two insurgents running between rocks he hit a rock face above them that would have showered them in rock.

CONTINUATION OF FURTHERANCE TO STATEMENT BY J1014078 CORPORAL PETER BRIAN PAGE, RNZIR:

This is exactly what happened to S.9(2)(a) and I during the contact and I knew straight away that he had fired at us. S.9(2)(a) has told me he also recalls this conversation and S.9(2)(a) saying this.

On his return from TG CRIB 20 S.9(2)(a) visited me while I was in S.9(2)(a) room in the barracks. He just came out and said that he was shooting close to my position during the contact and that he had no idea where we were located at the time, or words to that effect. He also stated that he was asking S.9(2)(a) where our patrol was located and that S.9(2)(a) did not know. I knew S.9(2)(a) was the gunner on one of the K3 vehicles and that he manned a 40 millimetre Grenade Machine Gun.

About a month ago I was contacted by S.9(2)(a) and asked if he could talk me as he knew I was getting of the Army. He came and saw me in the Sniper Office in the support company lines. Also present were S.9(2)(a) and S.9(2)(a) I believe they could hear what was being said. ()

S.9(2)(a) asked how I was and then mentioned that he was writing a book about TG CRIB 20 and the whole tour of duty. He then told me that he didn't need to interview me as he had received my statement I had made to the Court of Inquiry earlier and that he was interviewing other members of TG CRIB 20 that had not been interviewed by the Court of Inquiry.

During the conversation he started telling me about what had happened with him during the contact on 4 August 2012. He told me that he was standing over by the K4 wagons when the contact was initiated and that during the contact he shot two insurgents down across the river, on the grassy area before the re-entrant. He told me that they were shooting back at him and that he believed that there was a third one there as well and that he believed this was the insurgent that shot him. He also told me that he had been shot in the upper right shoulder from a front on direction. He mentioned further to me that he had asked where the NDS were prior to firing his weapon. During this conversation he also mentioned that he did not intend for S.9(2)(a) to take a patrol up the hill like he did and that it was lucky for the insurgents that he had been injured and he had a plan to "take it to them", or words to that effect.

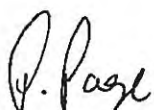
I would like to add that when I heard on the news just after I returned to New Zealand from TG CRIB 20 that we had gone to assist NDS in the apprehension of a suspected bomb maker/insurgent this factually incorrect to the best of my knowledge. I had been informed that we were going to conduct a tactical site exploitation (TSE) of the area where NDS had been contacted, vicinity BAGHAK.

P.P

CONTINUATION OF FURTHERANCE TO STATEMENT BY J1014078 CORPORAL PETER BRIAN PAGE, RNZIR:

When we arrived there were no NDS and no one was in contact at the time. In my mind we did not have to go into this area, let alone conduct a TSE or patrol up the re-entrant as there was no need to do this.

This furtherance to my statement is true and correct



P.B. PAGE
Corporal
RNZIR

This statement recorded and signature witnessed by me at 3 Military Police Platoon, on 30 April about 1400 hrs.



R.J. BYERS
Staff Sergeant
RNZMP

RELEASED UNDER THE OFFICIAL INFORMATION ACT

P.P

~~RESTRICTED~~

NEW ZEALAND ARMY
Headquarters, 1st (New Zealand) Military Police Company
MINUTE

201209130001

06 December 12

HQJFNZ (Attention: COMD)

For Information:

HQJFNZ (Attention: LCC)

INTERIM REPORT – OPERATION BAGHAK

Reference:

A. Directive to Conduct Preliminary Inquiry: TU653.1.1 Major Contact with Insurgents, dated 16 August 2012.

1. Reference A was a directive for Military Police to conduct a preliminary investigation into the events surrounding the contact with insurgents by elements of TU653.1.1, vicinity of BAGHAK, Bamyan Province, Afghanistan, while providing *in extremis* support to the Afghan National Directorate of Security (NDS).
2. The enclosed interim report outlines the results of inquiries conducted into 10 separate allegations by Military Police. The report includes a separate recommendation for each allegation as well as highlighting some concerns that may affect the NZDF.
3. This unit requests direction as to whether this investigation is to continue in its entirety or into specific allegations. It should be noted that due to the complex nature of the inquiry, the availability of witnesses, expert reports and evidence that further investigation will take a period of time to reach end state.



V.R. HOUGHTON-DAVIES
Major
Assistant Provost Marshal (Army)

DTelN Phone: 347-7103

DECLASSIFIED
On <u>9 Feb 2016</u>
Reference <u>NO1 Rev 2</u>
Appointment <u>RSM NZDF MR</u>

Enclosure:

1. Military Police Interim Report 201209130001 dated 06 December 2012

~~RESTRICTED~~

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MILITARY POLICE INTERIM REPORT

ATTENTION

This report is a privileged document and the information contained within is confidential, intended only for official use by the unit or individual named on the cover letter. If you are not the intended recipient, you are hereby notified that any use, review, dissemination, distribution or copying of this document is strictly prohibited and may constitute a Civil or Military Offence. If you have received this document in error or wish to release all or part of the information contained within the document, you are advised to contact the Officer Commanding, 1st (New Zealand) Military Police Company to discuss the matter.

Incident:	OPERATION BAGHAK	File No:	201209130001
Date/Time of Incident:	4 August 2012		
Place of Incident:	Vicinity Baghak, Bamyar Province, Afghanistan		
Complainant(s):	COMD, JFNZ		
Casualties:	2 x Killed In Action (KIA) 6 x Wounded in Action (WIA)		

Summary of Facts:

Introduction: On 16 Aug 12, HQ JFNZ directed that Military Police conduct a preliminary investigation into the events surrounding the contact with insurgents by elements of TU653.1.1 (TG CRIB 20), vicinity of BAGHAK, Bamyar Province, Afghanistan. In particular the allegations of a blue on blue incident and the concerns raised by the Coroner regarding the injuries to one of the deceased.

Background: On 4 Aug 12, about 1000 hours, elements of TG CRIB 20 came into contact with insurgents in the vicinity of BAGHAK while providing *in extremis* support to the Afghan National Directorate of Security (NDS). As a result of this contact TG CRIB 20 sustained two KIA and six WIA. The NDS, Afghan National Police (ANP) and/or the Provincial Quick Reaction Force (PQRF) sustained four KIA and 11 WIA.

Allegation One: That S.9(2)(a) may have received a fatal gun shot wound fired from a member TG CRIB 20 or a member of the NDS, ANP or PQRF during the contact.

- The Provisional Coroner-Authorised Autopsy Report by pathologist Dr Martin SAGE, expressed concern as to the nature of the fatal wound received. In particular the fact that the wound was consistent with a "single distant small calibre high energy gun shot to head" rather than the "single high energy medium calibre gun shot wound to the chest" similar to the one received by S.9(2)(a) which is thought to be the result of a AK47, 7.62mm calibre weapon.
- Due to the tactical situation and risk assessment a scene examination and Tactical Site Exploitation (TSE) were unable to be conducted; therefore there is no physical evidence to conclusively prove the calibre of weapons being used by insurgents during the contact. There is anecdotal evidence that insurgents were using a variety of weapons from home made hunting rifles through to the 5.45mm AK74 and AK47 assault rifles; however, this is unable to be proven.
- Witnesses spoken to have indicated that S.9(2)(a) was struck in the chest by a round prior to receiving a fatal head wound. A thorough examination of his RBAV (including the x-raying of all his PPE) can find no evidence to support these accounts.

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On 9 Feb 2016
Reference NO. 1001
Appointment RSM N20F ml

Summary of Facts:

- The driver of NZLAV Call sign KT2, which was parked directly behind S.9(2)(a) vehicle, witnessed S.9(2)(a) being fatally wounded. He stated that he saw a round strike S.9(2)(a) in the head and it appeared that the round came from the East, North East direction. This is consistent with the direction of fire being received from insurgents and there were no known NZDF personnel in that vicinity.
- Witnesses have stated that the NDS, ANP and PQRF that were co-located with NZDF personnel during the contact were armed with the standard AK47 assault rifle.

Allegation Two: That during the contact on 4 Aug 12, vicinity BAGHAK, a combined TG CRIB 20 dismounted patrol came under friendly fire which resulted in two members of the dismounted patrol, LCPL PAGE and S.9(2)(a) being wounded.

- The KT1 NZLAV Patrol had been given the town of BAGHAK as their Northern Boundary as Kiwi Base HQ wanted the call sign to secure a potential Landing Zone in order to evacuate any potential casualties and to act as a reserve.
- On commencement of the contact the KT1 Patrol moved North past their boundary into the contact area without receiving orders to do so from Kiwi Base HQ.
- The patrol members of KT1 did not receive any orders prior to deploying forward to the contact area, just a limited situational brief to the vehicle commanders. Members of the patrol were only aware that there might be insurgents on the Eastern side of the valley.
- On reaching the contact area the KT1 Patrol came under fire from insurgents to the East of their position. Members of the KT1B call sign engaged what they believed to be insurgents located on the Southern face of the re-entrant to the East with 25mm canon and small arms fire.
- On hearing friendly fire over the radio net they immediately ceased firing.

Allegation Three: That members of TG CRIB 20 fired at members of the NDS, ANP and/or PQRF during the contact on 4 Aug 12, vicinity BAGHAK.

- There is evidence to indicate that the NZDF personnel on the ground had difficulty positively identifying Afghan authorities from insurgents as the NDS, ANP and/or PQRF were wearing local dress with chest webbing and carrying a variety of weapons including AK47 assault rifles. This dress being the same as the clothing and weapon systems that insurgents are known to wear and use.
- At this time all targets fired at by NZDF personnel were at known or likely insurgent locations and identified or believed insurgents during the contact.

DECLASSIFIED

On 9 Feb 2016
 Reference No: K0024
 Appointment: RSM NZDF MP

Summary of Facts:

Allegation Four: That members of the NDS, ANP and/or PQRF fired upon members of TG CRIB 20 during the contact on 4 Aug 12, vicinity BAGHAK.

- S.9(2)(a) stated to a member of TG CRIB 20 at the Casualty Collection Point (CCP) that he had been shot by a person standing on a bridge just to the East of the road and that he believed this person to be in the NDS, ANP and/or PQRF.
- S.9(2)(a) stated that he believed that the round that struck his leg came directly from the North and not from the elevated position, where the insurgents were thought to be located.

Allegation Five: That the individual detained by members of the dismounted patrol after the contact on 4 Aug 12, vicinity BAGHAK, had been mistreated.

- An Afghan national was detained by members of the dismounted patrol post contact.
- Force was applied by a patrol member to restrain the Afghan national as he was actively resisting the instructions of the patrol members detaining him. A sling was used to tie the detainee's hands behind his back and he was subsequently escorted back to the patrol vehicles location. No blind fold was applied during this process.
- On reaching the vicinity of the patrol vehicles a blind fold was placed on the detainee. There is no indication that the detainee was struck by any member of the NZDF at this time.
- A member of the NDS, ANP and/or PQRF had to be restrained by NZDF personnel as they attempted to strike the detainee.
- S.9(2)(a) took the detainee into custody and had physical control of the detainee until they returned to ROMERO.

Allegation Six: That during the contact on 4 Aug 12, vicinity BAGHAK, a member of the dismounted patrol shot a wounded/deceased insurgent, who was not posing an immediate threat.

- S.9(2)(a) the patrol commander of the dismounted patrol, was witnessed shooting an insurgent who had been shot by another patrol member to ensure that they were dead.

Allegation Seven: That "speculative fire" was used prior to and during the contact on 4 Aug 12, vicinity BAGHAK.

- Elements of TG CRIB 20 fired upon likely and/or suspected insurgent position as directed by Afghan authorities upon arriving at the contact location.
- At the time of this "speculative fire" no member of the TG CRIB 20, NDS, ANP and/or PQRF were being fired upon by insurgents.

DECLASSIFIED

On 9 Feb 2016
 Reference No 1 Koolu
 Appointment SSM NZDF ml

Summary of Facts:

Allegation Eight: That during OP EAGLE, a combined operation with Afghan National Army (ANA) and a Canadian Armed Forces training team, within the Bamyan area, members of TG CRIB 20 were ordered by Kiwi Coy HQ to "booby trap" insurgent IED caches located.

- On 10 Jul 12, CO TG CRIB 20, was notified by Kiwi Coy HQ that Engineer elements had been tasked to booby trap an IED cache, an action that was endorsed by the CO.
- The S3 challenged this decision at the time and was over ruled by the CO as the CO believed the course of action was within the Rules of Engagement (ROE) he was operating under.
- Engineer elements who received the order to booby trap the IED Caches requested clearance from a "higher" command to conduct the task which was allegedly given. Engineer elements did not carry out the command for a reason yet to be determined.
- After OP EAGLE had concluded the S3 formally briefed the CO in relation to the booby trapping of IED caches and the practice ceased.

Allegation Nine: That the KT3 Patrol was tasked by Kiwi Coy HQ to brief the local population, vicinity SANGPAR check point, that TG CRIB 20 personnel would fire upon any person seen moving in the hills S.6(a) through the SHIKARI Valley.

- At this time only one member of the KT3 patrol recalls receiving this order.
- The Patrol Commander KT3 has no recollection of receiving and/or giving this order to his Patrol.

Allegation Ten: That on 9 Jul 12, vicinity RU-YE SANG, an IED was neutralised in an unsafe manner by members of the KT3 patrol.

- Patrol commander, KT3, admitted he did not follow standard procedure regarding the reporting and disposal of an IED due to OP EAGLE commencing on 10 Jul 12.
- No request for specialist support from the IED Disposal Team located in BAGRAM was made.
- The manner in which the IED was neutralised was not a recognised method for disposal and it endangered the life of the patrol commander and other members of the KT3 patrol.

DECLASSIFIED

On 9 Feb 2016
 Reference 401 Keolu
 Appointment Asm 2296 102

Investigators Recommendation:

Allegation One: It is recommended that Military Police conclude the initial investigation into the death of S.9(2)(a). This is due to the fact that no scene examination was possible, the fact that there is no physical evidence at this time to determine the exact calibre of round that fatally wounded S.9(2)(a) and witness accounts indicating that the round that killed S.9(2)(a) was fired from the East, North East, which is consistent with the location of the insurgents in the contact.

Allegation Two: It is recommended that investigation into the friendly fire incident continues to determine culpability. There is sufficient evidence to prove that members of the KT1B call sign fired at the dismounted patrol causing injury to LCPL PAGE and S.9(2)(a) however, the circumstances leading up to the incident including command and control and the confusion caused by the contact can be seen as a major contributor as to how it occurred.

Of concern is that the head injuries to S.9(2)(a) may not have occurred if he was wearing his Kevlar helmet and this could become an issue should someone question why issued safety equipment was not utilised.

Allegation Three: The NZDF or NZ Government have not received any complaints from either the Afghanistan Government or an individual alleging that TG CRIB 20 personnel had fired upon a local national. At this time there is limited evidence to indicate that any Afghan assisting with or being assisted by TG CRIB 20 was wounded or killed by any member of TG CRIB 20 during the contact. It is recommended that this allegation is concluded unless further evidence becomes available as a result of other investigations.

Allegation Four: Although there is the possibility that TG CRIB 20 personnel may have been fired upon by NDS, ANP and/or PQRF there is little physical evidence to support these allegations. It is recommended that this allegation is concluded unless further evidence becomes available as a result of other investigations.

Allegation Five: There is no evidence to support this allegation at this time. Further lines of inquiry are still to be investigated; therefore, it is recommended that this allegation is concluded unless further evidence becomes available as a result of other investigations.

Allegation Six: There is prima facie evidence that the Patrol Commander of the dismounted patrol breached ROE when he fired at a wounded/deceased insurgent who was not posing any immediate threat at the time. As the Patrol Commander in question was killed in an IED explosion and cannot be held accountable for his actions it is recommended that this incident is recorded and that relevant Command is informed.

Allegation Seven: There is prima facie evidence that speculative fire was used by elements of TG CRIB 20 prior to any contact being initiated by insurgents. It is recommended that the investigation into this allegation continues to determine if there was any breach of ROE.

Allegation Eight: There is evidence that Engineer elements of TG CRIB 20 were ordered to booby trap an IED cache during OP EAGLE. Further lines of inquiry are still to be investigated; therefore, it is recommended that investigation into this matter continues.

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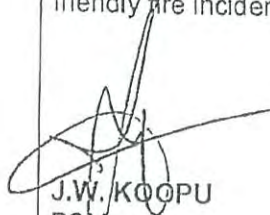
On 9 Feb 2010
 Reference NO 1 Keolu
 Appointment RSM NZDF

Allegation Nine: There is limited evidence to support this allegation at this time. It is recommended that this allegation is concluded unless further evidence becomes available as a result of other investigations.

Allegation Ten: There is prima facie evidence that Standard Operating Procedures were not adhered to in the reporting of the device to higher command and no request was made for assistance from the IED Disposal Team stationed in BAGRAM Air Force Base. There is also evidence to indicate that the IED was neutralised using an unauthorised and unsafe manner. It is recommended that investigation into this matter continues.

Investigators Conclusion:

It was apparent very early on that PTE PAGE believed that his injuries were the result of friendly fire and that as he had not been spoken to about it that NZDF were not going to investigate the incident. Although he appeared satisfied after he was interviewed by Military Police there is a concern is that if PTE PAGE, or any other soldier involved in this contact, is not happy with the outcome of this investigation or the Court of Inquiry that the friendly fire incident may be brought to the media's attention.



J.W. KOOPU
PSM
RNZMP

06 Dec 12

DECLASSIFIED
On 9 Feb 2016
Reference W01 J. Koopu
Appointment RSM NZDF

~~RESTRICTED~~

NEW ZEALAND ARMY
Headquarters, 1st (New Zealand) Military Police Company
MINUTE

201209130001

16 August 2013

HQJFNZ (Attention: COMD)

For Information:
HQJFNZ (Attention: LCC)

ALLEGATION OF BREACH OF RULES OF ENGAGEMENT BY S.9(2)(a)

Reference:

A Directive to Conduct Preliminary Inquiry TU653 1.1 Major Contact with Insurgents dated 16 August 2012

1. Reference A was a directive for Military Police to conduct a preliminary investigation into the events surrounding the contact with insurgents by elements of TU653 1.1, vicinity of BAGHAK, Bamiyan province, Afghanistan, while providing *in extremis* support to the Afghan National Directorate of Security (NDS).

2. During the investigation members of the dismounted patrol stated that they had observed S.9(2)(a) fire his weapon at a wounded or deceased insurgent to ensure that they were dead

3. Inquiries to date have been unable to locate any witnesses or physical evidence to establish if S.9(2)(a) aimed or fired his personal weapon towards a wounded or deceased insurgent and therefore not posing an immediate threat. The only person able to confirm exactly who or what S.9(2)(a) aimed and fired at is S.9(2)(a)

4. It is recommended that no further action be taken in regards to this matter due to insufficient evidence to support the allegation and that the S.9(2)(a)


J.W. KOOPU
Warrant Officer Class One
Provost Adviser

DECLASSIFIED

On 3 Feb 2016
Reference 401. Koopu
Appointment ASM NZS

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NEW ZEALAND ARMY
Headquarters, 1st (New Zealand) Military Police Company

MINUTE

201209130001

30 October 2013

HQJFNZ (Attention: COMD)

For Information:

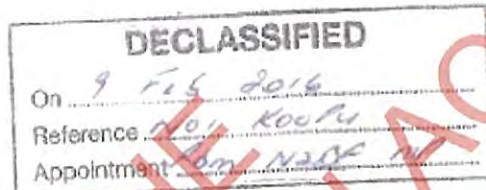
HQJFNZ (Attention: LCC)

ALLEGATION USE OF SPECULATIVE FIRE

Reference:

A. Directive to Conduct Preliminary Inquiry: TU653.1.1 Major Contact with Insurgents, dated 16 August 2012.

1. Reference A was a directive for Military Police to conduct a preliminary investigation into the events surrounding the contact with insurgents by elements of TU653.1.1, vicinity of BAGHAK, Bamyan province, Afghanistan, while providing *in extremis* support to the Afghan National Directorate of Security (NDS).
2. During the investigation there was an allegation that during the contact New Zealand patrols used speculative fire (engaging areas where insurgents were thought to be located), which could be assessed as a breach of the rules of engagement which state, in part "fire only aimed shots, fire no more rounds than is necessary, stop firing as soon as the situation permits and take all necessary precautions not to injure anyone other than the target."
3. This inquiry focused on the use and purpose of the 'speculative fire' used by the New Zealand patrols during the contact at BAGHAK.
4. The initial weapons fire by New Zealand patrols was at the direction and in direct support of the National Directorate of Security (NDS), who had just come under attack from insurgents and had resulted in several NDS personnel being wounded and killed. NZDF fire was used to suppress the insurgents while the NDS evacuated their injured personnel and recovered their deceased; and later that day in response to themselves coming under effective insurgent fire and then in order to suppress the insurgents while the New Zealand patrols evacuated their own injured and deceased personnel.
5. All personnel interviewed in relation to this allegation stated that, with the exception of only a few, they did not receive a target indication, fire control order or could identify a insurgent with most personnel firing at the splash in the same general direction as other NZDF callsigns.
6. All personnel interviewed stated that they believed the threat posed by the insurgents was very real, the insurgent fire was very accurate and their own fire was in response to the insurgent fire.

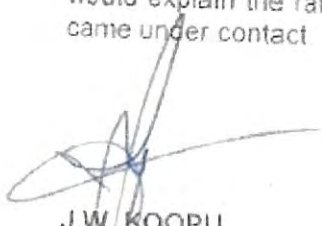


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7. This investigation has concluded that the use of fire by the New Zealand patrols was in accordance with the rules of engagement, given the extreme threat the personnel felt at the time. The fact that few of the NZDF personnel involved in the contact had previous experience in a contact, let alone coming under accurate and effective insurgent fire would explain the rates and amount of return fire by the New Zealand patrols when they came under contact.



J.W. KOOPU
Warrant Officer Class One
Provost Adviser

DECLASSIFIED
On 9 Feb 2014
Reference no. J.W. Koopu
Appointment 1988-1991 ml

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NEW ZEALAND ARMY
Headquarters, 1st (New Zealand) Military Police Company

MINUTE

201209130001

30 August 2013

HQJFNZ (Attention: COMD)

For Information:
HQJFNZ (Attention: LCC)

ALLEGATION OF ILL TREATMENT OF A DETAINEE

Reference:

A. Directive to Conduct Preliminary Inquiry: TU653 1 1 Major Contact with Insurgents, dated 16 August 2012.

1 Reference A was a directive for Military Police to conduct a preliminary investigation into the events surrounding the contact with insurgents by elements of TU653 1 1 vicinity of BAGHAK, Bamyan province Afghanistan, while providing *in extremis* support to the Afghan National Directorate of Security (NDS).

2 During the investigation there was an allegation that the Afghan national detained during the contact had been ill-treated. Details about the ill-treatment, including the date, time, place and nature of the ill-treatment were not forthcoming.

3 All of the personnel who handled or witnessed the treatment of the detainee have been interviewed and there is no evidence to support the allegation that he had been ill-treated in any way by NZDF personnel.

4 It is recommended that no further action be taken in regards to this matter due to insufficient evidence to support the allegation.


J.W. KOOPU
Warrant Officer Class One
Provost Adviser

DECLASSIFIED

On 23 Feb 16
Reference No 1 J W Koopu
Appointment RSM NZDF

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NEW ZEALAND ARMY
Headquarters, 1st (New Zealand) Military Police Company
MINUTE

201209130001

30 August 2013

HQJFNZ (Attention: COMD)

For Information:
HQJFNZ (Attention: LCC)

**ALLEGATION OF THREATENING TO FIRE UPON AFGHANI PERSONNEL MOVING
ALONG THE SHIKARI VALLEY**

Reference:

A. Directive to Conduct Preliminary Inquiry: TU653 1 1 Major Contact with Insurgents, dated 16 August 2012

1 Reference A was a directive for Military Police to conduct a preliminary investigation into the events surrounding the contact with insurgents by elements of TU653 1 1, vicinity of BAGHAK, Bamyan province, Afghanistan, while providing *in extremis* support to the Afghan National Directorate of Security (NDS)

2 During the investigation there was an allegation that a Kiwi Patrol was tasked to brief the local population in the vicinity SANGPAR check point, that TG CRIB 20 personnel would fire upon any person seen moving in the hills S.6(a) through the SHIKARI Valley.

3. Inquires to date have established this may have been raised as an option to discourage the local population from a particular area of the valley while an operation was being conducted to recover an NZLAW, however there is no evidence to indicate that campaign to discourage the locals was carried out.

4. It is recommended that no further action be taken in regards to this matter due to insufficient evidence to support the allegation

J.W. KOOPU
Warrant Officer Class One
Provost Adviser

DECLASSIFIED

On 4 Feb 2016
Reference NO1 J. Koopu
Appointment RSM NZDF MP

~~RESTRICTED~~