From: Media
To: Creagh, Alison BRIG; s47E(d) Kearnan, Sheridan DR
Cc: s47E(d) Findlay, Adam MAJGEN; Goddard, Lee RADM; s47E(d) edia; s47E(d) Paule, Kevin AVM; Perkins, Celia MS; s47E(d) s47E(d) Khan, Vance BRIG; s47E(d)
Subject: ADF OPS AFG Media Inquiry - FURTHER QUESTIONS FROM 4 CORNERS - MATIULLAH KHAN [SEC=UNCLASSIFIED]
Date: Thursday, 1 September 2011 10:36:18 AM
Attachments: Media Enquiry - FURTHER QUESTIONS FROM 4 CORNERS - MATIULLAH KHAN.doc

---

s22

UNCLASSIFIED

Priority: Urgent

Deadline: 1 September: 2011 : 17:00

Good morning,

Please find attached Media Enquiry - **FURTHER QUESTIONS FROM 4 CORNERS - MATIULLAH KHAN,**

Regards,

s47E(d) | Public Affairs Officer
Media Operations | Department of Defence

Russell Offices | Canberra ACT 2600
Phone: s22
Email: s22

MEDIA RESPONSES Expires:

Inquiry Number:	002677
Subject:	FURTHER QUESTIONS FROM 4 CORNERS - MATIULLAH KHAN
Organisation:	ABC 4 CORNERS
Contact Name:	s47F
Tel:	
Mob:	-
Contact EMail:	s47
Time Received:	10:29
Date Received:	01/09/2011
Due to DCAM:	01/09/2011 16:00
Media Ops Officer:	s47E(d) Team: A
Media Ops Officer Notes:	

Year: 2011
Group: OPSAFG
Action Area:

		TP Location
		With Department

Context:
Thank you very much for the response to our questions. It's much appreciated. Further to that, we just need a couple of clarifications. We are approaching our deadline.

1. Four Corners has been told by a number of sources that Matiullah Khan is manipulating SOTG operations to his benefit by providing misleading intelligence... These allegations include that he nominates his rivals for elimination. What is your response to this ?

2. It has been alleged to Four Corners that false intelligence provided by associates of Matiullah Khan played a part in the death of Rozi Khan ... What is the ADF response to this allegation?

3. What assessments or inquiries did the ADF make into the circumstances of the death of Hayat Ustad ? Are any of these inquiries or assessments still underway ? Will any findings be made public ?

Kind Regards,

s47F

Questions and Responses:

1. Four Corners has been told by a number of sources that Matiullah Khan is manipulating SOTG operations to his benefit by providing misleading intelligence...

These allegations include that he nominates his rivals for elimination. What is your response to this ?

Response:

2. It has been alleged to Four Corners that false intelligence provided by associates of Matiullah Khan played a part in the death of Rozi Khan ... What is the ADF response to this allegation?

Response:

3. What assessments or inquiries did the ADF make into the circumstances of the death of Hayat Ustad ? Are any of these inquiries or assessments still underway ? Will any findings be made public ?

Response:

Clearances:

Drafted	Name	Appointment	DTG
TPs drafted by			

Clearance	Name	Appointment	DTG
Subject Matter Expert			
Group/Service 1 Star or above			
	This information is consistent with advice provided to the Minister by other means (E.g. QTB, MinSub etc) (To be completed by 1 Star or above)		***Yes / No / Not Applicable*** *(Delete which ever is **not** applicable)*
Strategic Communications Adviser			
ASCAM or delegate			

Minister	Name	Appointment	DTG
Ministerial Action: (To be completed by ASCAM)			
Forward to/Cleared by			

For Information	Name	Appointment	DTG
Regional Manager Public Affairs			

From: Media
To: s47F
Subject: Defence media response [SEC=UNCLASSIFIED]
Date: Wednesday, 31 August 2011 5:14:05 PM

---

s22

UNCLASSIFIED

Hi s47F

Following your recent enquiry into insurgents captured/killed in Afghanistan, please attribute below response to a Defence spokesperson, not a named individual:

Response:

The ADF takes the issue of civilian casualties very seriously. ADF personnel operate under a strict set of Australian Rules of Engagement designed to minimise the risk of civilian casualties. The Rules of Engagement also act to ensure that the actions of Australian forces are consistent with our obligations under Australian and International law.

Australian soldiers also have the right of self defence when attacked, in accordance with our Rules of Engagement. Moreover, the Commander of the International Security Assistance Force (COMISAF) has issued a Tactical Directive detailing an 'ISAF wide' set of procedures to be observed to avoid civilian casualties or damage to civilian property. This Directive continues the long-standing ISAF focus on protecting civilians and operating in a manner that is respectful of Afghan culture. ADF force elements comply with the COMISAF Tactical Directive.

1. In total, how many insurgents have been killed, and how many captured by ADF forces in Afghanistan as a result of "targeted" operations for specific insurgents?

Response:

Australian troops are regularly in contact with insurgents, either indirectly through improvised explosive devices, or directly through gunfire. The Australian Defence Force does not release information pertaining to the overall number of enemy forces killed in action in Afghanistan. The number of insurgents killed is not an effective measure of success for counter-insurgency operations and as such is not used by ISAF or the ADF.

The ADF does not disclose the specific number of detainees captured in 'targeted' operations, however, it does release aggregated figures. The total for all operations over the period 1 August 2010 (when the US/AUS Combined Team - Uruzgan arrangement commenced) to 26 August 2011 is 899 detainees.

Defence does release information about the effective targeting of influential or key insurgent commanders who play a significant role in facilitating insurgent actions against the local population, Afghan and ISAF troops. Over the last year, Defence has issued media releases on the following dates to highlight the effective targeting of such Commanders:

Media Releases:

30 Apr 2011: http://www.defence.gov.au/media/DepartmentalTpl.cfm?CurrentId=11738
15 Apr 2011: http://www.defence.gov.au/media/DepartmentalTpl.cfm?CurrentId=11694
05 Apr 2011: http://www.defence.gov.au/media/DepartmentalTpl.cfm?CurrentId=11659
29 Dec 2010: http://www.defence.gov.au/media/DepartmentalTpl.cfm?CurrentId=11242
08 Nov 2010: http://www.defence.gov.au/media/DepartmentalTpl.cfm?CurrentId=11043
05 Nov 2010: http://www.defence.gov.au/media/DepartmentalTpl.cfm?CurrentId=11027
02 Aug 2010: http://www.defence.gov.au/media/DepartmentalTpl.cfm?CurrentId=10669

17 May 2010: http://www.defence.gov.au/media/DepartmentalTpl.cfm?CurrentId=10303
07 May 2010: http://www.defence.gov.au/media/DepartmentalTpl.cfm?CurrentId=10253

2. How critical does the ADF believe these operations are to the success of its mission in Afghanistan ?

Response:

Security is the first step toward achieving stability in Afghanistan and to ensure it does not again become a breeding ground for terrorist organisations to train or operate from. One of the measures undertaken to achieve security is for the ANSF and partner coalition militaries to conduct deliberate, targeted operations against the insurgency and its key leadership.

The ADF conducts operations in partnership with the Afghan National Security Forces to remove insurgent leaders and commanders and disrupt insurgent operations in Uruzgan Province. They do this by targeting insurgent logistics nodes and command and control networks, which has a substantial effect on its ability to operate – with corresponding force protection benefits.

ISAF operations are conducted to improve security in Afghanistan, and to provide an environment conducive to the growth of good governance and socio-economic development, which in turn is conducive to sustainable stability.

2 April 2009 incident at Chenartu :

3. Why is the location of this incident redacted from the ADF report, when there were a large number of Afghan witnesses to the event?

Response:
The specific locations of Coalition/ADF operations are redacted as a matter of course from the publicly released reports in order to protect local Afghans from possible Taliban retribution and/or to prevent patterns of Coalition/ADF operations being established by the enemy.

4. With considerably fewer resources than the ADF, 4 Corners was able to both visit the site of this incident and identify the victims, something which the ADF report states was not possible. Is the ADF satisfied that it made every reasonable effort to investigate this incident as fully as possible?

Response:

At the time of the investigation conducted in May 2009, it was determined that the security threat environment at the location of the incident did not permit the Inquiry Officer visiting the scene. The Inquiry Officer was satisfied that the maps and other imagery of the site allowed him to make accurate assessments and judgements.

5. According to both the ADF report and Afghan eye-witnesses interviewed by 4 corners, three unarmed civilians were shot dead during this attack. Eyewitnesses have told 4 corners that the victims were not connected to the insurgency. The ADF report states that:

no changes are necessary to the methodology for assessing the risk of civilian casualties in operations of this kind; and

no remedial action is necessary to further minimize the risk of civilian casualties in future operations of this kind, including TTPs;

Does the ADF stand by that claim in the report ?

Response:

In 2009, the then Chief of the Defence Force directed a thorough review of the ADF's Rules of Engagement in response to civilian casualty issues. This review confirmed our Rules of Engagement were being applied appropriately. Defence also reviewed its tactics, techniques and procedures in line with the former COMISAF's Tactical Directive. In line with that Directive, Defence conducts operations in Uruzgan in partnership with the Afghan National Security Forces, entry into compounds are Afghan-led and ADF personnel understand the need to demonstrate respect for Afghans, their culture, customs and religion. As briefed to the media at that time, the ADF never stands still on this issue. We keep our procedures under constant review in order to do everything we can to minimise loss of life and the impact on civilians.

6. Eyewitnesses have told 4 corners that one of the men killed in this incident was wounded by ADF soldiers, then checked for weapons, and left to die at the scene, which he did some 30 minutes after the ADF left. Can the ADF confirm this account, and does it have any comment regarding this?

Response:

ADF practice is for wounded combatants to be evacuated to medical facilities for treatment by coalition medical staff, as has occurred regularly over the last few years.

The inquiry did not reveal that any action as described took place and Defence has no evidence to substantiate this claim.

7. Eyewitnesses have told 4 Corners that just prior to the attack, an extended family gathering was underway for a mourning ceremony of a recently deceased grand-daughter. The ADF report states that :

Reliable intelligence [REDACTED] indicated the presence of OBJ [REDACTED] in the vicinity of the compound of interest (COI) near [REDACTED]. This was confirmed by a [REDACTED] that also indicated the presence of approximately 10 FAM near the COI, consistent with a senior INS personal security detachment (PSD). The decision to execute the mission was taken as a result of the [REDACTED] very reliable intelligence [REDACTED].

Did the ADF consider the possibility that the "Senior Insurgent PSD" could have been a gathering of adult men for a family funeral, especially considering the lack of weapons found at the site of the attack?

Response:
As with all operations, the ADF operated within its Rules of Engagement. As outlined in the Inquiry report, the SOTG decision to launch this operation was based on reliable intelligence and the presence and disposition of civilians is always taken into account, noting that Australia's Rules of Engagement are designed to minimise the risk of civilian casualties.

8. Does the ADF have any concerns about the practice of referring to Afghan males as "Fighting Age Males (FAM)", regardless of whether they are armed or not, or known to be civilians or not?

Response:

The term "Fighting Aged Males (FAM)" is military terminology which is used by itself as a very broad categorisation of a group of individuals, as a component of the identification process. As a broad categorisation this term does not in itself presume that they are insurgents, nor is it a trigger for an operation.

Matiullah Khan :

9. What is the relationship between Matiullah Khan and the ADF SOTG?

Response:

As part of ISAF efforts to help stabilise Afghanistan, Australian forces regularly engage with a wide range of tribal and community leaders in Uruzgan in an inclusive and impartial way. In this setting, Matiullah Khan is one of many influential figures that Australians have engaged. Australia works with such individuals in a way to ensure that their influence is used positively, in support of governance and security in Uruzgan.

In the time that the ADF has worked in Uruzgan, Matiullah Khan has headed the Kandak Amniante Uruzgan (KAU), a private security organisation which provides contracted security in some parts of Uruzgan for the Ministry of Interior.

On 7 August 2011, the Afghan Ministry of Interior announced that Matiullah Khan was appointed Uruzgan Provincial Chief of Police. Since his appointment to this position, Australian officials have engaged Matiullah Khan in his official capacity, including the Special Operations Task Group (SOTG) which mentors Uruzgan's Afghan National Police Provincial Response Company – Urzugan (the PRC-U).

The PRC-U, established in early May 2009, undertakes routine community policing and specific missions as directed by the Provincial Chief of Police.

10. Is the ADF still training and paying Afghan security forces controlled by Matiullah Khan, and does it plan to bring any more of these forces to Australia for training?

Response:

As the Afghan National Police PRC-U's partner force, the ADF provides it with a range of enabling support functions (including some financial support to enable it to operate with the SOTG).

In line with the Afghan Government's direction, Australian forces operate with an Afghan partner. Under ISAF guidance, any entry into an Afghan house should always be accomplished by ANSF, with the support of local authorities, and account for the unique cultural sensitivities surrounding local women. For this reason, the ADF works closely with the Afghan National Police Force to ensure that Australia meets both the Afghan Government and ISAF's direction.

At this stage, Defence has no plans to bring out any additional Afghan National Police Force officers to Australia.

11. Does the ADF have any concerns over Matiullah Khan's conduct in Uruzgan, and is it satisfied with the intelligence his forces provide the ADF and Coalition forces?

Response:

As the Uruzgan Chief of Police, our expectation is that Matiullah Khan acts in an impartial and professional manner and continues to be a positive influence for security in the province.

Appointments to Afghan Government positions, such as the Uruzgan Chief of Police, are the responsibility of the Afghan Government.

As a result of the SOTG's mentoring, the PRC-U's capabilities are continuing to expand. PRC-U personnel continue to provide the ADF with an important source of local knowledge.

Killing of Hayat Ustad, 29th April 2011 in Tarin Kowt :

12. Eyewitnesses to the operation have told Four Corners that Hayat Ustad was unarmed, which contradicts the ADF statement of 30 April 2011 that he "draw a pistol and attempted to shot members of the Australian Special Forces" … does the ADF stand by its statement of 30th April?

13. Is the ADF aware of claims by both the Governor of Uruzgan and an Uruzgan member of

the Afghan parliament that Hayat Ustad was not involved in the insurgency, but that a business rival had fed false intelligence to Coalition forces stating he was ? If so, have these claims been investigated by the ADF?

Response:

The SOTG and their Afghan partners engaged and killed Hayat Ustad in self defence during a mission authorised by the Afghanistan Government. The joint mission in which Hayat Ustad was killed was launched following the promulgation of a warrant for his detention by the appropriate Afghan Government Authorities. When faced with detention Hayat Ustad chose to resist by drawing a pistol and presenting a clear threat to the detention force. His death was lawful under Australian, ISAF and Afghan National Security Forces rules of engagement.

Regards,

s47E(d) | Public Affairs Officer
Media Operations | Department of Defence

Russell Offices | Canberra ACT 2600
Phone: s22
Email: s22

From: Media
To: s47E(d)
Cc: Media; s47E(d) Perkins, Celia MS; s47E(d) Creagh, Alison BRIG
Subject: For Acknowledgement - 4 Corners responses to be placed on "On the Record" [SEC=UNCLASSIFIED]
Date: Tuesday, 6 September 2011 9:42:34 AM
Attachments: FURTHER QUESTIONS FROM 4 CORNERS - MATIULLAH KHAN.doc
CAPTURE KILL PROGRAM IN AFGHANISTAN.doc

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s22

UNCLASSIFIED

Hi all

For your acknowledgement

Please find attached the two responses given to ABC 4 Corners as part of its Kill Capture program.

Intent is for these responses to be placed on the 'On the Record' site.

Note - These responses are already available on the 4 Corners website.

Thank you,

s47E(d) | Public Affairs Officer
Media Operations | Department of Defence

Russell Offices | Canberra ACT 2600
Phone: s22
Email: s22

MEDIA RESPONSES Expires: 16/09/2011

Inquiry Number:	002677
Subject:	FURTHER QUESTIONS FROM 4 CORNERS - MATIULLAH KHAN
Organisation:	ABC 4 CORNERS
Contact Name:	s47F
Tel:	
Mob:	-
Contact EMail:	s47F
Time Received:	10:29
Date Received:	01/09/2011
Due to DCAM:	01/09/2011 04:00 PM
Media Ops Officer:	s47E(d) Team: A
Media Ops Officer Notes:	

Year: 2011
Group: OPSAFG
Action Area:

		TP Location
		With Department
Date sent to Ministers' Office:	Date returned from Ministers' Office:	Time with Ministers' Office (Days)
01/09/2011 06:32 PM	02/09/2011 06:07 PM	0.983

Context:
Thank you very much for the response to our questions. It's much appreciated. Further to that, we just need a couple of clarifications. We are approaching our deadline.

1. Four Corners has been told by a number of sources that Matiullah Khan is manipulating SOTG operations to his benefit by providing misleading intelligence... These allegations include that he nominates his rivals for elimination. What is your response to this ?

2. It has been alleged to Four Corners that false intelligence provided by associates of Matiullah Khan played a part in the death of Rozi Khan ... What is the ADF response to this allegation?

3. What assessments or inquiries did the ADF make into the circumstances of the death of Hayat Ustad ? Are any of these inquiries or assessments still underway ? Will any findings be made public ?

Kind Regards,

s47F

Questions and Responses:

1. Four Corners has been told by a number of sources that Matiullah Khan is manipulating SOTG operations to his benefit by providing misleading intelligence... These allegations include that he nominates his rivals for elimination. What is your response to this ?

Response:
No ADF operation in Afghanistan may be launched against an individual, or group of individuals, based on single-source or uncorroborated intelligence.

Since the commencement of the ADF's commitment to Afghanistan, the ADF has built a very good understanding of the tribal dynamics, familial associations and insurgent propaganda in Uruzgan. Allegations against prominent individuals are common place.

It has been alleged to Four Corners that false intelligence provided by associates of Matiullah Khan played a part in the death of Rozi Khan ... What is the ADF response to this allegation?

Response:

As the Inquiry Officer report into this incident identifies, Rozi Khan's movement to the incident site occurred during a SOTG operation. His appearance in the vicinity of the contact site, and subsequent death was described by the then Commander of ISAF's Regional Command - South as a result of "his unfortunate intervention into a complex situation, albeit with altruistic motives."

This operation was launched against an identified insurgent on 17 September 2008, who had been identified through multiple intelligence sources to be in the vicinity of a certain compound. The SOTG force was manoeuvring to this compound of interest when the series of engagements that ultimately led to the deaths of two Afghans and the injury to five others occurred. This narrative is clear in the redacted Inquiry Officer's report.

The Inquiry Officer highlighted that the village in which the incident occurred was at a heightened state of alert as a result of significant insurgent action in the preceding days. To assert that an individual manipulated the security situation in a village which may or may not have been linked to the infiltration route selected for the operation is highly speculative and not supported by the inquiry into the incident.

3. What assessments or inquiries did the ADF make into the circumstances of the death of Hayat Ustad ? Are any of these inquiries or assessments still underway ? Will any findings be made public ?

Response:
Information and intelligence was compiled and corroborated over a long period of time. This indicated that Hayat Ustad was a highly influential insurgent and key logistician with links to the senior insurgent leadership in southern Afghanistan. He was responsible for arms smuggling, transporting weapons and fighters and Improvised Explosive Device construction. He was also heavily involved in the coordination, direction and planning of suicide bomb attacks.

The partnered operation in which Hayat Ustad was killed was authorised by the appropriate ISAF and Afghan Government authorities.

Defence has determined that during this mission Hayat Ustad was killed when he drew a pistol and posed an immediate threat. His shooting was lawful in accordance with Australian, ISAF and Afghan National Security Force Rules of Engagement. As Hayad Ustad was a prominent Uruzgan insurgent and displayed hostile intent, this is not a civilian casualty matter. Defence considers there is no requirement to undertake a further inquiry into this matter.

Clearances:

Drafted	Name	Appointment	DTG
TPs drafted by	s47E(d)	*HQJOC J09*	*01 Sep 11*

Clearance	Name	Appointment	DTG
Subject Matter Expert	*BRIG M Smethurst*	*DSOCAUST*	*01 Sep 11*
Group/Service 1 Star or above	*LTGEN A Power* s47E(d)	*CJOPS* *COS CDF*	*01 Sep 11* *01 Sep 11*
	This information is consistent with advice provided to the Minister by other means (E.g. QTB, MinSub etc) *(To be completed by 1 Star or above)*		***Yes / No / Not Applicable*** *(Delete which ever is **not** applicable)*
IP Div	*Sheridan Kearnan*	*ASAFPAK*	*01 SEPT 11*
MSC Branch	*BRIG A Findlay*	*DGMSC*	*01 SEPT 11*
DGStratCom	*BRIG A Creagh*	*DGStratCom*	*01 SEPT 11*
MSC Division	*AVM K J Paule*	*HMSC*	*01 SEPT 11*
CDF	*GEN D Hurley*	*CDF*	*01 SEP 11*
ASCAM or delegate	*Celia Perkins*	*ASCAM*	*01 SEP 11*

Minister	Name	Appointment	DTG
Ministerial Action: *(To be completed by ASCAM)* ***FOR ACKNOWLEDGEMENT***		*MA MINDEF*	
Forward to/Cleared by			
For Information	**Name**	**Appointment**	**DTG**
Regional Manager Public Affairs			

Date Cleared:
02/09/2011

Additional Notes / Attachments:

[Please conduct a search of Lotus Notes for any prior, related talking points. Copy and paste previous TPs in below. Also note if any media alerts/releases have been issued, imagery is on the website, etc.]

Audit History: Edited by s47E(d) on 02/09/2011 06:13:21 PM
Edited by s47E(d) on 02/09/2011 12:20:45 PM
Created by s47E(d) on 01/09/2011 10:32:43

MEDIA RESPONSES Expires: 14/09/2011

Inquiry Number:	002649
Subject:	CAPTURE KILL PROGRAM IN AFGHANISTAN
Organisation:	ABC 4 CORNERS
Contact Name:	s47F
Tel:	-
Mob:	-
Contact EMail:	s47F
Time Received:	02:56 PM
Date Received:	29/08/2011
Due to DCAM:	31/08/2011 12:00 PM
Media Ops Officer:	s47E(d) Team: B
Media Ops Officer Notes:	

Year: 2011
Group: OPSAFG
Action Area:

		TP Location
		With Department
Date sent to Ministers' Office:	Date returned from Ministers' Office:	Time with Ministers' Office (Days)
31/08/2011 01:49 PM	31/08/2011 04:59 PM	0.132

Context:

As per your suggestion I have attached some questions for the ADF in light of General Hurley being unavailable for a Four Corners interview. We need a written response to these questions by the close of business (5pm) on Thursday, 1 September. Could you also reply to this email so that I know you have received it and the questions.

Questions and Responses:

The ADF takes the issue of civilian casualties very seriously. ADF personnel operate under a strict set of Australian Rules of Engagement designed to minimise the risk of civilian casualties. The Rules of Engagement also act to ensure that the actions of Australian forces are consistent with our obligations under Australian and International law.

Australian soldiers also have the right of self defence when attacked, in accordance with our Rules of Engagement. Moreover, the Commander of the International Security Assistance Force (COMISAF) has issued a Tactical Directive detailing an 'ISAF wide' set of procedures to be observed to avoid civilian casualties or damage to civilian property. This Directive continues the long-standing ISAF focus on protecting civilians and operating in a manner that is respectful of Afghan culture. ADF force elements comply with the COMISAF Tactical Directive.

1. In total, how many insurgents have been killed, and how many captured by ADF forces in Afghanistan as a result of "targeted" operations for specific insurgents?

Response:

Australian troops are regularly in contact with insurgents, either indirectly through improvised explosive devices, or directly through gunfire. The Australian Defence Force does not release information pertaining to the overall number of enemy forces killed in action in Afghanistan. The number of insurgents killed is not an effective measure of success for counter-insurgency operations and as such is not used by ISAF or the ADF.

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02 Aug 2010: http://www.defence.gov.au/media/DepartmentalTpl.cfm?CurrentId=10669
17 May 2010: http://www.defence.gov.au/media/DepartmentalTpl.cfm?CurrentId=10303
07 May 2010: http://www.defence.gov.au/media/DepartmentalTpl.cfm?CurrentId=10253

2. How critical does the ADF believe these operations are to the success of its mission in Afghanistan ?

Response:

Security is the first step toward achieving stability in Afghanistan and to ensure it does not again become a breeding ground for terrorist organisations to train or operate from. One of the measures undertaken to achieve security is for the ANSF and partner coalition militaries to conduct deliberate, targeted operations against the insurgency and its key leadership.

The ADF conducts operations in partnership with the Afghan National Security Forces to remove insurgent leaders and commanders and disrupt insurgent operations in Uruzgan Province. They do this by targeting insurgent logistics nodes and command and control networks, which has a substantial effect on its ability to operate – with corresponding force protection benefits.

ISAF operations are conducted to improve security in Afghanistan, and to provide an environment conducive to the growth of good governance and socio-economic development, which in turn is conducive to sustainable stability.

2 April 2009 incident at Chenartu :

3. Why is the location of this incident redacted from the ADF report, when there were a large number of Afghan witnesses to the event?

Response:
The specific locations of Coalition/ADF operations are redacted as a matter of course from the publicly released reports in order to protect local Afghans from possible Taliban retribution and/or to prevent patterns of Coalition/ADF operations being established by the enemy.

4. With considerably fewer resources than the ADF, 4 Corners was able to both visit the site of this incident and identify the victims, something which the ADF report states was not possible. Is the ADF satisfied that it made every reasonable effort to investigate this incident as fully as possible?

Response:

At the time of the investigation conducted in May 2009, it was determined that the security threat environment at the location of the incident did not permit the Inquiry Officer visiting the scene. The Inquiry Officer was satisfied that the maps and other imagery of the site allowed him to make accurate assessments and judgements.

5. According to both the ADF report and Afghan eye-witnesses interviewed by 4 corners, three unarmed civilians were shot dead during this attack. Eyewitnesses have told 4 corners that the victims were not connected to the insurgency. The ADF report states that:

no changes are necessary to the methodology for assessing the risk of civilian casualties in operations of this kind; and

no remedial action is necessary to further minimize the risk of civilian casualties in future operations of this kind, including TTPs;

Does the ADF stand by that claim in the report ?

Response:

In 2009, the then Chief of the Defence Force directed a thorough review of the ADF's Rules of Engagement in response to civilian casualty issues. This review confirmed our Rules of Engagement were being applied appropriately. Defence also reviewed its tactics, techniques and procedures in line with the former COMISAF's Tactical Directive. In line with that Directive, Defence conducts operations in Uruzgan in partnership with the Afghan National Security Forces, entry into compounds are Afghan-led and ADF personnel understand the need to demonstrate respect for Afghans, their culture, customs and religion. As briefed to the media at that time, the ADF never stands still on this issue. We keep our procedures under constant review in order to do everything we can to minimise loss of life and the impact on civilians.

6. Eyewitnesses have told 4 corners that one of the men killed in this incident was wounded by ADF soldiers, then checked for weapons, and left to die at the scene, which he did some 30 minutes after the ADF left. Can the ADF confirm this account, and does it have any comment regarding this?

Response:

ADF practice is for wounded combatants to be evacuated to medical facilities for treatment by coalition medical staff, as has occurred regularly over the last few years.

The inquiry did not reveal that any action as described took place and Defence has no evidence to substantiate this claim.

7. Eyewitnesses have told 4 Corners that just prior to the attack, an extended family gathering was underway for a mourning ceremony of a recently deceased grand-daughter. The ADF report states that :

Reliable intelligence [REDACTED] indicated the presence of OBJ [REDACTED] in the vicinity of the compound of interest (COI) near [REDACTED]. This was confirmed by a [REDACTED] that also indicated the presence of approximately 10 FAM near the COI, consistent with a senior INS personal security detachment (PSD). The decision to execute the mission was taken as a result of the [REDACTED] very reliable intelligence [REDACTED].

Did the ADF consider the possibility that the "Senior Insurgent PSD" could have been a gathering of adult men for a family funeral, especially considering the lack of weapons found at the site of the attack?

Response:
As with all operations, the ADF operated within its Rules of Engagement. As outlined in the Inquiry report, the SOTG decision to launch this operation was based on reliable intelligence and the presence and disposition of civilians is always taken into account, noting that Australia's Rules of Engagement are designed to minimise the risk of civilian casualties.

8. Does the ADF have any concerns about the practice of referring to Afghan males as "Fighting Age Males (FAM)", regardless of whether they are armed or not, or known to be civilians or not?

Response:

The term "Fighting Aged Males (FAM)" is military terminology which is used by itself as a very broad categorisation of a group of individuals, as a component of the identification process. As a broad categorisation this term does not in itself presume that they are insurgents, nor is it a trigger for an operation.

Matiullah Khan :

9. What is the relationship between Matiullah Khan and the ADF SOTG?

Response:

As part of ISAF efforts to help stabilise Afghanistan, Australian forces regularly engage with a wide range of tribal and community leaders in Uruzgan in an inclusive and impartial way. In this setting, Matiullah Khan is one of many influential figures that Australians have engaged. Australia works with such individuals in a way to ensure that their influence is used positively, in support of governance and security in Uruzgan.

In the time that the ADF has worked in Uruzgan, Matiullah Khan has headed the Kandak Amniante Uruzgan (KAU), a private security organisation which provides contracted security in some parts of Uruzgan for the Ministry of Interior.

On 7 August 2011, the Afghan Ministry of Interior announced that Matiullah Khan was appointed Uruzgan Provincial Chief of Police. Since his appointment to this position, Australian officials have engaged Matiullah Khan in his official capacity, including the Special Operations Task Group (SOTG) which mentors Uruzgan's Afghan National Police Provincial Response Company – Urzugan (the PRC-U).

The PRC-U, established in early May 2009, undertakes routine community policing and specific missions as directed by the Provincial Chief of Police.

10. Is the ADF still training and paying Afghan security forces controlled by Matiullah Khan, and does it plan to bring any more of these forces to Australia for training?

Response:

As the Afghan National Police PRC-U's partner force, the ADF provides it with a range of enabling support functions (including some financial support to enable it to operate with the SOTG).

In line with the Afghan Government's direction, Australian forces operate with an Afghan partner. Under ISAF guidance, any entry into an Afghan house should always be accomplished by ANSF, with the support of local authorities, and account for the unique cultural sensitivities surrounding local women. For this reason, the ADF works closely with the Afghan National Police Force to ensure that Australia meets both the Afghan Government and ISAF's direction.

At this stage, Defence has no plans to bring out any additional Afghan National Police Force officers to Australia.

11. Does the ADF have any concerns over Matiullah Khan's conduct in Uruzgan, and is it satisfied with the intelligence his forces provide the ADF and Coalition forces?

Response:

As the Uruzgan Chief of Police, our expectation is that Matiullah Khan acts in an impartial and professional manner and continues to be a positive influence for security in the province.

Appointments to Afghan Government positions, such as the Uruzgan Chief of Police, are the responsibility of the Afghan Government.

As a result of the SOTG's mentoring, the PRC-U's capabilities are continuing to expand. PRC-U personnel continue to provide the ADF with an important source of local knowledge.

Killing of Hayat Ustad, 29th April 2011 in Tarin Kowt :

12. Eyewitnesses to the operation have told Four Corners that Hayat Ustad was unarmed, which contradicts the ADF statement of 30 April 2011 that he "draw a pistol and attempted to shot members of the Australian Special Forces" … does the ADF stand by its statement of 30th April?

13. Is the ADF aware of claims by both the Governor of Uruzgan and an Uruzgan member of the Afghan parliament that Hayat Ustad was not involved in the insurgency, but that a business rival had fed false intelligence to Coalition forces stating he was ? If so, have these claims been investigated by the ADF?

Response:

The SOTG and their Afghan partners engaged and killed Hayat Ustad in self defence during a mission authorised by the Afghanistan Government. The joint mission in which Hayat Ustad was killed was launched following the promulgation of a warrant for his detention by the appropriate Afghan Government Authorities. When faced with detention Hayat Ustad chose to resist by drawing a pistol and presenting a clear threat to the detention force. His death was lawful under Australian, ISAF and Afghan National Security Forces rules of engagement.

Clearances:

Drafted	Name	Appointment	DTG
Q 1 *Q 2*	s47E(d)	*DAFPAK* *SCA-MSC*	*30 AUG 2011*

Q 3-8 *Q9-11* *Q12-13*	s47E(d)	*SO1 AFPAK* *DAFPAK* *J09 HQJOC MPA*	

Clearance	Name	Appointment	DTG
MSC Branch	*BRIG A Findlay*	*DGMSC*	*30 AUG 2011*
StratCom Branch	*BRIG A Creagh*	*DGStratCom*	*30 AUG 2011*
MSC Division	*AVM K J Paule*	*HMSC*	*30 AUG 2011*
IP Division	*Sheridan Kearnan*	*ASAFPAK*	*30 AUG 2011*
PA-AP	s47E(d)	*PA-AF*	*30 AUG 2011*
O/CDF	*GEN Hurley*	*CDF*	*31 AUG 2011*
ASCAM or delegate	*Celia Perkins*	*ASCAM*	*31 Aug 2011*

Minister	Name	Appointment	DTG
Ministerial Action: *(To be completed by ASCAM)* ***FOR ACKNOWLEDGEMENT***		*MA MINDEF*	
Forward to/Cleared by	*AP 1649*		
For Information	**Name**	**Appointment**	**DTG**
Regional Manager Public Affairs			

Date Cleared:
31/08/2011

Additional Notes / Attachments:
[Please conduct a search of Lotus Notes for any prior, related talking points. Copy and paste previous TPs in below. Also note if any media alerts/releases have been issued, imagery is on the website, etc.]

Audit History: Edited by s47E(d) on 31/08/2011 05:00:05 PM
Edited by s47E(d) on 31/08/2011 01:49:23 PM
Edited by s47E(d) on 29/08/2011 03:23:39 PM
Created by s47E(d) on 29/08/2011 03:14:51 PM

s22

[redacted]

From: MediaOps
Sent: Monday, 29 August 2011 15:35
To: Creagh, Alison BRIG; s47E(d)
Cc: s47E(d) Adam BRIG; s47E(d)
MediaOps; s47E(d)
Paule, Kevin AVM; Perkins, Celia MS; s47E(d)
Vance COL
Subject: ADF OPS AFG (DG StratCom) Media Inquiry - CAPTURE KILL PROGRAM IN AFGHANISTAN [SEC=UNCLASSIFIED]

UNCLASSIFIED

Priority: Urgent

Deadline: 31 August 2011, 12:00

Good afternoon,

Please find attached Media Enquiry - ***CAPTURE KILL PROGRAM IN AFGHANISTAN***

Note - Enquiry was originally sent as a request to interview CDF. This request was declined and journalist invited to provide questions for a written

response.

- Previous responses provided in template for your consideration
- I have shortened the deadline assuming a lengthy clearance process - happy to discuss.

Regards,

s47E(d) | Public Affairs Officer
Media Operations | Department of Defence

Russell Offices | Canberra ACT 2600
Phone: s22
Email: s22

MEDIA RESPONSES Expires:

Inquiry Number:	002649
Subject:	CAPTURE KILL PROGRAM IN AFGHANISTAN
Organisation:	ABC 4 CORNERS
Contact Name:	s47F
Tel:	-
Mob:	-
Contact EMail:	s47F
Time Received:	02:56 PM
Date Received:	29/08/2011
Due to DCAM:	31/08/2011 12:00 PM
Media Ops Officer:	s47E(d) Team: B
Media Ops Officer Notes:	

Year: 2011
Group: OPSAFG
Action Area:

		TP Location
		With Department

Context:

As per your suggestion I have attached some questions for the ADF in light of General Hurley being unavailable for a Four Corners interview. We need a written response to these questions by the close of business (5pm) on Thursday, 1 September. Could you also reply to this email so that I know you have received it and the questions.

Questions and Responses:

1. **In total, how many insurgents have been killed, and how many captured by ADF forces in Afghanistan as a result of "targeted" operations for specific insurgents?**

Response:

Our troops are in contact with insurgents, either indirectly through improvised explosive devices, or directly through fire-fights, almost every day.

Neither the International Security Assistance Force nor the Australian Defence Force releases information pertaining to the overall number of enemy forces killed in action in Afghanistan.

The ADF has not to date disclosed exact numbers of detainees for security reasons.

The number of insurgents killed is not an effective measure of success for operations in a Counter-Insurgency environment and as such are not used by ISAF or the ADF.

Defence and ISAF do however highlight the effective targeting of influential or key insurgent commanders who play a significant role facilitating insurgent actions against the local population, Afghan and ISAF troops. For example, over the last year, Defence has issued media releases on the following dates:

Media Releases:

30 Apr 2011: http://www.defence.gov.au/media/DepartmentalTpl.cfm?CurrentId=11738
15 Apr 2011: http://www.defence.gov.au/media/DepartmentalTpl.cfm?CurrentId=11694
05 Apr 2011: http://www.defence.gov.au/media/DepartmentalTpl.cfm?CurrentId=11659
29 Dec 2010: http://www.defence.gov.au/media/DepartmentalTpl.cfm?CurrentId=11242
08 Nov 2010: http://www.defence.gov.au/media/DepartmentalTpl.cfm?CurrentId=11043
05 Nov 2010: http://www.defence.gov.au/media/DepartmentalTpl.cfm?CurrentId=11027
02 Aug 2010: http://www.defence.gov.au/media/DepartmentalTpl.cfm?CurrentId=10669
17 May 2010: http://www.defence.gov.au/media/DepartmentalTpl.cfm?CurrentId=10303
07 May 2010: http://www.defence.gov.au/media/DepartmentalTpl.cfm?CurrentId=10253

2. How critical does the ADF believe these operations are to the success of its mission in Afghanistan ?

Response:

2 April 2009 incident at Chenartu :

3. Why is the location of this incident redacted from the ADF report, when there were a large number of Afghan witnesses to the event?

Response:

4. With considerably fewer resources than the ADF, 4 Corners was able to both visit the site of this incident and identify the victims, something which the ADF report states was not possible. Is the ADF satisfied that it made every reasonable effort to investigate this incident as fully as possible?

Response:

5. According to both the ADF report and Afghan eye-witnesses interviewed by 4 corners, three unarmed civilians were shot dead during this attack. Eyewitnesses have told 4 corners that the victims were not connected to the insurgency. The ADF report states that :

no changes are necessary to the methodology for assessing the risk of civilian casualties in operations of this kind; and

no remedial action is necessary to further minimize the risk of civilian casualties in future operations of this kind, including TTPs;

Does the ADF stand by that claim in the report ?

Response:

6. Eyewitnesses have told 4 corners that one of the men killed in this incident was wounded by ADF soldiers, then checked for weapons, and left to die at the scene, which he did some 30 minutes after the ADF left. Can the ADF confirm this account, and does it have any comment regarding this?

Response:

7. Eyewitnesses have told 4 Corners that just prior to the attack, an extended family gathering was underway for a mourning ceremony of a recently deceased grand-daughter. The ADF report states that :

Reliable intelligence [REDACTED] indicated the presence of OBJ [REDACTED] in the vicinity of the compound of interest (COI) near [REDACTED]. This was confirmed by a [REDACTED] that also indicated the presence of approximately 10 FAM near the COI, consistent with a senior INS personal security detachment (PSD). The decision to execute the mission was taken as a result of the [REDACTED] very reliable intelligence [REDACTED].

Did the ADF consider the possibility that the "Senior Insurgent PSD" could have been a gathering of adult men for a family funeral, especially considering the lack of weapons found at the site of the attack?

Response:

8. Does the ADF have any concerns about the practice of referring to Afghan males as "Fighting Age Males (FAM)", regardless of whether they are armed or not, or known to be civilians or not?

Response:

Matiullah Khan :

9. What is the relationship between Matiullah Khan and the ADF SOTG?

Response:

10. Is the ADF still training and paying Afghan security forces controlled by Matiullah Khan, and does it plan to bring any more of these forces to Australia for training?

Response:

11. Does the ADF have any concerns over Matiullah Khan's conduct in Uruzgan, and is it satisfied with the intelligence his forces provide the ADF and Coalition forces?

Response: As part of ISAF efforts to help stabilise Afghanistan, Australian forces regularly engage with a range of local tribal and community leaders in Uruzgan in an inclusive and impartial way.

Matiullah Khan is an influential figure and security provider in Uruzgan Province. Australian troops engage with him on this basis. His security force, known as the KAU (Kandak Amniente Uruzgan) has countered insurgent influence on some key traffic routes in and out of the Province. This is recognised by the Government of the Islamic Republic of Afghanistan (GIRoA).

Australian forces do not make payments to Matiullah Khan to provide security for convoys between Kandahar and Tarin Kot. The ADF is aware of alleged instances of illegal taxing at check points and ISAF is attempting to prevent this type of alleged activity.

Elements of Matiullah Khan's KAU were involved in supporting ISAF and Afghan National Security Force troops who deployed to Gizab in response to the locally-initiated uprising. This involvement was coordinated with ISAF forces.

Separately, the SOTG's partnering element, the Provincial Police Reserve (PPR), deployed to Gizab. This partnering relationship is fully supported and mandated by ISAF and the GIRoA. Importantly, the PPR, when deployed, is mentored by SOTG.

Matiullah Khan is an influential figure within Uruzgan. As with all of the ADF's involvement with power brokers we aim to ensure that their influence is used positively, in support of governance and security, in the Province.

Killing of Hayat Ustad, 29th April 2011 in Tarin Kowt :

12. **Eyewitnesses to the operation have told Four Corners that Hayat Ustad was unarmed, which contradicts the ADF statement of 30 April 2011 that he "draw a pistol and attempted to shot members of the Australian Special Forces" … does the ADF stand by its statement of 30th April?**

Response:

13. **Is the ADF aware of claims by both the Governor of Uruzgan and an Uruzgan member of the Afghan parliament that Hayat Ustad was not involved in the insurgency, but that a business rival had fed false intelligence to Coalition forces stating he was ? If so, have these claims been investigated by the ADF?**

Response:

Clearances:

Drafted	Name	Appointment	DTG
TPs drafted by			

Clearance	Name	Appointment	DTG
Subject Matter Expert			
Group/Service 1 Star or above			
	This information is consistent with advice provided to the Minister by other means (E.g. QTB, MinSub etc) (To be completed by 1 Star or above)		***Yes / No / Not Applicable*** *(Delete which ever is **not** applicable)*
Strategic Communications Adviser			
ASCAM or delegate			

Minister	Name	Appointment	DTG
Ministerial Action: (To be completed by ASCAM)			
Forward to/Cleared by			

For Information	Name	Appointment	DTG
Regional Manager Public Affairs			

Date Cleared:

Additional Notes / Attachments:
[Please conduct a search of Lotus Notes for any prior, related talking points. Copy and paste previous TPs in below. Also note if any media alerts/releases have been issued, imagery is on the website, etc.]

Audit History: Edited by s47E(d) on 29/08/2011 03:23:39 PM
Created by s47E(d) on 29/08/2011 03:14:51 PM

From: s47E(d)
To: Media
Cc: s47E(d)
Subject: FW: As discussed [SEC=UNCLASSIFIED]
Date: Wednesday, 31 August 2011 4:49:28 PM
Attachments: 11 08 29 CAPTURE KILL PROGRAM IN AFGHANISTAN.doc

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s22

UNCLASSIFIED

s47E(d) as suspected - he forgot to attach his edited version. Pls use this one to respond as it has MINDEFs changes.

Kind regards,

s47E(d)
Major
Operations and Services
Communication and Media Branch
Department of Defence
CANBERRA ACT 2600

Mob: s22
Desk: s47E(d)

From: s47E(d)
Sent: Wednesday, 31 August 2011 16:48
To: s47E(d)
Subject: As discussed [SEC=UNCLASSIFIED]

UNCLASSIFIED

IMPORTANT: This email remains the property of the Department of Defence and is subject to the jurisdiction of section 70 of the Crimes Act 1914. If you have received this email in error, you are requested to contact the sender and delete the email.

MEDIA RESPONSES Expires:

Inquiry Number:	002649
Subject:	CAPTURE KILL PROGRAM IN AFGHANISTAN
Organisation:	ABC 4 CORNERS
Contact Name:	s47F
Tel:	-
Mob:	-
Contact EMail:	s47F
Time Received:	02:56 PM
Date Received:	29/08/2011
Due to DCAM:	31/08/2011 12:00 PM
Media Ops Officer:	s47E(d) Team: B
Media Ops Officer Notes:	

Year: 2011
Group: OPSAFG
Action Area:

		TP Location
		With Department

Context:

As per your suggestion I have attached some questions for the ADF in light of General Hurley being unavailable for a Four Corners interview. We need a written response to these questions by the close of business (5pm) on Thursday, 1 September. Could you also reply to this email so that I know you have received it and the questions.

Questions and Responses:

The ADF takes the issue of civilian casualties very seriously. ADF personnel operate under a strict set of Australian Rules of Engagement designed to minimise the risk of civilian casualties. The Rules of Engagement also act to ensure that the actions of Australian forces are consistent with our obligations under Australian and International law.

Australian soldiers also have the right of self defence when attacked, in accordance with our Rules of Engagement. Moreover, the Commander of the International Security Assistance Force (COMISAF) has issued a Tactical Directive detailing an 'ISAF wide' set of procedures to be observed to avoid civilian casualties or damage to civilian property. This Directive continues the long-standing ISAF focus on protecting civilians and operating in a manner that is respectful of Afghan culture. ADF force elements comply with the COMISAF Tactical Directive.

1. **In total, how many insurgents have been killed, and how many captured by ADF forces in Afghanistan as a result of "targeted" operations for specific insurgents?**

Response:

Australian troops are regularly in contact with insurgents, either indirectly through improvised explosive devices, or directly through gunfire. The Australian Defence Force does not release information pertaining to the overall number of enemy forces killed in action in Afghanistan. The

number of insurgents killed is not an effective measure of success for counter-insurgency operations and as such is not used by ISAF or the ADF.

The ADF does not disclose the specific number of detainees captured in 'targeted' operations, however, it does release aggregated figures. The total for all operations over the period 1 August 2010 (when the US/AUS Combined Team - Uruzgan arrangement commenced) to 26 August 2011 is 899 detainees.

Defence does release information about the effective targeting of influential or key insurgent commanders who play a significant role in facilitating insurgent actions against the local population, Afghan and ISAF troops. Over the last year, Defence has issued media releases on the following dates to highlight the effective targeting of such Commanders:

Media Releases:

30 Apr 2011: http://www.defence.gov.au/media/DepartmentalTpl.cfm?CurrentId=11738
15 Apr 2011: http://www.defence.gov.au/media/DepartmentalTpl.cfm?CurrentId=11694
05 Apr 2011: http://www.defence.gov.au/media/DepartmentalTpl.cfm?CurrentId=11659
29 Dec 2010: http://www.defence.gov.au/media/DepartmentalTpl.cfm?CurrentId=11242
08 Nov 2010: http://www.defence.gov.au/media/DepartmentalTpl.cfm?CurrentId=11043
05 Nov 2010: http://www.defence.gov.au/media/DepartmentalTpl.cfm?CurrentId=11027
02 Aug 2010: http://www.defence.gov.au/media/DepartmentalTpl.cfm?CurrentId=10669
17 May 2010: http://www.defence.gov.au/media/DepartmentalTpl.cfm?CurrentId=10303
07 May 2010: http://www.defence.gov.au/media/DepartmentalTpl.cfm?CurrentId=10253

2. How critical does the ADF believe these operations are to the success of its mission in Afghanistan ?

Response:

Security is the first step toward achieving stability in Afghanistan and to ensure it does not again become a breeding ground for terrorist organisations to train or operate from. One of the measures undertaken to achieve security is for the ANSF and partner coalition militaries to conduct deliberate, targeted operations against the insurgency and its key leadership.

The ADF conducts operations in partnership with the Afghan National Security Forces to remove insurgent leaders and commanders and disrupt insurgent operations in Uruzgan Province. They do this by targeting insurgent logistics nodes and command and control networks, which has a substantial effect on its ability to operate – with corresponding force protection benefits.

ISAF operations are conducted to improve security in Afghanistan, and to provide an environment conducive to the growth of good governance and socio-economic development, which in turn is conducive to sustainable stability.

2 April 2009 incident at Chenartu :

3. Why is the location of this incident redacted from the ADF report, when there were a large number of Afghan witnesses to the event?

Response:
The specific locations of Coalition/ADF operations are redacted as a matter of course from the publicly released reports in order to protect local Afghans from possible Taliban retribution and/or to prevent patterns of Coalition/ADF operations being established by the enemy.

4. With considerably fewer resources than the ADF, 4 Corners was able to both visit the site of this incident and identify the victims, something which the ADF report states was not possible. Is the ADF satisfied that it made every reasonable effort to investigate this incident as fully as possible?

Response:

At the time of the investigation conducted in May 2009, it was determined that the security threat environment at the location of the incident did not permit the Inquiry Officer visiting the scene. The Inquiry Officer was satisfied that the maps and other imagery of the site allowed him to make accurate assessments and judgements.

5. According to both the ADF report and Afghan eye-witnesses interviewed by 4 corners, three unarmed civilians were shot dead during this attack. Eyewitnesses have told 4 corners that the victims were not connected to the insurgency. The ADF report states that :

no changes are necessary to the methodology for assessing the risk of civilian casualties in operations of this kind; and

no remedial action is necessary to further minimize the risk of civilian casualties in future operations of this kind, including TTPs;

Does the ADF stand by that claim in the report ?

Response:

In 2009, the then Chief of the Defence Force directed a thorough review of the ADF's Rules of Engagement in response to civilian casualty issues. This review confirmed our Rules of Engagement were being applied appropriately. Defence also reviewed its tactics, techniques and procedures in line with the former COMISAF's Tactical Directive. In line with that Directive, Defence conducts operations in Uruzgan in partnership with the Afghan National Security Forces, entry into compounds are Afghan-led and ADF personnel understand the need to demonstrate respect for Afghans, their culture, customs and religion. As briefed to the media at that time, the ADF never stands still on this issue. We keep our procedures under constant review in order to do everything we can to minimise loss of life and the impact on civilians.

6. Eyewitnesses have told 4 corners that one of the men killed in this incident was wounded by ADF soldiers, then checked for weapons, and left to die at the scene, which he did some 30 minutes after the ADF left. Can the ADF confirm this account, and does it have any comment regarding this?

Response:

ADF practice is for wounded combatants to be evacuated to medical facilities for treatment by coalition medical staff, as has occurred regularly over the last few years.

The inquiry did not reveal that any action as described took place and Defence has no evidence to substantiate this claim.

7. Eyewitnesses have told 4 Corners that just prior to the attack, an extended family gathering was underway for a mourning ceremony of a recently deceased grand-daughter. The ADF report states that :

Reliable intelligence [REDACTED] indicated the presence of OBJ [REDACTED] in the vicinity of the compound of interest (COI) near [REDACTED]. This was confirmed by a [REDACTED] that also indicated the presence of approximately 10 FAM near the COI, consistent with a senior INS personal security detachment (PSD). The decision to execute the mission was taken as a result of the [REDACTED] very reliable intelligence [REDACTED].

Did the ADF consider the possibility that the "Senior Insurgent PSD" could have been a gathering of adult men for a family funeral, especially considering the lack of weapons found at the site of the attack?

Response:
As with all operations, the ADF operated within its Rules of Engagement. As outlined in the Inquiry report, the SOTG decision to launch this operation was based on reliable intelligence and the presence and disposition of civilians is always taken into account, noting that Australia's Rules of Engagement are designed to minimise the risk of civilian casualties.

8. Does the ADF have any concerns about the practice of referring to Afghan males as "Fighting Age Males (FAM)", regardless of whether they are armed or not, or known to be civilians or not?

Response:

The term "Fighting Aged Males (FAM)" is military terminology which is used by itself as a very broad categorisation of a group of individuals, as a component of the identification process. As a broad categorisation this term does not in itself presume that they are insurgents, nor is it a trigger for an operation.

Matiullah Khan :

9. What is the relationship between Matiullah Khan and the ADF SOTG?

Response:

As part of ISAF efforts to help stabilise Afghanistan, Australian forces regularly engage with a wide range of tribal and community leaders in Uruzgan in an inclusive and impartial way. In this setting, Matiullah Khan is one of many influential figures that Australians have engaged. Australia works with such individuals in a way to ensure that their influence is used positively, in support of governance and security in Uruzgan.

In the time that the ADF has worked in Uruzgan, Matiullah Khan has headed the Kandak Amniante Uruzgan (KAU), a private security organisation which provides contracted security in some parts of Uruzgan for the Ministry of Interior.

On 7 August 2011, the Afghan Ministry of Interior announced that Matiullah Khan was appointed Uruzgan Provincial Chief of Police. Since his appointment to this position, Australian officials have engaged Matiullah Khan in his official capacity, including the Special Operations Task Group (SOTG) which mentors Uruzgan's Afghan National Police Provincial Response Company – Urzugan (the PRC-U).

The PRC-U, established in early May 2009, undertakes routine community policing and specific missions as directed by the Provincial Chief of Police.

10. Is the ADF still training and paying Afghan security forces controlled by Matiullah Khan, and does it plan to bring any more of these forces to Australia for training?

Response:

As the Afghan National Police PRC-U's partner force, the ADF provides it with a range of enabling support functions (including some financial support to enable it to operate with the SOTG).

In line with the Afghan Government's direction, Australian forces operate with an Afghan partner. Under ISAF guidance, any entry into an Afghan house should always be accomplished by ANSF, with the support of local authorities, and account for the unique cultural sensitivities surrounding local women. For this reason, the ADF works closely with the Afghan National Police Force to ensure that Australia meets both the Afghan Government and ISAF's direction.

At this stage, Defence has no plans to bring out any additional Afghan National Police Force officers to Australia.

11. Does the ADF have any concerns over Matiullah Khan's conduct in Uruzgan, and is it satisfied with the intelligence his forces provide the ADF and Coalition forces?

Response:

As the Uruzgan Chief of Police, our expectation is that Matiullah Khan acts in an impartial and professional manner and continues to be a positive influence for security in the province.

Appointments to Afghan Government positions, such as the Uruzgan Chief of Police, are the responsibility of the Afghan Government.

As a result of the SOTG's mentoring, the PRC-U's capabilities are continuing to expand. PRC-U personnel continue to provide the ADF with an important source of local knowledge.

Killing of Hayat Ustad, 29th April 2011 in Tarin Kowt :

12. Eyewitnesses to the operation have told Four Corners that Hayat Ustad was unarmed, which contradicts the ADF statement of 30 April 2011 that he "draw a pistol and attempted to shot members of the Australian Special Forces" … does the ADF stand by its statement of 30th April?

13. Is the ADF aware of claims by both the Governor of Uruzgan and an Uruzgan member of the Afghan parliament that Hayat Ustad was not involved in the insurgency, but that a business rival had fed false intelligence to Coalition forces stating he was ? If so, have these claims been investigated by the ADF?

Response:

The SOTG and their Afghan partners engaged and killed Hayat Ustad in self defence during a mission authorised by the Afghanistan Government. The joint mission in which Hayat Ustad was killed was launched following the promulgation of a warrant for his detention by the appropriate Afghan Government Authorities. When faced with detention Hayat Ustad chose to resist by drawing a pistol and presenting a clear threat to the detention force. His death was lawful under Australian, ISAF and Afghan National Security Forces rules of engagement.

Clearances:

Drafted	Name	Appointment	DTG
Q 1 *Q 2* *Q 3-8* *Q9-11* *Q12-13*	s47E(d)	*DAFPAK* *SCA-MSC* *SO1 AFPAK* *DAFPAK* *J09 HQJOC MPA*	*30 AUG 2011*

Clearance	Name	Appointment	DTG
MSC Branch	*BRIG A Findlay*	*DGMSC*	*30 AUG 2011*
StratCom Branch	*BRIG A Creagh*	*DGStratCom*	*30 AUG 2011*
MSC Division	*AVM K J Paule*	*HMSC*	*30 AUG 2011*
IP Division	*Sheridan Kearnan*	*ASAFPAK*	*30 AUG 2011*
PA-AP	s47E(d)	*PA-AF*	*30 AUG 2011*
O/CDF	*GEN Hurley*	*CDF*	*31 AUG 2011*
ASCAM or delegate	*Celia Perkins*	*ASCAM*	*31 Aug 2011*

Minister	Name	Appointment	DTG
Ministerial Action: *(To be completed by ASCAM)* ***FOR ACKNOWLEDGEMENT***		*MA MINDEF*	
Forward to/Cleared by			

For Information	Name	Appointment	DTG
Regional Manager Public Affairs			

Date Cleared:

Additional Notes / Attachments:
[Please conduct a search of Lotus Notes for any prior, related talking points. Copy and paste previous TPs in below. Also note if any media alerts/releases have been issued, imagery is on the website, etc.]

Audit History: Edited by s47E(d) on 29/08/2011 03:23:39 PM
Created by s47E(d) on 29/08/2011 03:14:51 PM

s22

s22

From: s47E(d)
Sent: Thursday, 1 September 2011 17:35
To: s47E(d)
Cc: s47E(d) Findlay, Adam BRIG; Creagh, Alison BRIG; Kearnan, Sheridan DR; s47E(d)
Subject: RE: For O/CDF Clearance: 4 Corners Further Questions - Matuillan Khan [SEC=UNCLASSIFIED]

UNCLASSIFIED

s47E(d)

pls see attached the amended response to Four Corners additional questions.

s47E(d)

From: s47E(d)
Sent: Thursday, 1 September 2011 17:03
To: s47E(d)
Cc: s47E(d) Findlay, Adam BRIG; Creagh, Alison BRIG; Kearnan, Sheridan DR; s47E(d)
Subject: For O/CDF Clearance: 4 Corners Further Questions - Matuillah Khan [SEC=UNCLASSIFIED]
Importance: High

UNCLASSIFIED

HI s47E(d)

Disregard my last.

DGMSC has reviewed and agrees the attached.

Many thanks
s47E(d)

s47E(d)
Strategic Communication Branch
Department of Defence

Ph: s47E(d)
Mb: s47E(d), s22

IMPORTANT: This email remains the property of the Department of Defence and is subject to the jurisdiction of section 70 of the Crimes Act 1914. If you have received this email in error, you are requested to contact the sender and delete the email.

From: s47E(d)
Sent: Thursday, 1 September 2011 16:46
To: s47E(d)
Cc: s47E(d) Findlay, Adam BRIG; Creagh, Alison BRIG; Kearnan, Sheridan DR; s47E(d)
Subject: FW: For O/CDF Clearance: 4 Corners Further Questions - Matuillah Khan [SEC=UNCLASSIFIED]

UNCLASSIFIED

s47E(d)

Additional information from the StratCom pack that was released at the time of the incident - and in disucssion with J09 HQJOC.

Cheers
s47E(d)

s47E(d)
Strategic Communication Branch

Department of Defence

Ph: s47E(d)
Mb: s22

From: s47E(d)
Sent: Thursday, 1 September 2011 16:29
To: O'Brien, Justine MS
Cc: s47E(d) Findlay, Adam BRIG; Creagh, Alison BRIG; Kearnan, Sheridan DR; s47E(d)
Subject: RE: For O/CDF Clearance: 4 Corners Further Questions - Matuillah Khan [SEC=UNCLASSIFIED]

UNCLASSIFIED

s47E(d)

CDF has made the following changes (attached). He would also like one additional line added at the end of question 3 to back up the assertion that Ustad was a "prominent Uruzgan insurgent". Something that is factual along the lines that could include that he had been observed over a long period time or specific corroborated evidence.

Please send back to O/CDF for final clearance.

Thanks,

s47E(d)

From: s47E(d)
Sent: Thursday, 1 September 2011 15:07
To: s47E(d)
Cc: s47E(d) Findlay, Adam BRIG; Creagh, Alison BRIG; Kearnan, Sheridan DR; s47E(d)
Subject: For O/CDF Clearance: 4 Corners Further Questions - Matuillah Khan [SEC=UNCLASSIFIED]
Importance: High

UNCLASSIFIED

Hi s47E(d)

Seeking CDF clearance on attached responses to further questions posed by Four Corners this morning ref Matuillah Khan, the intelligence relating to Hayat Ustad, and Rosi Khan incident (17 Sep 08).

Seeking to have this progessed to O/MINDEF for Ack this afternoon.

Many thanks
s47E(d)

s47E(d)
Strategic Communication Branch
Department of Defence

s47E(d)
Russell Offices
Canberra ACT 2600

Ph: s47E(d)
Mb: s22

MEDIA RESPONSES Expires:

Inquiry Number:	002677
Subject:	FURTHER QUESTIONS FROM 4 CORNERS - MATIULLAH KHAN
Organisation:	ABC 4 CORNERS
Contact Name:	s47F
Tel:	
Mob:	-
Contact EMail:	s47F
Time Received:	10:29
Date Received:	01/09/2011
Due to DCAM:	01/09/2011 16:00
Media Ops Officer:	s47E(d) Team: A
Media Ops Officer Notes:	

Year: 2011
Group: OPSAFG
Action Area:

		TP Location
		With Department

Context:
Thank you very much for the response to our questions. It's much appreciated. Further to that, we just need a couple of clarifications. We are approaching our deadline.

1. Four Corners has been told by a number of sources that Matiullah Khan is manipulating SOTG operations to his benefit by providing misleading intelligence... These allegations include that he nominates his rivals for elimination. What is your response to this ?

2. It has been alleged to Four Corners that false intelligence provided by associates of Matiullah Khan played a part in the death of Rozi Khan ... What is the ADF response to this allegation?

3. What assessments or inquiries did the ADF make into the circumstances of the death of Hayat Ustad ? Are any of these inquiries or assessments still underway ? Will any findings be made public ?

Kind Regards,

s47F

Questions and Responses:

1. Four Corners has been told by a number of sources that Matiullah Khan is manipulating SOTG operations to his benefit by providing misleading intelligence...

These allegations include that he nominates his rivals for elimination. What is your response to this ?

Response:
No ADF operation in Afghanistan may be launched against an individual, or group of individuals, based on single-source or uncorroborated intelligence.

Since the commencement of the ADF's commitment to Afghanistan, the ADF has built a very good understanding of the tribal dynamics, familial associations and insurgent propaganda in Uruzgan. Allegations against prominent individuals are common place.

2. It has been alleged to Four Corners that false intelligence provided by associates of Matiullah Khan played a part in the death of Rozi Khan ... What is the ADF response to this allegation?

Response:

As the Inquiry Officer report into this incident identifies, Rozi Khan's movement to the incident site occurred during a SOTG operation. His appearance in the vicinity of the contact site, and subsequent death was described by the then Commander of ISAF's Regional Command - South as a result of "his unfortunate intervention into a complex situation, albeit with altruistic motives."

This operation was launched against an identified insurgent on 17 September 2008, who had been identified through multiple intelligence sources to be in the vicinity of a certain compound. The SOTG force was manoeuvring to this compound of interest when the series of engagements that ultimately led to the deaths of two Afghans and the injury to five others occurred. This narrative is clear in the redacted Inquiry Officer's report.

The Inquiry Officer highlighted that the village in which the incident occurred was at a heightened state of alert as a result of significant insurgent action in the preceding days. To assert that an individual manipulated the security situation in a village which may or may not have been linked to the infiltration route selected for the operation is highly speculative and not supported by the inquiry into the incident.

3. What assessments or inquiries did the ADF make into the circumstances of the death of Hayat Ustad ? Are any of these inquiries or assessments still underway ? Will any findings be made public ?

Response:
Information and intelligence was compiled and corroborated over a long period of time. This indicated that Hayat Ustad was a highly influential insurgent and key logistician with links to the senior insurgent leadership in southern Afghanistan. He was responsible for arms smuggling, transporting weapons and fighters and Improvised Explosive Device construction. He was also heavily involved in the coordination, direction and planning of suicide bomb attacks.

The partnered operation in which Hayat Ustad was killed was authorised by the appropriate ISAF and Afghan Government authorities.

Defence has determined that during this mission Hayat Ustad was killed when he drew a pistol and posed an immediate threat. His shooting was lawful in accordance with Australian, ISAF and Afghan National Security Force Rules of Engagement. As Hayad Ustad was a prominent Uruzgan insurgent and displayed hostile intent, this is not a civilian casualty matter. Defence considers there is no requirement to undertake a further inquiry into this matter.

Clearances:

Drafted	Name	Appointment	DTG
TPs drafted by	s47E(d)	*HQJOC J09*	*01 Sep 11*

Clearance	Name	Appointment	DTG
Subject Matter Expert	*BRIG M Smethurst*	*DSOCAUST*	*01 Sep 11*
Group/Service 1 Star or above	*LTGEN A Power* s47E(d)	*CJOPS* *COS CDF*	*01 Sep 11* *01 Sep 11*
	This information is consistent with advice provided to the Minister by other means (E.g. QTB, MinSub etc) *(To be completed by 1 Star or above)*		***Yes** / **No** / **Not Applicable*** *(Delete which ever is **not** applicable)*
IP Div	*Sheridan Kearnan*	*ASAFPAK*	*01 SEPT 11*
MSC Branch	*BRIG A Findlay*	*DGMSC*	*01 SEPT 11*
DGStratCom	*BRIG A Creagh*	*DGStratCom*	*01 SEPT 11*
MSC Division	*AVM K J Paule*	*HMSC*	*01 SEPT 11*
CDF	*GEN D Hurley*	*CDF*	*01 SEP 11*
ASCAM or delegate			

Minister	Name	Appointment	DTG
Ministerial Action: *(To be completed by ASCAM)*			
Forward to/Cleared by			

For Information	Name	Appointment	DTG
Regional Manager Public Affairs			

From: Media
To: s47E(d)
Cc: s47E(d)
Creagh, Alison BRIG; s47E(d)
Media; s47E(d)
Perkins, Celia MS; s47E(d)
Subject: MINDEF For Acknowledgement - Media Inquiry - FURTHER QUESTIONS FROM 4 CORNERS - MATIULLAH KHAN [SEC=UNCLASSIFIED]
Date: Thursday, 1 September 2011 6:32:13 PM
Attachments: 4 CORNERS - MATIULLAH KHAN (4 2) (2).doc

---

s22

UNCLASSIFIED

Good afternoon s47E(d)

Please find attached for **Acknowledgment -** Media Inquiry - ***FURTHER QUESTIONS FROM 4 CORNERS - MATIULLAH KHAN***

Yours sincerely,

s47E(d) | Public Affairs Officer
Media Operations | Department of Defence

Russell Offices | Canberra ACT 2600
Phone: s22
Email: s22

MEDIA RESPONSES Expires:

Inquiry Number:	002677
Subject:	FURTHER QUESTIONS FROM 4 CORNERS - MATIULLAH KHAN
Organisation:	ABC 4 CORNERS
Contact Name:	s47F
Tel:	
Mob:	-
Contact EMail:	s47F
Time Received:	10:29
Date Received:	01/09/2011
Due to DCAM:	01/09/2011 16:00
Media Ops Officer:	s47E(d) Team: A
Media Ops Officer Notes:	

Year: 2011
Group: OPSAFG
Action Area:

		TP Location
		With Department

Context:
Thank you very much for the response to our questions. It's much appreciated. Further to that, we just need a couple of clarifications. We are approaching our deadline.

1. Four Corners has been told by a number of sources that Matiullah Khan is manipulating SOTG operations to his benefit by providing misleading intelligence... These allegations include that he nominates his rivals for elimination. What is your response to this ?

2. It has been alleged to Four Corners that false intelligence provided by associates of Matiullah Khan played a part in the death of Rozi Khan ... What is the ADF response to this allegation?

3. What assessments or inquiries did the ADF make into the circumstances of the death of Hayat Ustad ? Are any of these inquiries or assessments still underway ? Will any findings be made public ?

Kind Regards,

s47F

Questions and Responses:

1. Four Corners has been told by a number of sources that Matiullah Khan is manipulating SOTG operations to his benefit by providing misleading intelligence...

These allegations include that he nominates his rivals for elimination. What is your response to this ?

Response:
No ADF operation in Afghanistan may be launched against an individual, or group of individuals, based on single-source or uncorroborated intelligence.

Since the commencement of the ADF's commitment to Afghanistan, the ADF has built a very good understanding of the tribal dynamics, familial associations and insurgent propaganda in Uruzgan. Allegations against prominent individuals are common place.

2. It has been alleged to Four Corners that false intelligence provided by associates of Matiullah Khan played a part in the death of Rozi Khan ... What is the ADF response to this allegation?

Response:

As the Inquiry Officer report into this incident identifies, Rozi Khan's movement to the incident site occurred during a SOTG operation. His appearance in the vicinity of the contact site, and subsequent death was described by the then Commander of ISAF's Regional Command - South as a result of "his unfortunate intervention into a complex situation, albeit with altruistic motives."

This operation was launched against an identified insurgent on 17 September 2008, who had been identified through multiple intelligence sources to be in the vicinity of a certain compound. The SOTG force was manoeuvring to this compound of interest when the series of engagements that ultimately led to the deaths of two Afghans and the injury to five others occurred. This narrative is clear in the redacted Inquiry Officer's report.

The Inquiry Officer highlighted that the village in which the incident occurred was at a heightened state of alert as a result of significant insurgent action in the preceding days. To assert that an individual manipulated the security situation in a village which may or may not have been linked to the infiltration route selected for the operation is highly speculative and not supported by the inquiry into the incident.

3. What assessments or inquiries did the ADF make into the circumstances of the death of Hayat Ustad ? Are any of these inquiries or assessments still underway ? Will any findings be made public ?

Response:
Information and intelligence was compiled and corroborated over a long period of time. This indicated that Hayat Ustad was a highly influential insurgent and key logistician with links to the senior insurgent leadership in southern Afghanistan. He was responsible for arms smuggling, transporting weapons and fighters and Improvised Explosive Device construction. He was also heavily involved in the coordination, direction and planning of suicide bomb attacks.

The partnered operation in which Hayat Ustad was killed was authorised by the appropriate ISAF and Afghan Government authorities.

Defence has determined that during this mission Hayat Ustad was killed when he drew a pistol and posed an immediate threat. His shooting was lawful in accordance with Australian, ISAF and Afghan National Security Force Rules of Engagement. As Hayad Ustad was a prominent Uruzgan insurgent and displayed hostile intent, this is not a civilian casualty matter. Defence considers there is no requirement to undertake a further inquiry into this matter.

Clearances:

Drafted	Name	Appointment	DTG
TPs drafted by	s47E(d)	*HQJOC J09*	*01 Sep 11*

Clearance	Name	Appointment	DTG
Subject Matter Expert	*BRIG M Smethurst*	*DSOCAUST*	*01 Sep 11*
Group/Service 1 Star or above	*LTGEN A Power* s47E(d)	*CJOPS* *COS CDF*	*01 Sep 11* *01 Sep 11*
	This information is consistent with advice provided to the Minister by other means (E.g. QTB, MinSub etc) *(To be completed by 1 Star or above)*		***Yes / No / Not Applicable*** *(Delete which ever is **not** applicable)*
IP Div	*Sheridan Kearnan*	*ASAFPAK*	*01 SEPT 11*
MSC Branch	*BRIG A Findlay*	*DGMSC*	*01 SEPT 11*
DGStratCom	*BRIG A Creagh*	*DGStratCom*	*01 SEPT 11*
MSC Division	*AVM K J Paule*	*HMSC*	*01 SEPT 11*
CDF	*GEN D Hurley*	*CDF*	*01 SEP 11*
ASCAM or delegate	*Celia Perkins*	*ASCAM*	*01 SEP 11*

Minister	Name	Appointment	DTG
Ministerial Action: *(To be completed by ASCAM)* ***FOR ACKNOWLEDGEMENT***		*MA MINDEF*	
Forward to/Cleared by			

For Information	Name	Appointment	DTG
Regional Manager Public Affairs			

From: Perkins, Celia MS
To: s47E(d) ; Media
Cc: s47E(d) Creagh, Alison BRIG
Subject: Re: URGENT: For CAM Action: 4 Corners Further Questions - Matuillah Khan [SEC=UNCLASSIFIED]
Date: Thursday, 1 September 2011 6:19:36 PM

---

s22

MediaOps,

Cleared by me.

Please send to OMINDEF for ACK

Thanks

Celia

s22

From: s47E(d)
Sent: Thursday, 1 September 2011 17:35
To: s47E(d)
Cc: s47E(d) Findlay, Adam BRIG; Creagh, Alison BRIG; Kearnan, Sheridan DR; s47E(d)
Subject: RE: For O/CDF Clearance: 4 Corners Further Questions - Matuillah Khan [SEC=UNCLASSIFIED]

UNCLASSIFIED

s47E(d)

pls see attached the amended response to Four Corners additional questions.

s47E(d)

From: s47E(d)
Sent: Thursday, 1 September 2011 17:03
To: s47E(d)
Cc: s47E(d) Findlay, Adam BRIG; Creagh, Alison BRIG; Kearnan, Sheridan DR; s47E(d)
Subject: For O/CDF Clearance: 4 Corners Further Questions - Matuillah Khan [SEC=UNCLASSIFIED]
Importance: High

UNCLASSIFIED

HI s47E(d)

Disregard my last.

DGMSC has reviewed and agrees the attached.

Many thanks
s47E(d)

s47E(d)
Strategic Communication Branch
Department of Defence

Ph: s47E(d)
Mb: s22

From: s47E(d)
Sent: Thursday, 1 September 2011 16:46
To: s47E(d)
Cc: s47E(d) Findlay, Adam BRIG; Creagh, Alison BRIG; Kearnan, Sheridan DR; s47E(d)
Subject: FW: For O/CDF Clearance: 4 Corners Further Questions - Matuillah Khan [SEC=UNCLASSIFIED]

UNCLASSIFIED

s47E(d)

Additional information from the StratCom pack that was released at the time of the incident - and in

disucssion with J09 HQJOC.

Cheers
s47E(d)

s47E(d)
Strategic Communication Branch
Department of Defence

Ph: s47E(d)
Mb: s22

From: s47E(d)
Sent: Thursday, 1 September 2011 16:29
To: s47E(d)
Cc: s47E(d) Findlay, Adam BRIG; Creagh, Alison BRIG; Kearnan, Sheridan DR; s47E(d)
Subject: RE: For O/CDF Clearance: 4 Corners Further Questions - Matuillah Khan [SEC=UNCLASSIFIED]

UNCLASSIFIED

s47E(d)

CDF has made the following changes (attached). He would also like one additional line added at the end of question 3 to back up the assertion that Ustad was a "prominent Uruzgan insurgent". Something that is factual along the lines that could include that he had been observed over a long period time or specific corroborated evidence.

Please send back to O/CDF for final clearance.

Thanks,

s47E(d)

From: s47E(d)
Sent: Thursday, 1 September 2011 15:07
To: s47E(d)
Cc: s47E(d) Findlay, Adam BRIG; Creagh, Alison BRIG; Kearnan, Sheridan DR; s47E(d)
Subject: For O/CDF Clearance: 4 Corners Further Questions - Matuillah Khan [SEC=UNCLASSIFIED]
Importance: High

UNCLASSIFIED

Hi s47E(d)

Seeking CDF clearance on attached responses to further questions posed by Four Corners this morning ref Matuillah Khan, the intelligence relating to Hayat Ustad, and Rosi Khan incident (17 Sep 08).

Seeking to have this progessed to O/MINDEF for Ack this afternoon.

Many thanks
s47E(d)

s47E(d)
Strategic Communication Branch
Department of Defence

s47E(d)
Russell Offices
Canberra ACT 2600

Ph: s47E(d)
Mb: s22

From: s47E(d)
To: s47E(d) Creagh, Alison BRIG
Cc: s47E(d) Noonan, Michael CDRE; Johnston, David RADM 1
Subject: JOC-Clared response to additional 4 Corners enquiry [SEC=UNCLASSIFIED]
Date: Thursday, 1 September 2011 12:20:26 PM
Attachments: Media Enquiry - FURTHER QUESTIONS FROM 4 CORNERS - MATIULLAH KHAN.doc

---

UNCLASSIFIED

Ma'am s47E(d)

BRIG Smethurst has reviewed and cleared an initial draft response. CJOPS has cleared the resulting work as attached.

s47E(d)

s47E(d)

s47E(d)
LTCOL
J09 HQJOC
s47E(d)
Bungendore

P: s47E(d)
M: s22

MEDIA RESPONSES Expires:

Inquiry Number:	002677
Subject:	FURTHER QUESTIONS FROM 4 CORNERS - MATIULLAH KHAN
Organisation:	ABC 4 CORNERS
Contact Name:	s47F
Tel:	
Mob:	-
Contact EMail:	s47F
Time Received:	10:29
Date Received:	01/09/2011
Due to DCAM:	01/09/2011 16:00
Media Ops Officer:	s47E(d) Team: A
Media Ops Officer Notes:	

Year: 2011
Group: OPSAFG
Action Area:

		TP Location
		With Department

Context:
Thank you very much for the response to our questions. It's much appreciated. Further to that, we just need a couple of clarifications. We are approaching our deadline.

1. Four Corners has been told by a number of sources that Matiullah Khan is manipulating SOTG operations to his benefit by providing misleading intelligence... These allegations include that he nominates his rivals for elimination. What is your response to this ?

2. It has been alleged to Four Corners that false intelligence provided by associates of Matiullah Khan played a part in the death of Rozi Khan ... What is the ADF response to this allegation?

3. What assessments or inquiries did the ADF make into the circumstances of the death of Hayat Ustad ? Are any of these inquiries or assessments still underway ? Will any findings be made public ?

Kind Regards,

s47F

Questions and Responses:

1. Four Corners has been told by a number of sources that Matiullah Khan is manipulating SOTG operations to his benefit by providing misleading intelligence...

These allegations include that he nominates his rivals for elimination. What is your response to this ?

Response:
No operation in Afghanistan is launched against an individual, or group of individuals, based on single-source, uncorroborated intelligence.

Since reinserting in to Afghanistan in 2005, the ADF has built a very good understanding of the tribal dynamics, familial associations and insurgent propaganda impacts across Uruzgan's population. Allegations against prominent individuals are common place.

2. It has been alleged to Four Corners that false intelligence provided by associates of Matiullah Khan played a part in the death of Rozi Khan ... What is the ADF response to this allegation?

Response:

As the Inquiry Officer report into this incident clearly identifies, Rozi Khan's movement to the incident site occurred during an SOTG operation. His appearance in the vicinity of the contact site, and subsequent death was described by the then Commander of ISAF's Regional Command - South as a result of "his unfortunate intervention into a complex situation, albeit with altruistic motives."

More importantly this operation was launched against a separate individual, named in the Inquiry Officer's report as Objective MUSKET. The operation was launched on 17 September, 2008 because Objective MUSKET was identified through multiple intelligence sources to be in the vicinity of a certain compound. The SOTG force was manoeuvring to this Compound of Interest when the series of engagements that ultimately led to the deaths of two Afghans and the injury to five others occurred. This narrative, in its redacted form, is clear in the Inquiry Officer's report.

The inquiry officer highlighted the village in which the incident occurred was at a heightened state as a result of significant insurgent action in the preceding days. To assert that an individual, manipulated the security situation in a village which may or may not have been linked to the infiltration route selected for a separate targeted operation is highly speculative and not supported by the inquiry into the incident.

3. What assessments or inquiries did the ADF make into the circumstances of the death of Hayat Ustad ? Are any of these inquiries or assessments still underway ? Will any findings be made public ?

Response:

As defence does for every mission in Afghanistan that results in the use of lethal force, an immediate review was conducted by the higher headquarters of the personnel involved. This includes debriefing personnel involved and incorporating information gained prior to and after

the operation itself. This review identified no rules of engagement issues or any other concerns that would require further investigation.

Most importantly, the operation against Hayat Ustad was launched following the issuance of a warrant for his detention by the Afghan authorities. Defence has determined that Hayat Ustad was killed when he drew a pistol and posed an immediate threat to the detaining force. His shooting was lawful in accordance with Australian, ISAF and Afghan National Security Force Rules of Engagement. There is no requirement to undertake a further inquiry into this matter.

Clearances:

Drafted	Name	Appointment	DTG
TPs drafted by	s47E(d)	*HQJOC J09*	*01 Sep 11*

Clearance	Name	Appointment	DTG
Subject Matter Expert	*BRIG M Smethurst*	*DSOCAUST*	*01 Sep 11*
Group/Service 1 Star or above	*LTGEN A Power*	*CJOPS*	*01 Sep 11*
	This information is consistent with advice provided to the Minister by other means (E.g. QTB, MinSub etc) (To be completed by 1 Star or above)		***Yes / No / Not Applicable*** *(Delete which ever is **not** applicable)*
Strategic Communications Adviser			
ASCAM or delegate			

Minister	Name	Appointment	DTG
Ministerial Action: (To be completed by ASCAM)			
Forward to/Cleared by			

For Information	Name	Appointment	DTG
Regional Manager Public Affairs			

s22

[redacted]

From: s47E(d)
Sent: Friday, 26 August 2011 15:57
To: MediaOps; Creagh, Alison BRIG; s47E(d)
[redacted]
Cc: s47E(d)
[redacted]
Subject: RE: ADF OPS AFG (DG StratCom) Media Inquiry - IV - GEN HURLEY - KILL OR CAPTURE STRATEGY IN AFGHANISTAN [SEC=UNCLASSIFIED]

UNCLASSIFIED
s47E(d)

Cleared response for 4 Corners attached.

Kind regards,

s47E(d)

s47E(d)

Strategic Communications Adviser to the
Chief of the Defence Force

s47E(d) | Russell Offices | ACT 2600
s47E(d) s22

* s47E(d)

From: MediaOps
Sent: Tuesday, 16 August 2011 14:22
To: Creagh, Alison BRIG; s47E(d)
Cc: s47E(d)
Subject: ADF OPS AFG (DG StratCom) Media Inquiry - IV - GEN HURLEY - KILL OR CAPTURE STRATEGY IN AFGHANISTAN [SEC=UNCLASSIFIED]

UNCLASSIFIED
Priority: Standard

Deadline: 24 August 2011, 12:00

Good afternoon,

Please find attached Media Enquiry - **IV - GEN HURLEY - KILL OR CAPTURE STRATEGY IN AFGHANISTAN**

Regards,

s47E(d) | Public Affairs Officer

Media Operations | Department of Defence

Russell Offices | Canberra ACT 2600
Phone: s22 | After Hours Mobile: s22
Email: s22

(See attached file: 11 08 16 IV - GEN HURLEY - KILL OR CAPTURE STRATEGY IN AFGHANISTAN.doc)

MEDIA RESPONSES Expires:

Inquiry Number:	002529
Subject:	IV - GEN HURLEY - KILL OR CAPTURE STRATEGY IN AFGHANISTAN
Organisation:	ABC 4 CORNERS
Contact Name:	s47F
Tel:	
Mob:	
Contact EMail:	s47
Time Received:	02:10 PM
Date Received:	16/08/2011
Due to DCAM:	24/08/2011 12:00 PM
Media Ops Officer:	s47E(d) Team: B
Media Ops Officer Notes:	

Year: 2011
Group: OPSAFG
Action Area:

		TP Location
		With Department

Context:

ABC's Four Corners is preparing a story on the kill or capture strategy in Afghanistan. We are investigating the merits and risks involved in the campaign.

We have already spent considerable time with US forces in Kandahar province, looking at how the strategy operates on the ground, with a specific focus on counter-IED operations.

The American commanders were very open in talking about the successes and potential pitfalls of the kill/capture strategy they are involved in.

Four Corners has also interviewed Major General Krause and Major General Nicolson, both senior leaders in the ISAF command, about the strategy.

Four Corners undertook its own investigation into the ADF Special Operations Task Group (SOTG) kill or capture programs in the province of Uruzgan. Out of this have come some serious allegations that we believe need to be addressed on camera by the Chief of Defence Force, General David Hurley.

In particular the allegations come from the following SOTG incidents.
1.Rosi Khan killing of September 17th 2008
2.The alleged killing of civilians in Chenartu area April 2nd 2009
3.The alleged killing of civilians in Mirabad area January 5th 2009
4.The killing of alleged insurgent Hayat Ustad 28th April 2011.

We would also like General Hurley to explain the merits of the kill/capture program, and the successes the SOTG have had so far. Our deadline for this program is Wednesday the 31st of August, so anytime before then we would be happy to do the interview.

Interview Requests:

Setup: **ON-CAMERA** *[EG on-camera, phone, in-person]*
Nature: **COMPREHENSIVE INTERVIEW** *[EG news grabs only, comprehensive interview]*
Imagery:
Would recorded audio grabs be suitable?
When will interview be conducted: *[EG 1 Jan 2010 13:30 or Next Week]*

Questions and Responses:

Can Defence facilitate this interview request with General David Hurley?

Response:

The Chief of the Defence Force, General David Hurley, is unavailable for interview. However, Defence is happy to provide written responses to your questions.

Clearances:

Drafted	Name	Appointment	DTG
TPs drafted by	s47E(d)	*SCA to CDF*	*26 August 2011*

Clearance	Name	Appointment	DTG
Subject Matter Expert			
Group/Service 1 Star or above	s47E(d)	*COS to CDF*	*26 August 2011*
	This information is consistent with advice provided to the Minister by other means (E.g. QTB, MinSub etc) (To be completed by 1 Star or above)		***Not Applicable***
Strategic Communications Adviser	s47E(d)	*SCA to CDF*	*26 August 2011*
ASCAM or delegate			

Minister	Name	Appointment	DTG
Ministerial Action: (To be completed by ASCAM)			
Forward to/Cleared by			

For Information	Name	Appointment	DTG
Regional Manager Public Affairs			

Date Cleared:

Additional Notes / Attachments:
[Please conduct a search of Lotus Notes for any prior, related talking points. Copy and paste previous TPs in below. Also note if any media alerts/releases have been issued, imagery is on the website, etc.]

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