INQUIRY OFFICER’S REPORT INTO THE FACTS AND CIRCUMSTANCES SURROUNDING A SHOOTING INCIDENT IN AFGHANISTAN THAT RESULTED IN THE DEATHS OF LCPL S. MILOSEVIC, SPR J.T. MARTIN AND PTE R.H.F. POATE AND INJURIES TO OTHER AUSTRALIAN SOLDIERS ON OR ABOUT 29 AUG 12

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Shooting incident at PB WAHAB Inquiry/OUT/2013/

INQUIRY OFFICER'S REPORT INTO THE FACTS AND CIRCUMSTANCES SURROUNDING A SHOOTING INCIDENT IN AFGHANISTAN THAT RESULTED IN THE DEATHS OF LCPL S. MILOSEVIC, SPR J.T. MARTIN AND PTE R.H.F. POATE AND INJURIES TO OTHER AUSTRALIAN SOLDIERS ON OR ABOUT 29 AUG 12

References:
A. CDF Instrument of Appointment dated 6 Sep 12 and CDF Terms of Reference dated 6 Sep 12 (Attached at Annex A)
B. Defence (Inquiry) Regulations 1985
C. ADFP 06.1.4, Administrative Inquiries Manual
D. 3 RAR TG Quick Assessment Green on Blue Incident involving Alpha at PB WAHAB – 29 Aug 12

INTRODUCTION

Appointment and Terms of Reference

1. I, COL .......................... having been duly appointed by GEN D.J. Hurley, AC, DSC, Chief of the Defence Force, to inquire into the facts and circumstances surrounding a shooting incident in Afghanistan that resulted in the deaths of LCPL S. Milosevic, SPR J.T. Martin and PTE R.H.F. Poate and injuries to other Australian soldiers on 29 Aug 12, together with other matters detailed in the Terms of Reference (ToR), herein submit my report.

Inquiry officer team

2. The inquiry team comprised the Inquiry Officer and MAJ .................. who was appointed as an Assistant Inquiry Officer.

Summary

3. During the afternoon of 28 Aug 12 Alpha from 3rd Royal Australian Regiment Task Group (3 RAR TG) arrived at Patrol Base (PB) WAHAB, a small patrol base in the BALUCHI area, approximately ........................ of Multi National Base - Tarin Kowt (MNB-TK), Uruzgan Province, Afghanistan. The patrol base was occupied by an Afghan National Army (ANA) Tolay (company equivalent) from a Kandak (battalion equivalent) of 4th ANA Brigade. The Australian Alpha had deployed to PB WAHAB as part of 3 RAR TG's ongoing mentoring mission/normal framework operations to mentor 4th Brigade. On arrival at the patrol base, Alpha established a harbour area based on their armoured vehicles and then
that evening adopted night routine. They established a guardian angel/picquet for force protection for Alpha for that night.

4. On the morning of 29 Aug 12, a group of Australian personnel departed PB WAHAB on a partnered patrol with a number of ANA personnel. The patrol returned mid afternoon and the Australians conducted post patrol administration and routine tasks for the remainder of the day. In the evening they adopted night routine. A guardian angel/picquet was established again and tasked to conduct a roving picquet around the Australian area. At around 2145 hours, a number of Australian soldiers were congregated in a makeshift administrative area near their vehicles. Some were playing cards or a board game, and others were relaxing on their stretchers, when an ANA soldier, now known to be SGT Hekmatullah, approached the area and fired his rifle into them. He fired two bursts each of about 10-15 rounds of automatic small arms fire from a distance of about five metres into the soldiers playing cards.

5. Two Australian soldiers immediately attempted to return fire. Alpha were unaware where the initial fire had come from but quickly sought to re-establish their security and within minutes they took control of the guard towers overlooking their position. Concurrently, when it was clear no further fire was expected, first aid was commenced on the casualties visible in the makeshift administrative area. The Alpha medic quickly determined that two members namely, PTE Poate and SPR Martin, had no vital signs of life. Within minutes LCPL Milosevic, who had initially displayed some life signs, quickly deteriorated and then showed no vital signs of life. Nevertheless, the Alpha medic and other first aid qualified personnel continued cardiac pulmonary resuscitation on LCPL Milosevic. An emergency casualty evacuation request was immediately sent by Alpha staff. Two other Australians were also wounded, one sustained a gunshot wound to (non-life threatening) and another received a minor fragmentation injury to.

6. The casualty evacuation helicopters from responded very quickly and at approximately 2213 hrs, they collected the casualties from PB WAHAB and transferred them to the medical facility at MNB-TK. SPR Martin and PTE Poate were the first to arrive, however they were considered deceased when viewed by medical staff. LCPL Milosevic arrived shortly afterwards and although he displayed no signs of life, he was immediately taken into surgery where attempts were made to treat his injuries. However, it was quickly determined that his injuries were inconsistent with life and he was declared dead.

7. At about 2250 hrs, a 3 RAR TG Charlie arrived at PB WAHAB and supplemented the Alpha’s command and control and security arrangements. They were soon followed by an element of Australia’s Special Operations Task Group and further 3 RAR TG force elements. An ADF Investigative Service team arrived a short time later and commenced their investigation. All Australian force elements departed PB WAHAB around hrs on 30 Aug 12.

8. SGT Hekmatullah. SGT Hekmatullah fled the patrol base immediately after the shooting incident and remains at large. There is no evidence that provides a conclusive explanation as to why SGT Hekmatullah opened fire on the Australian soldiers. The available evidence indicates that his actions at PB WAHAB were independent of any prior Taliban arrangements or involvement. However, there is evidence that, after the shooting incident, he subsequently sought Taliban support to escape the area.
Inquiry Conclusions

9. The 3 RAR TG Alpha were on an authorised mission and their occupation of PB WAHAB was in accordance with the Task Group’s scheme of manoeuvre at the time. On the evening of 29 Aug 12, several of the Alpha’s soldiers were relaxing in a makeshift administrative area within the Australian position when, without warning, an ANA soldier, now known to be SGT Hekmatullah fired a rifle into them. This attack resulted in the deaths of LCPL Milosevic, PTE Poate and SPR Martin, and injuries to two other Australian soldiers.

10. Prior to the shooting incident occurring, no ADF or Coalition Force members were aware of any intelligence reports or other information concerning a specific insider threat existing at PB WAHAB. However, the 3 RAR TG Alpha were operating against a background of a heightened level of insider attack across Afghanistan. During the Inquiry, there was no evidence of any ANA personnel being personally offended or culturally offended prior to the shooting incident. There was also no evidence of any insulting, offensive, or inappropriate behaviour or language being used by the Australian soldiers at PB WAHAB. The Australians considered that prior to, and at the time of the shooting, the ‘atmospherics’ between the ANA and the Australians at PB WAHAB were very good with no sign or indication of any conflict or cause for concern between the soldiers. The shooting incident does not appear to be a culturally related incident. Following the shooting incident, evidence uncovered concerning SGT Hekmatullah’s background indicated that he had family links to the Taliban and that this information had not been acted upon by the ANA chain of command. Of note, this information concerning SGT Hekmatullah was raised after the incident by ANA personnel and no ADF or Coalition Force members were aware of, or informed of, any such information prior to the incident.

11. On the evening of 29 Aug 12, the Australian Alpha at PB WAHAB had the minimum level of authorised force protection in place to provide security for the soldiers. These force protection arrangements, when considered in relation to several other factors at the time, such as the relaxed tactical disposition of the Alpha and the open access that ANA had to the Australian’s area, indicate that the Alpha’s force protection arrangements and some personal discipline aspects were not in accordance with existing standing operating procedures or tactics, techniques and procedures employed by other 3 RAR TG force elements in Afghanistan. Whether these shortfalls were direct or indirect causal factors for the SGT Hekmatullah’s attack on the Australian soldiers on the night of 29 Aug 12, is unknown and is not able to be proved or disproved on the evidence available to the Inquiry team.

12. However based on the available evidence, it is reasonable to determine that, given the Alpha’s force protection arrangements and disposition on the night of 29 Aug 12, that their state of readiness and therefore their ability to respond to fire or other environmental threats, enemy action or insider attack was less than what would be expected of a similar Australian force element in the same circumstances. Disciplinary action concerning the inappropriate dress of the guardian angel/picquet at PB WAHAB over the period 28 and 29 Aug 12 has been taken against personnel within the 3 RAR TG.

13. Following the shooting incident of 29 Aug 12, Commanding Officer, 3 RAR TG has given specific direction with regard to the minimum force protection arrangements for Australian soldiers when working with Afghan National Security Forces (ANSF). In the month of August 2012 in Afghanistan, prior to the shooting incident, there had been 11 other insider attacks by ANSF personnel with coalition forces soldiers killed and over
wounded. Following the incident at PB WAHAB, during early September 2012 several other coalition soldiers were killed in further insider attacks. Headquarters International Security Assistance Force has addressed the ongoing insider threat situation with the Government of Islamic Republic of Afghanistan. It has also given direction to limit certain areas of engagement between coalition nations and ANSF elements.

14. The insider threat in Afghanistan remains a very dangerous and difficult threat to detect and guard against. At the soldier level, this threat is made more difficult given the mentoring role often involves working directly with ANA members on a daily basis and routinely being in close contact with them. However, as the ADF presence reduces in Afghanistan as we move from tactical to operational and strategic support postures in accordance with our campaign plan, the risk from insider threat to Australian force elements may

Nevertheless, intelligence assessments predict that insider attacks are likely to continue given the significant attention they engender. In these circumstances, given the hard lessons learned from insider attacks against ADF and other Coalition force elements, the current force protection and security measures employed by the Australian Task Group at MNB-TK are pragmatic and appropriate measures. They provide a high degree of force protection and security against the threat of insider attack and enable our personnel to continue to work in a difficult and complex environment in order to complete their mission.

The Key Findings of the Inquiry

15. The key findings of the report are:

a. **Finding 2.** With regard to ToR 1, I find that LCPL Milosevic, SPR Martin and PTE Poate were killed in the shooting attack by SGT Hekmatullah at PB WAHAB at approx 2145 h on 29 Aug 12.

b. **Finding 3.** With regard to ToR 1, I find that [Redacted] and [Redacted] were injured in the shooting attack by SGT Hekmatullah at PB WAHAB at approx 2145 h on 29 Aug 12.

c. **Finding 4.** With regard to ToR 1, I am unable to determine from the available evidence the causal reasons that explain why SGT Hekmatullah attacked the 3 RAR TGA [Redacted] at PB WAHAB on 29 Aug 12.

d. **Finding 5.** With regard to ToR 1, I find there were no cultural factors that had a relevant impact on the events leading up to, during, or subsequent to the shooting incident at PB WAHAB on 29 Aug 12.

e. **Finding 6.** With regard to ToR 2, I find that there were no weaknesses or deficiencies with the intelligence preparation and intelligence advice provided to the 3 RAR TGA [Redacted] prior to the patrol to PB WAHAB on 28 Aug 12. Further, I find that prior to the shooting incident occurring, no ADF or Coalition Force members were aware of any intelligence reports or other information concerning a specific insider threat existing at PB WAHAB. The intelligence threat assessments highlighted attacks as the most dangerous and most likely courses of enemy action. The threat of insider threat was not considered as high but the commanders and soldiers of the 3 RAR TGA [Redacted] were aware the threat
existed. Soldier 3 addressed ‘actions on’ regarding the threat of insider attack
during his orders to the Alpha following their occupation of PB WAHAB on 28
Aug 12.

f. Finding 7. With regard to ToR 2, I find that the 3 RAR TG Alpha were
adequately trained for the mission of 28 Aug 12. I find that the mission of 28 Aug
12, was an authorised mission in accordance MT issued OPORD 12 –
BALUCHI NFO MENTORING. Further, I find that the 3 RAR
TG Alpha had adequate resources allocated to them to enable them to meet the
requirements of their mission.

g. Finding 17. With regard to ToR 3, I find that Soldier 3’s decisions and actions in
establishing and maintaining the force protection arrangements for the 3 RAR TG
Alpha at PB WAHAB on 28 and 29 Aug 12, particularly with regard to Findings
11, 12, 13, 14, 15 and 16, inadequately addressed the force protection needs for the
Alpha and potentially placed them at significant risk to the threat of fire and other
environmental hazards, enemy action and insider attack. Whether these shortfalls
in his decisions and actions were direct or indirect causal factors for SGT
Hekmatullah’s attack on the Alpha on the night of 29 Aug 12, is unknown and is
not able to be proved or disproved on the evidence available to the Inquiry team.

h. Finding 18. With regard to ToR 3, I find that Soldier 4’s decisions and actions in
establishing and maintaining the force protection arrangements for 3 RAR TG
Alpha at PB WAHAB on 28 and 29 Aug 12, particularly with regard to Findings
11, 12, 13, 14, 15 and 16, inadequately addressed the force protection needs for the
Alpha and potentially placed them at significant risk to the threat of fire and other
environmental hazards, enemy action and insider attack. Whether these shortfalls
in his decisions and actions were direct or indirect causal factors for SGT
Hekmatullah’s attack on the Alpha on the night of 29 Aug 12, is unknown and is
not able to be proved or disproved on the evidence available to the Inquiry team.

i. Finding 21. I find there were no weaknesses or deficiencies with the notification
process or the repatriation procedures for LCPL Milosevic, SPR Martin and PTE
Poate.

j. Finding 22. In accordance with the ToR, I have collected all the available
evidence concerning the facts and circumstances surrounding the shooting incident
in Afghanistan that resulted in the deaths of LCPL S. Milosevic, SPR J.T. Martin
and PTE R.H.F. Poate and injuries to other Australian soldiers on 29 Aug 12.
Based on this evidence, I consider that the deaths of LCPL S. Milosevic, SPR J.T.
Martin and PTE R.H.F. Poate and the injuries to other Australian soldiers on 29
Aug 12 do not warrant the conduct of a Commission of Inquiry on the grounds that
it would be unlikely to discover any further relevant material, information or
evidence in the context of this incident.
The Key Recommendations of the Inquiry

16. The key recommendations of the report are:

a. **Recommendation 3.** I recommend that CDF give consideration as to whether, in all the circumstances, administrative action should be initiated against Soldier 3 based on Finding 17.

b. **Recommendation 4.** I recommend that CDF give consideration as to whether, in all the circumstances, administrative action should be initiated against Soldier 4 based on Finding 18.

c. **Recommendation 6.** It is recommended that CDF make a submission to the Minister of Defence requesting that he issue a written direction under subregulation 109(2) of Reference B, specifying that a Commission of Inquiry into the deaths of LCPL S. Milosevic, SPR J.T. Martin and PTE R.H.F. Poate and the injuries to other Australian soldiers on 29 Aug 12 is not warranted.
METHODOLOGY AND APPROACH

General

17. The Inquiry team was appointed by CDF to inquire into the circumstances surrounding a shooting incident in Afghanistan on 29 Aug 12 that resulted in the deaths of Lance Corporal Stepan Milosevic, [REDACTED], Sapper James Thomas Martin and [REDACTED], Private Robert Hugh Frederick Poate and injuries to [REDACTED] and [REDACTED].

18. A Quick Assessment (QA) was completed in respect of the incident. The QA was considered both in the development of Inquiry documentation and in the construct of the Inquiry Plan. On review of the ToR, I considered there were four key themes:

a. Theme One - The sequence of relevant events leading to the shooting incident, the events occurring during the shooting incident and the events after the shooting incident.

b. Theme Two - Potential procedural weaknesses or deficiencies surrounding the shooting incident with regard to relevant orders, security, force protection, procedures and intelligence.

c. Theme Three - Potential shortfalls in actions or decision-making prior to and subsequent to the shooting incident which involve [REDACTED] Mentoring Team [REDACTED] (MT [REDACTED] 3 RAR TG and 3 RAR TG which may have contributed to the shooting incident.

d. Theme Four - Positive observations in practices, procedures, training, actions or decision making which had a positive effect in the lead up to, during or after the shooting incident.

19. The Defence members of the Inquiry team undertook force preparation and then moved to [REDACTED] via the Australian sustantion flight on 11 Sep 12. During the Team’s Reception, Staging, On-forwarding and Integration (RSO&I) training at [REDACTED] time was available to review JTF 633 orders, instructions, procedures and guidance relevant to the ToR. The Team also conducted introductory calls and interviews at HQ JTF633 over this period.

20. The Inquiry team arrived at MNB-TK on 14 Sep 12. The initial plan was to interview respective commanders and people of interest in that location and to then visit PB WAHAB to review the shooting incident site. These plans were changed given the ongoing security situation and considering that all personnel were now located at Forward Operating Base (FOB) SORKH BID. It turned out that the Inquiry team stayed at MNB-TK and conducted a brief three day visit to FOB [REDACTED]. The Inquiry team did visit PB WAHAB, however I consider I was able to gain a satisfactory understanding of the incident site from the available imagery including aerial photographs and schematic diagrams ([REDACTED]). In the circumstances of this Inquiry, the inability of the Inquiry Team to visit PB WAHAB is not considered to have materially impacted the capacity to address the ToR.

21. The Team departed MNB-TK on 27 Sep 12 and moved to [REDACTED] base ([REDACTED]) where they interviewed ISAF HQ Regional Command – South (RC-S) personnel and
members of the Joint Casualty Assessment Team (JCAT) team. The Team returned to [redacted] on 01 Oct 12. The Inquiry team returned to Australia on the sustainment flight on 03 Oct 12.

22. The Inquiry team interviewed approximately 35 personnel in the Middle East Area of Operations (MEAO). This group included RC-S and senior Combined Team - Urzgan (CT-U) staff, as well as 3 RAR TG personnel and military staff from ADFIS. While the responses to questions put to the 3 RAR TG personnel were broadly consistent, there was no evidence of collusion in the responses of the personnel interviewed by the Inquiry team.

Potentially Affected Personnel

23. Three potentially affected personnel have been identified: Soldier 5, Soldier 3 and Soldier 4. These members were provided with a Notification of Potential Adverse Finding on 17 Nov 12, see Soldier 5 responded on 03 Dec 12 at [redacted] I have included consideration of his response in the body of the report. Soldier 3 and Soldier 4 did not respond to the potential adverse findings provided to them on 17 Nov 12.

24. On 31 Jan 13, I provided Soldier 3 and Soldier 4 a second Notification of Potential Adverse Finding. My reasoning for the second notification was to ensure I had provided every opportunity to review and consider my findings and recommendations. The report provided to the members was the final draft post legal review, it included all matters favourable and unfavourable to Soldier 3 and Soldier 4 and all the information I considered in reaching my findings and recommendations. Some parts of the report were redacted as some matters were not relevant to these members. On 7 Feb 13, Soldier 4 advised by email he did not wish to make any comments concerning the second PAP notice. On 18 Feb 13, Soldier 4 provided comments concerning the second notice and draft report. I have included consideration of his response in the body of the report.

Structure of Report

25. My Instrument of Appointment and ToR dated 06 Sep 12 are attached at [redacted]. The report is written in a narrative form and addresses each ToR separately.

26. The time zone used in this report is local time in Afghanistan. Australian Eastern Standard Time is five and a half hours ahead of local time in Afghanistan.

General Inquiry Requirements

27. I am satisfied that the methodology and approach used for the Inquiry, in particular the cross-section and number of personnel interviewed, satisfies the requirements of the references in that all information relevant to the inquiry that is practicable to obtain has been obtained, and that all material evidence has been considered.

28. No witness interviewed by the Inquiry team was paid fees or allowances in relation to their interview. Evidence was not taken on oath or affirmation.

29. All witnesses were informed of their rights and obligations before taking evidence from them. All witnesses were shown that part of the ToR concerning the evidence they were to give before taking evidence from them. All witnesses were provided with privacy notices and they all signed these; copies are held with their draft transcripts of interviews or statements.
TERMS OF REFERENCE

Chronology of shooting incident at PB WAHAB of 29 Aug 12

30. A chronology of events related to the ToR is attached at [redacted]. The information for the chronology was sourced from relevant documents including Incident Reports, 3 RAR TG Quick Assessment Green on Blue Incident involving Alpha at PB WAHAB – 29 Aug 12 and the ADFIS interim report INV-ADFO1-AFG-2012 dated 18 Sep 12. This information has been supplemented by information provided by witnesses interviewed by the Inquiry team. The information obtained by the Inquiry team in respect of the chronology is generally consistent across all sources.

31. Finding 1. With regard to providing a detailed chronology as background for the ToR, the table ‘Chronology of Events – Shooting incident at PB WAHAB on 29 Aug 12’ at [redacted] constitutes Finding 1, in respect that it is a chronology of events concerning matters related to the ToR.

32. In making this finding I have relied upon information that has been sourced for the documents noted above and from information provided by witnesses interviewed by the Inquiry team.

ToR 1 - Sequence of events: collect relevant evidence and report on the shooting incident including the sequence of relevant events leading to the shooting incident, occurring during the shooting incident and after the shooting incident

Overview of shooting incident at PB WAHAB on 29 Aug 12

33. During the afternoon of 28 Aug 12, Call Sign Alpha, a Alpha sized element of Mentoring Team MT, 3 RAR TG, arrived at PB WAHAB, a small Afghan National Army (ANA) patrol base in the BALUCHI area, approximately 1 km of Multi National Base - Tarin Kowt (MNB-TK). The patrol base was occupied by Tolay (company sized sub-unit) from 6th Kandak (battalion equivalent), 4th Brigade, 205th ANA Corps. Alpha had deployed to PB WAHAB as part of 3 RAR TG’s ongoing mentoring mission/normal framework operations. They were to conduct partnered patrols and training with Tolay and were expecting to remain at the patrol base for days. Alpha consisted of ADF members, Afghan interpreters, Protected Mobility Vehicles (PMVs) and an [redacted] trailer.
34. When Alpha arrived at PB WAHAB, they met with Tolay personnel to discuss occupation of an area in the patrol base and to determine and agree on the patrol base’s security arrangements. From these discussions, it was agreed that the Australian’s would occupy the north/northwest end of the base. Further, that the ANA would continue to man the three north/north western guard towers on the patrol base’s perimeter wall at night and that during daytime, the Australian’s would take over and occupy one of these towers, the southern facing tower. The north/north western guard towers overlooked Alpha’s position; in particular the southern facing tower dominated the north/northwest end of the base. Alpha established a makeshift admin area under a couple of tarpaulins adjacent to their vehicles along the northern HESCO wall at the northwest end of the patrol base. During the evening Alpha went into night routine. Their force protection arrangements were based on a picquet in Bravo, and they withdrew the Guardian Angel (sentry) from the southern facing tower and also positioned him in Bravo, on the northwest wall (see for a diagrammatic overview of layout at the patrol base).

35. The following day, 29 Aug 12, a sized element of Alpha conducted a partnered patrol with the ANA. Alpha’s force protection within the patrol base was based on a Guardian Angel located in the southern facing tower, to provide overwatch for the Australian area. The partnered patrol finished early and all forces from PB WAHAB were back at the patrol base by mid afternoon. For the remainder of the day, Alpha completed post patrol administration and aspects of daily routine, and at approximately hrs they shifted to night routine. That evening, picquet remained in Bravo, however the Guardian Angel was relocated to Bravo and tasked to conduct a roving picquet around the Australian admin area at the northwest end of the compound. The ANA continued to man the three north/north western guard towers on the patrol base’s perimeter wall around Alpha’s position.

36. As the evening progressed, members were concentrated around their PMVs, with several members in the admin area playing cards or involved in a board game; using ration boxes as tables and stretchers as seats. At about 2145 hr, an ANA soldier, now known to be SGT Hekmatullah, approached the admin area from the south-east end of the patrol base. Then, from a position just short of the admin area, he fired two bursts of about 10-15 rounds of automatic small arms fire at short range (approximately five meters) into the group of soldiers playing cards.

37. Due to the darkness and general confusion immediately following the shooting, it was not readily apparent where the firing had originated from. No Australian member saw who had fired at them; however, muzzle flashes were seen near to the base of the south tower. The Guardian Angel, was in the vicinity of the patrol base entrance and fired on the north guard tower, believing that was were the firing had come from. Likewise, who was to the immediate rear of the admin area fired at the southern facing tower. No other members were in a position to return fire. None of the ANA in the towers fired back at the Australians.

38. personnel immediately sought to re-establish their security. They took control of the three guard towers overlooking the Australian position, disarmed the ANA soldiers and sent them back to the ANA sector at the southeast end of the patrol base. personnel remained in the towers for security and force protection.
39. Concurrently, when it was clear that no further fire was incoming, first aid was commenced on the casualties. It was quickly evident to the medics that two members namely, PTE Poate, and SPR Martin had no vital signs. He also noted that LCPL Milosevic, who had initially displayed some life signs, quickly deteriorated and then showed no vital signs of life. Designated these soldiers as Category A casualties. Rotary Wing Aero Medical Evacuation (RW AME) was immediately requested. 

40. At approximately 2213 hrs, the AME helicopters started to collect the casualties from PB WAHAB. The first helicopter arrived back at MNB-TK at approximately 2224 hrs and the casualties were immediately transferred to the Role 2 medical facility (R2). SPR Martin and PTE Poate arrived first but were considered deceased when viewed by medical staff. LCPL Milosevic arrived shortly afterwards and was immediately taken to the surgical room where attempts were made to treat his injuries. However, it was quickly determined that his injuries were inconsistent with life and he was declared dead by an ADF Regimental Medical Officer at 2312h. Subsequently, declared SPR Martin dead at 2316h and PTE Poate dead at 2319h respectively.

41. At about 2250 hrs, a 3 RAR TG Medevac Reaction Force (MRF) arrived at PB WAHAB and supplemented 3 RAR TG support. They were soon followed by an element of Australia’s Special Operations Task Group and further 3 RAR TG support. An ADF Investigative Service team arrived a short time later and commenced their investigation. The next day, a Joint Casualty Assessment Team (JCAT), from HQ Regional Command South arrived in the afternoon and began their investigations. All Australian force elements and the JCAT personnel departed PB WAHAB around 107 hrs, 30 Aug 12 and went to MNB-TK.

42. Insider threat assessment: PB WAHAB shooting incident. Prior to the shooting incident occurring, no ADF or Coalition Force members were aware of any intelligence reports or other information concerning a specific insider threat existing at PB WAHAB. Further, the background of SGT Hekmatullah was unknown to Australian and coalition forces. His existence was unremarkable from a personnel or intelligence perspective. The ANA
Investigation report into the shooting incident also highlights that SGT Hekmatullah had not come to their attention and that he had not displayed any suspicious activity prior to the shooting incident. The following extract from CTU’s Counter Intelligence Officer’s assessment of the shooting incident analyses SGT Hekmatullah’s background and possible motivations for his actions.

19. **CTU CJ2 CI Assessment.** Based on it is likely that Hekmatullah has Taliban sympathies or at least, latent sympathies. Post incident reporting suggests that and thereby acted alone, or that Either way, his ideology likely played a significant role in his decision to move to violence. Further, if it is likely he harboured some resentment toward the Afghan Government and CF, and possibly also had a sense that had been repressed and/or ignored by the Government, though it does not necessarily mean he was an insurgent or wanted to join the insurgency.

20. The trigger that led him to act is difficult to assess. It may have been (see JCAT report for details on these matters) or it may have been his general experiences in the ANA, or the arrival of the AS patrol that presented as a target of opportunity that his ideology predisposed him to act upon, or something that is still unknown. There were no indications just prior to the event that SGT Hekmatullah was disturbed, angry, excited, or acting any way but ordinary. SGT Hekmatullah had access to weapons due to his position in the unit and had reportedly conducted armed guard duty the night prior without incident. Therefore the incident may have been planned gradually rather than being reactionary. The relationship between the ANA and the Australians appeared to be good and up to the time of the incident there was no indication of any animosity, so, it is assessed as UNLIKELY that Hekmatullah acted due to personal motive caused by stress or due to an argument with AS forces. Until further evidence is presented it is assessed as LIKELY that Hekmatullah acted more on PERSONAL MOTIVATION based on IDEOLOGY.

43. **The actions of SGT Hekmatullah.** SGT Hekmatullah remains at large, and his location and capture is the subject of ongoing ISAF operations. No specific evidence has been uncovered by the Inquiry team that offers a conclusive explanation as to why SGT Hekmatullah opened fire on **ANAF.** Several reports state that the attack was likely to have been ideology motivated given his background and recent activities concerning the denial of leave and inability to get money to his family. SGT Hekmatullah’s family links to the Taliban were not discovered during his initial recruitment and vetting into the ANA. This process, the recruiting and vetting of ANA personnel, including the background checks on recruits is solely the responsibility of the ANA. Although progressive vetting and biometric measures continue to be established, the vetting of recruits for Afghan National Security Forces continues to be a
concern for the Afghan Government and Headquarters International Security Assistance. Notwithstanding this, assessment of the available evidence indicates that SGT Hekmatullah’s actions at Alpha were independent of any prior Taliban arrangements or involvement. However, there is evidence that post the shooting incident SGT Hekmatullah did seek Taliban support to assist his movements after he fled the patrol base.

44. Cultural factors. There was no evidence cultural factors: honour, respect, trust, and friendship, as identified within the DSTO Culture Compatibility Study, were offended, nor is there evidence of any insulting, offensive, or inappropriate behaviour or language being used by Alpha towards the ANA at PB WAHAB which had a relevant impact on the events leading up to, during, or subsequent to the shooting incident. The evidence presented to the Inquiry team indicates, prior to and at the time of the shooting, the ‘atmospherics’ between the ANA and Alpha were very good with no sign or indication of any conflict or cause for concern between the parties.

45. Finding 2. With regard to ToR 1, I find that LCPL Milosevic, SPR Martin and PTE Poate were killed in the shooting attack by SGT Hekmatullah at PB WAHAB at approx 2145 h on 29 Aug 12.

46. Finding 3. With regard to ToR 1, I find that Soldier 1 and Soldier 2 were injured in the shooting attack by SGT Hekmatullah at PB WAHAB at approx 2145 h on 29 Aug 12.

47. In making these findings I have relied upon incident reports compiled by 3 RAR TG, the ADFIS Interim Report, the Insider Attack Incident 29 Aug 12: Medical Summary compiled by HQJTF 633 Senior Medical Officer dated 26 Sep 12, and the information provided by witnesses interviewed by the Inquiry team, in particular the evidence of the Alpha members who were at PB WAHAB soldiers on 29 Aug 12, and my interviews with the Australian medical staff present at the R2(E) at MNB-TK when the Australian casualties were treated there, namely: Soldier 9 Senior Medical Officer MNB-TK, Soldier 23 Regimental Medical Officer and Soldier 10 Nursing Officer, etc.

48. Finding 4. With regard to ToR 1, I am unable to determine from the available evidence the causal reasons that explain why SGT Hekmatullah attacked Alpha at PB WAHAB on 29 Aug 12.

49. Finding 5. With regard to ToR 1, I find there were no cultural factors that had a relevant impact on the events leading up to, during, or subsequent to the shooting incident at PB WAHAB on 29 Aug 12.
50. In making these findings I have relied upon incident reports compiled by 3 RAR TG Alpha, the ADFIS Interim Report, the JCAT report Joint Casualty Assessment Team (JCAT) Assessment of the 29 August 2012 Green-on-Blue incident involving Alpha at Patrol Base WAHAB, Combined Team Urugan (CTU), Urugan Province, Regional Command-South dated Sep 12, and the information provided by witnesses interviewed by the Inquiry team, in particular the evidence of the Alpha members who were at PB WAHAB on 29 Aug 12.

ToR 2 - Potential procedural weaknesses or deficiencies: ascertain, analyse and determine relevant circumstances surrounding the shooting incident for the purpose of identifying whether any weaknesses or deficiencies (isolated or systemic) exist in defence systems, policies, equipment, practices, procedures and training

Intelligence

51. **General Intelligence reporting.** Alpha’s mission was to support 6 Kandak (Tolay) to insurgent within the BALUCHI region from Aug 12 in order to directly enhance ANSF operational viability in Urugan. MT intelligence briefs prior to the mission focussed on insurgent courses of action, specifically the most likely and the most dangerous courses of action. They noted the insurgents would likely

From this information, MT considered the main threats against them to be attacks from insurgent forces. Soldiers 5, 3 and 4 had no misgivings about the intelligence assessments provided to them prior to the patrol to PB WAHAB on 29 Aug 12. The insider threat was not specifically discussed during the intelligence presentations for the mission; however it had been regularly raised during the daily battle update briefs conducted at MT. All members of Alpha were cognizant of the risk of insider threats at all times. However, given their mentoring role, routine contact with ANA members was a routine event and meant that they would be in close contact with ANA on regular occasions.

52. **General level of Inside the Wire Threat.** In August 12, there was a heightened level of threat of insider attacks across Afghanistan. Operational intelligence assessments considered
that could increase insider incidents throughout the Combined Joint Area of Operations. Briefings at MT # in the weeks before 29 Aug 12 indicated evidence of green on blue incidents involving coalition forces (CF), including:

a. Aug 12 – ANA soldier shot CF in a gym resulting in CF KIA and CF WIA.

b. Aug 12 – CF KIA when invited for meal by ANA in HELMAND Province;

c. Aug 12 – CF KIA when six INS dressed as ANP fired upon them in HELMAND Province;

d. Aug 12 – ANP killed by INS infiltrator in NIMROZ Province; and

e. Discussion of Ramadan and that the Taliban preach ‘Eid Al Fitr’ on 22 Aug 12 (the ‘Night of Power’ occurs on the 27th night day/night and that it is the most desirable night to ‘martyr oneself’).

53. **No specific threat identified at PB WAHAB.** Prior to the shooting incident occurring, no ADF or Coalition Force members were aware of any intelligence reports or other information concerning a specific insider threat existing at PB WAHAB. The CT-U Senior Intelligence Officer, an Australian Major, noted there was no specific identified threat of green on blue/insider threat at PB WAHAB prior to 29 Aug 12:

‘For a specific attack against 3RAR in WAHAB, there were no indicators of a threat in WAHAB. You’ve got to remember that WAHAB is an Afghan base. It’s not permanently targeted. Our troops don’t stay there with the Afghans. So they had arrived in WAHAB for some sort of temporary partnering about 20 hours I think, 20 or 30 hours prior. And in the short time they’d been there were no indicators of personal grievances, people being dissatisfied. There was nothing either prior or such I guess that indicated an attack.’
54. CO 3 RAR TG comments on inside the wire threat. LTCOL Scott states:

‘The green on blue is most definitely recognised as a threat, but it wasn’t recognised as the main threat over here. In fact, to be perfectly frank, on a day-to-day basis the environment as in [redacted] was a higher threat than green on blue and [redacted] was the highest. So I think that’s important context.’

55. MT[s] Intelligence assessment for the [redacted] mission to BALUCHI/ [redacted]

MT[s] Intelligence staff noted:

“The whole threat, we were mainly focused on [Other than Insider Threat]. The insider threat wasn’t as much on the forefront of our minds as we were heading to a new area which is historically high activity zones. We were expecting the return of [redacted] So we thought the insurgents would be motivated to fight. So that was my main focus was likely IED positions, spotter locations and engagement locations. The green on blue insider threat we touched on it, but we didn’t make that the number 1 priority because I assessed that our force protection measures and since we got through the high threat period of Ramadan I expected that our force protection would be able to be sufficient to cover the green on blue threat and I focused my efforts on what I could kind of control is being able to inform the commander where the IEDs are likely to be, spotters and fighters.”

56. MT[s] Intelligence staff’s level of competency and experience. MT[s] Intelligence staff consisted of S11 AustINT Corps trained soldier with approximately 18 months experience. He sourced his intelligence advice for MT through the 3 RAR TG Intelligence cell and from the CT-U Intelligence cell. The 3 RAR TG Intelligence Officer considered him to be a very thorough and competent intelligence operator.

‘He’s a very good operator and he would have briefed them on the threats that he was aware of at the time. For a private, this guy is highly competent. He’s probably punching above his weight by working as a mentoring team S2. This guy was actually one of our [redacted] where we made a decision to swap him with the corporal that was out there who was [redacted] personnel. So, yes, S11 or Soldier 11 gave those guys a good level of support. I don’t think that he could have done much more to provide any sort of warning to the soldiers that were out there.”

57. ‘Actions on’ for insider threat at PB WAHAB. Alpha [redacted] recognised and considered the threat of an insider attack at PB WAHAB. During the occupation of PB WAHAB on 28 Aug 12, Soldier 3 established a Guardian Angel to oversee [redacted] members as they moved in and established their harbour area. Later that afternoon, Soldier 3 addressed the ongoing requirement for a Guardian Angel and discussed the ‘actions on’ in the event of a green on blue attack at PB WAHAB. Soldier 3’s actions and directions concerning the threat of
an insider attack at PB WAHAB were supported by Soldiers and Subordinate commanders or Alpha.

58. **Finding 6.** With regard to ToR 2, I find that there were no weaknesses or deficiencies with the intelligence preparation and intelligence advice provided to Alpha prior to the patrol to PB WAHAB on 28 Aug 12. Further, I find that prior to the shooting incident occurring, no ADF or Coalition Force members were aware of any intelligence reports or other information concerning a specific insider threat existing at PB WAHAB. The intelligence threat assessments highlighted Other than Insider attacks as the most dangerous and most likely courses of enemy action. The threat of insider threat was not considered as high but the commanders and soldiers of Alpha were aware the threat existed. Addressed 'actions on' regarding the threat of insider attack during his orders to follow their occupation of PB WAHAB on 28 Aug 12.

59. In making this finding I have relied upon the CTU FRAGMENTARY ORDER Force Protection Measure in Response to the Inside the Wire Threat dated MT, staff military appreciation for BALUCHI  completed Aug 12, MT Commander's Update Briefs from 9 to 26 Aug 12, and the information provided by witnesses interviewed by the Inquiry team, in particular the evidence of LTCOL Scott, Soldiers 5, 12, 3, 4 and 11.

**General**

60. **3 RAR TG training.** 3 RAR TG personnel considered they were well trained and qualified for their roles and responsibilities in Afghanistan. Their pre-deployment training in Australia culminated in May 12, with their participation in a mission rehearsal exercise where they were assessed and certified by Combat Training Centre under the direction of HQ 1 Division. Following this, the Task Group completed RSO&I training at and then further RSO&I training on their arrival at MNB-TK. When they commenced operations in Afghanistan in Jun 12, 3 RAR TG personnel believed they were well prepared and well trained for the missions they were to undertake. During their pre-deployment and in-country RSO&I training 3 RAR TG personnel received detailed insider threat training on at least three separate occasions. By 29 Aug 12, 3 RAR TG had been in-country for over two months and Alpha had conducted at least missions where they had harboured up at ANA patrol bases for periods of time. Alpha personnel believed they were individually and collectively well-prepared for the mission of 28 Aug 12.

61. **Forces Involved / Mission Authority.** Alpha, MT were conducting an authorised mobile mentoring mission in accordance with the approved MT issued OPORD BALUCHI MENTORING. The MT order was derived from the
RAR TG Operation Order, an order that provided the framework Concept of Operations for the conduct of 3 RAR TG operations in Uruzgan Province. Alpha consisted of ADF members, Afghan interpreters, Protected Mobility Vehicles (PMVs) and an trailer. Within there was and combat first aiders, this was an accepted force ratio for medical support for normal framework operations in Afghanistan.

62. **Mission Orders.** Over the period to Aug 12, MT conducted a deliberate staff military appreciation process for the mission to to BALUCHI area. This was the first time a MT force element was to deploy to PB WAHAB and however specific information concerning the base's tactical infrastructure and topography was limited to of the base. Formal written orders for the operation were issued by OC MT delivered oral orders to During the delivery of orders to personnel considered they had been adequately briefed and that they had a good understanding of the mission. They believed there was no understatement of the insider threat.

63. **Local environmental conditions.** The weather at the time of the incident was hot, with temperatures up to 40 degrees Celsius by day and about 20 degrees Celsius at night. The incident occurred at 2145 h on 29 Aug 12, evening nautical twilight had ended at 1930 hrs. It was night and there was limited unassisted visibility out to 10 to 20 metres. Alpha's admin area was lighted with command post style small fluorescent lights, therefore soldiers inside the admin area could not see out into the dark of the patrol base. However, a person in the northwest end of the patrol base outside of and looking into the admin area, would have been able to clearly see the Australian soldiers inside and the actions that they were undertaking.

64. **PB WAHAB physical terrain.** Diagrammatic pictures detailing the layout of are attached at PB WAHAB is approximately meters long and it is rectangular in shape. It runs in a northwest to southeast alignment. It is protected by HESCO walls and there are five guard towers, three at the north/north western end and two at the south/south eastern end of the base. The patrol base is situated on quite a steep hill; the ANA buildings at the southern end of the base are much lower in elevation than the top or northern end of the base. Tolay, the resident ANA element, comprised around personnel, and was centred on several buildings at the south eastern end of the base. There were a few ANA personnel housed in the one building at the north western end of the base. Alpha's harbour area was about metres from the main ANA area. The main entrance to the base was at the north western end of the patrol base, about 20 or so metres from Alpha's administrative area.
65. Force protection arrangements with regard to separation of forces at PB WAHAB. Prior to 29 Aug 12, ISAF troop contributing nations (TCN) sought to establish separate bases, or bases within bases or limited access protected areas for their personnel when encamped with or living with ANSF elements. This force protection practice had been adopted by TCNs and although discussed in ISAF documents, the practice was not mandated by ISAF orders at the time. The 3 RAR TG had adopted this separation of forces where possible for their force elements encamped with ANSF elements. For example, at MT's home location, force protection arrangements for separation from ANSF forces at FOB were centred on a base within a base model. MT were encamped in a separate protected compound within the confines of the larger ANA base. When MT force elements deployed forward to PB and PB patrol bases within their tactical area of responsibility (TAOR), the MT force elements established themselves in each patrol base such that they partitioned off an area of the patrol base and controlled ANA access into their area. When Alpha deployed to PB WAHAB, they assessed that the terrain and tactical infrastructure were such that they were unable to establish a separate protected locality in order to separate themselves away from the resident ANA forces. This was the first time a MT force element had deployed to PB WAHAB. This matter, the fact that at PB WAHAB on 28 and 29 Aug 12, Alpha did not establish, nor enforce a secure area, where personnel were protected from approach by ANA soldiers, was not raised as an issue for MT's chain of command.

66. Human environment and activity prior to the incident. The bulk of the ANA soldiers within PB WAHAB were unarm. They were not provided weapons within the patrol base unless they were undertaking weapon training, guard duties or were preparing for missions. Some officers and senior NCOs carried weapons as a matter of course. On 29 Aug 12, during the course of the day a number of ANA soldiers came up to look at the Alpha's harbour area, or walked past the position as they left the patrol base to make phone calls at a point a little further up the hill, where mobile phone reception was available. During the course of the afternoon and evening of 29 Aug 12, several ANA soldiers joined several Alpha soldiers lifting weights at a makeshift gym area the Australian's had established near the base of the southern facing tower. In the evening, several unescorted ANA soldiers came into Alpha admin area to socialise with the Australian's or were just inquisitive about what the Australian's were doing. The senior personnel in Alpha noted that the 'atmospheres' over the day and during the evening of 29 Aug 12 were good and that there were no issues or incidents of any nature.

67. Unescorted ANA access to MT force elements camp/harbour areas. OC MT had two views on whether ANA were able to access MT force element areas. He notes that, in accordance with FOB Standing Orders, ANA are not allowed unescorted or unannounced into the Australian areas, and that an entry picquet is maintained
to prevent unannounced arrivals. On the other hand he extends some flexibility to MT commanders noting that they are responsible for their own force protection assessment, and that ANA mingling with the Australians is good for the mentoring mission.

68. Competing priorities of cultural aspects, mentoring role and force protection responsibilities. The assessment by Soldier 5 highlights the conflicting priorities faced by Mentoring Task Force commanders with regard to their mentoring role and their force protection responsibilities. In the lead up to the incident of 29 Aug 12, the perceived importance directed to cultural awareness by Alpha personnel may have blunted the necessity to give higher importance to force protection. Several witnesses commented on the building of rapport as a justification for allowing ANA into Alpha's area. Several Alpha members, including both Soldiers 3 and 4, specifically highlighted that local engagement with ANA underpinned their mentoring role. Of note, Soldier 3 highlighted that he didn’t want his first action on arrival at PB WAHAB to be to ‘kick’ several ANA out of their accommodation in order for him to secure a separate area from the ANA. However, based on the subsequent events, when asked the same question and what his actions would be now, he noted he would evict the ANA personnel immediately and that force protection would be his priority.

69. Mentoring role verses force protection requirements. The need for commanders to balance the inherent requirements of a mentoring mission, that is the routine close engagement of ADF personnel with ANSF members in order to establish trust, rapport and communication, aspects that underpin a mentoring relationship, and the requirement for commanders to provide effective force protection for ADF members is a difficult task. But such considerations and other aspects of addressing the threat of insider attack are addressed within the current mission specific training and mission readiness training undertaken by Australian forces preparing for deployment to OP SLIPPER. Assessment and prioritisation of tasks as well as assessment of enemy threats are basic steps in our military appreciation process. Nevertheless, in Afghanistan the real time process of balancing these competing priorities, that is mentoring tasks verses force protection responsibilities, remains a complex challenge for Mentoring Task Force commanders at all levels.

70. SGT Hekmatullah’s actions on 29 Aug 12 prior to the shooting incident. SGT Hekmatullah was one of the ANA soldiers who joined with the Australian soldiers lifting weights at the makeshift gym on the afternoon of 29 Aug 12. He also appears to have been one of the soldiers who came into Alpha’s admin area where the soldiers were playing cards that night. There is no evidence that SGT Hekmatullah was armed during these visits. It appears he obtained a weapon later that night just prior to when he was to assume a sentry
duty. Nevertheless, if SGT Hekmatullah did in fact have a weapon when he was in the vicinity of Alpha's area, the sight of an ANA soldier walking towards a guard tower in the north-western area of the patrol base would not have aroused any suspicions and would not have been cause for significant alarm.

71. **Finding 7.** With regard to ToR 2, I find that Alpha were adequately trained for the mission of 28 Aug 12. I find that the mission of 28 Aug 12, was an authorised mission in accordance MT issued OPORD — BALUCHI NFO MENTORING. Further, I find that Alpha had adequate resources allocated to them to enable them to meet the requirements of their mission.

72. In making this finding I have relied upon the TASK FORCE OPERATIONS IN Uruzgan (URZ) PROVINCE AFGHANISTAN MT issued OPORD dated 12, specifically FRAGO to that Order, dated MT issued OPORD BALUCHI NFO MENTORING dated the information provided by witnesses interviewed by the Inquiry team, in particular the evidence of LT COL Scott:

73. **Finding 8.** With regard to ToR 2, I find that Alpha did not establish nor enforce a secure area where Alpha personnel were protected from approach by ANA soldiers in PB WAHAB on 28 and 29 Aug 12. This situation, where Alpha was not separated from the ANA and did not establish nor enforce a secure area, represents a weakness in tactics, techniques and procedures (TTPs). On other occasions, when MT force elements had visited PBs and the other ANA bases in MT's TAOR, the MT force elements had established secure areas and controlled the access of ANA soldiers.

74. In making this finding I have relied upon the information provided by witnesses interviewed by the Inquiry team, in particular the evidence of LT COL Scott:

75. Consideration of this finding raises concern about the command direction within MT regarding this matter because of the clear difference between the force protection arrangements MT force elements had at FOB and at PBs and to the situation that occurred at PB WAHAB where Alpha could not/did not establish a separate secure area. This situation, when also considered against a background of heightened threat levels of insider attack and concurrent tasks, such as the Tactical Infrastructure review that required consideration of protective measures to defeat insider threats (see Finding 9), and that this was the first time a MT force element had been to PB WAHAB, raises concerns about the level of guidance provided to Alpha with regard to occupation of PB WAHAB.

76. **Inquiry Officer comment.** The decisions by Alpha not establishing nor enforcing a secure area where Alpha personnel were
protected from approach by ANA soldiers in PB WAHAB on 28 and 29 Aug 12 are considered under ToR 3.

77. **Recommendation 1.** I recommend CDF give consideration as to whether, in all the circumstances, administrative action should be initiated against Commander MT based on Finding 8, in that on 28 and 29 Aug 12 did not meet his responsibility in providing advice to, with regard to the occupation of PB WAHAB, that is, did not advise of his expectation that no ANA were to be allowed into 's harbour area, and this potentially placed the Callsign's soldiers at significant risk.

78. In making this recommendation I have considered that had adequate opportunity to consider and address the occupation of PB WAHAB during the MT staff military appreciation for the to BALUCHI area and the subsequent related orders, and that he did not do so.

79. **Soldier 5's Response.** I advised of the proposed Finding 8, and he noted in his response that prior to the shooting incident he remained unaware that PB WAHAB did not allow separation from ANSF. In the lead up to the operation, during the MT staff military appreciation process, had raised the lack of information concerning PB WAHAB as an issue. had agreed that little information was available, however he noted he was not overly concerned because he considered had the necessary knowledge, skills and abilities to experience to be able to deploy to the patrol base, and that would raise any issues of concern with him. In this assessment, appears to have made several assumptions: that would be separated from ANSF within PB WAHAB, that no ANSF would be allowed in 's area, particularly unescorted ANSF, and that had a similar understanding of the impact of these aspects on force protection. These assumptions were not addressed between and following 's occupation of PB WAHAB.

80. **Inquiry Officer comment.** There are a number of other findings related to the evidence presented above, however, they will be considered under ToR 3 - Potential shortfalls in Actions or Decision Making.

**Tactical Infrastructure Review**

81. On 22 Aug 12, 3 RAR TG was directed by CTU to conduct an Regional Command (South) (RC(S)) initiated tactical infrastructure (TI) review of force protection for each FOB / PB. The aim of the RC(S) review was to identify and implement immediate risk
management measures to eliminate Green on Blue incidents at FOB/PB. In particular, there was a focus on reviewing infrastructure to ensure there were protected areas for ISAF/TCN forces to operate in, or to move to, in the event of a green on blue attack. The Executive Officer 3 RAR TG, initiated action on this requirement, he directed

"Prior to deploying troops to a PB, there is a one-off requirement to raise a TI assessment and forward the document to this HQ. The document will be placed on the [redacted] and subject to periodical review".

82. The TI review for PB WAHAB was completed by OC MT Soldier 5 on 28 Aug 12. The information he completed was not passed to [redacted] as [redacted] had already deployed to the PB. Of note, much of the information required under the TI review was not directly applicable to mobile mentoring team operations. It was more focussed on the [redacted] and minimum force protection measures, did have applicability and were included and updated in TI reviews developed by 3 RAR TG in Aug 12. On reflection, CO 3 RAR considered the TI reviews would become one of the many documents/information requirements to be considered by a force element preparing to deploy to the patrol base.

83. Soldier 3 did not receive the TI review for PB WAHAB. I do not consider this to be of significance given the main focus of the TI review was for FOB/PBs where ISAF/TCN force elements were permanently encamped. Therefore, I also do not consider Soldier 3's actions with regard to not providing [redacted] a copy of the document immediately upon its completion a significant factor. I note that the intent behind the TI review was that it would be regularly reviewed and updated/amended as part of the post-patrol debriefing process. I consider that there was no causal link with regard to the completion of the TI review by MT [redacted] on 28 Aug 12 and not providing the document to [redacted] immediately it was completed, with the shooting incident of 29 Aug 12.

84. Notwithstanding the above, there is a concern regarding the considerations for force protection arrangements that [redacted] noted in TI assessment for PB WAHAB, given that he compiled it immediately following MT [redacted]'s staff military appreciation process for the surge to the [redacted] BALUCHI area and the orders issued for that mission. The concern is that the force protection arrangements [redacted] subsequently identified as necessary in the TI review, differ from what [redacted] considered as adequate force protection requirements for PB WAHAB. This highlights a potential weakness in the information and orders process at MT [redacted] because [redacted] had just received orders from Soldier 5 that covered [redacted]'s task to occupy PB WAHAB and there was no specific direction or guidance given re the need to separate Australian forces from ANA. In his TI assessment for PB WAHAB, Soldier 5 considered the insider threat to [redacted]. He premised this assessment on a number of aspects within the TI review including but not limited to:
a. No ANA allowed in the AS area. Dress State 2 in ANA compound, weapon state

b. Guardian angel in Dress State when members at the gym always.

85. During interview with the Inquiry team, when discussing the need to provide advice to
his considerations with regard to the Ti review, with regard to occupying a patrol base,
noted:

‘No, he was already in by the time I’d completed this and there was – I suppose
there’s no change to the standard way that we’d occupied the previous patrol bases.
So it’s probably a failure in my assumptions that I didn’t need to articulate that. I
assumed that I didn’t need to articulate it’

86. Separate from the TI review conducted by Soldier 5 on 28 and 29 Aug 12, MT’s
Intelligence staff conducted a force protection review of PB WAHAB over the same period.
The notable difference between Soldier 5’s assessment of ‘insider threat assessed as
was that MT considered the threat of insider attack at PB WAHAB to be
He noted:

‘ANA at Patrol Base WAHAB have the capability and resources to conduct an insider
attack due to the layout of the base facilitating interaction between Australians and
the ANA. Therefore, the threat at Patrol Base WAHAB is assessed as

‘I based that on Patrol Base WAHAB not having a separate Australian compound,
therefore, the layout of the base facilitates interaction between the ANA and
Australians due to the regular – it is not a set aside Australian section like at Patrol
Base where we kind of have our own little corner which we can easily kind of
see what’s coming in. I believe that Patrol Base WAHAB was an open area.
There was a lot of intermingling. So based on if there was an insider threat, which
there turned out to be, I assessed that due to him having favourable
circumstances at that specific patrol base due to the layout. That was the main basis
of that assessment, Sir.’

87. Soldier 5 and CO 3 RAR TG, LTCOL Scott, considered that the TI review was not a
critical document for Soldier 3’s immediate attention. They considered that, given he was
the commander on the ground at PB WAHAB, he was the person best placed to make an
assessment of the force protection situation and to act accordingly. LTCOL Scott noted:

‘No, I wouldn’t, and the reason for that would be Soldier 3 and his crew, having
done a number of these already, are going through an SOP – wrong word – a TTP, a
tactic, technique, procedure – to go through the drills that I just explained when they
arrived. This (the TI assessment) was for the consumption of higher. His TTPs that
are employed by the patrol commanders when they go to these patrol bases, that was
of my immediate concern and that’s for my consumption, that they do that. This very much was to feed the beast higher. Having said that though, we did look at them. And I note that it states up there states tactical infrastructure in compliance. Technically, that should be states and then when he’s out there, when he comes back – because he doesn’t. When he comes back he updates it. Now, there is. But the intent behind it would be as we build these it forms part of his appreciation and he takes it with him...it’s more a longer term he comes back having made the assessment and then he updates this, because that’s not immediate. What’s immediate is the commander’s night orders saying, “I’ve got a bad feeling about this. I’ve taken over the guard tower to the east,” or, “No, the signs are all good. We’re all happy and we’re going on patrol tomorrow, as discussed in my orders.” It wouldn’t be focused on that. There’d be an expectation by the OC, as there is an expectation of me, that they take the appropriate measures when they arrive there. And that (the T1 review) is a staff process that would be done in a staff environment.

88. LTCOL Scott, Soldier 5, and Soldier 3 note in their statements to the Inquiry team, that with regard to occupying a position, the commander on the ground is responsible to determine the necessary security and force protection arrangements based on his assessment at the time. Such an expectation is not unrealistic, however in this case, Soldier 3 was aware of Soldier 5’s expectations regarding the minimum level of force protection arrangements required, that is, that no ANA personnel were to be allowed in Alpha’s harbour area. Again, this highlights a potential weakness in procedure within MT 5 where prior to deploying there appears to have been no deliberate consideration of Alpha’s occupation of PB WAHAB and the minimum required force protection arrangements. Notably, this issue occurred against a background of raised awareness of insider threats and the fact that no MT 5 force element had been to PB WAHAB prior to this mission.

89. Finding 9. With regard to Tor 2, I find that there was a weakness with MT 5’s preparation for the mission to MT 5 force elements into the BALUCHI area from 28 Aug 12, in that the insider threat and force protection arrangements for PB WAHAB, such as the restriction of ANA from entering Alpha’s harbour area, were not adequately addressed prior to the deployment of Alpha on 28 Aug 12.

90. In making this finding have relied upon the Regional Command (South) Consolidated Daily Order - GREEN ON BLUE RISK MANAGEMENT, dated MT 5’s staff appreciation for BALUCHI completed Aug 12, MT 5 Commander’s Update Briefs from Aug 12, Soldier 13’s Tactical Infrastructure Assessment dated the Noting Brief for CJOPS through CJTF633 Way Ahead WRT potential disciplinary offences in the context of the insider attack inquiry cleared and the information provided by witnesses interviewed by the Inquiry team, in particular the evidence of LTCOL Scott, Soldier 3, Soldier 4, and Soldier 11.

91. Recommendation 2. I recommend CDF give consideration as to whether, in all the circumstances, administrative action should be initiated against Commander MT 5.
5. Based on Finding 9, in that the [REDACTED] did not meet his responsibility in providing adequate direction to [REDACTED] with regard to the occupation of PB WAHAB and his expectation with respect to force protection generally, and that these matters were not adequately addressed prior to the deployment of [REDACTED] on 28 Aug 12, thus creating a situation that potentially placed [REDACTED] soldiers at significant risk.

92. In making this recommendation I have considered that [REDACTED] had adequate opportunity to consider and address the occupation of PB WAHAB during the MT [REDACTED] staff military appreciation for [REDACTED] BALUCHI area and that he did not do so.

93. [REDACTED]’s response. I advised [REDACTED] of the proposed Finding 9, and he noted in his response that the task of occupying PB WAHAB was well within the scope of duties for an [REDACTED] commander, and as such, [REDACTED] was directly responsible for the force protection arrangements for [REDACTED] at PB WAHAB. [REDACTED]’s responsibility for the force protection arrangements is acknowledged, however, the situation remains that at the time [REDACTED] deployed to PB WAHAB, [REDACTED] had not provided adequate direction concerning the insider threat and the related force protection arrangements for PB WAHAB, such as the restriction of ANA from entering [REDACTED]’s harbour area. Therefore it is my opinion that these matters were not adequately addressed by the MT [REDACTED] command team prior to the deployment of [REDACTED] on 28 Aug 12.

94. Finding 10. With regard to ToR 2, notwithstanding the preceding Findings and Recommendations, I find no evidence that establishes a direct causal link with regard to the completion of the TI review by MT [REDACTED] on 28 Aug 12 and not providing the document to [REDACTED] immediately it was completed, with the shooting incident of 29 Aug 12.

95. In making this finding I have relied upon MT [REDACTED]’s staff military appreciation for [REDACTED] BALUCHI [REDACTED] completed Aug 12, MT [REDACTED] Commander’s Update Briefs from [REDACTED] Aug 12, [REDACTED] Tactical Infrastructure Assessment dated [REDACTED] the Noting Brief for CJOPS through CJTF633 Way Ahead WRT potential disciplinary offences in the context of the insider attack inquiry cleared [REDACTED] and the information provided by witnesses interviewed by the Inquiry team, in particular the evidence of LT COL Scott [REDACTED] and [REDACTED]
ToR 3 – Potential shortfalls in actions or decision-making: identify any shortcomings in relevant defence actions and decisions, both prior to and subsequent to the shooting incident, and assess whether any identified shortcoming prior to the shooting incident may have contributed to the shooting incident.

Security and Force Protection at PB WAHAB

96. On 28 Aug 12, [redacted] arrived at PB WAHAB and [redacted] and [redacted] engaged with Tolay staff to select an area in the patrol base to occupy and to establish joint security arrangements and responsibilities. This was an established process for 3 RAR TG force elements when approaching an ANSF base, and required the Australian force element commander and the ANA commander to collectively agree on base sharing and defensive procedures/action on. [redacted] and [redacted] reviewed the layout of PB WAHAB with the senior Zabet of [redacted]. They determined that the northwest end of the patrol base was most suited to their security and force protection requirements and directed [redacted] to establish a harbour there.

97. [redacted] considered the force protection implications of having three guard towers over-looking his position. However, given there was also a small ANA accommodation hut adjacent to [redacted]'s proposed position, and that there would be movement of ANA soldiers between the southern end of the PB and the small accommodation hut and the guard towers, [redacted] determined that the ANA should continue to man all the guard towers. [redacted] during his interviews, based his force protection assessment on:

a. that given this was [redacted]'s first visit to PB WAHAB he did not consider it appropriate to take over force protection responsibilities from the ANA. He noted: ‘So I made the decision that it would not be possible to segregate the base to have ANA down this area and Australians up this area, which would have been preferable and is what we had at [redacted] Due to the requirements to man all the towers and kick the ANA out of their accommodation, which is something that I didn’t want to do as it was the first thing that I did arriving at the patrol base’.

b. that [redacted] did not have sufficient manpower to secure the three towers overlooking the AS position. [redacted] noted: ‘The towers are the ANA’s responsibility and they know that we don’t occupy the towers. We can choose to occupy a tower if it suits us, which we do at [redacted]. But to occupy the three
towers which were in the vicinity of where we eventually occupied, I didn't believe that was sustainable for us.

c. the need to embrace the ANA in order to facilitate the Task Group’s mission to mentor them. Soldier 3 noted: ‘Well, I would agree and say that is what I tried to do. The first couple of days are all about building a rapport and then seeing the results of that on the ground in the future. There’s such a high degree of trust that you need to place in them with the mission that we have. I was keen to encourage as much interaction as I could, because I believe that facilitates our mission.

98. Soldier 3 and Soldier 4 subsequently discussed the security and force protection arrangements and agreed that the ANA would man guard towers by night (three at the north west end of the patrol base at the south east end). During daylight, the ANA would occupy towers (the ANA were not manning the southern facing tower at the northern end of the patrol base tower during daylight hours) and the Australian’s would occupy the southern facing tower. Soldier 4 supported these arrangements. Soldier 3 noted:

'13. Did you get into any discussions concerning the towers? I understand from another witness that you had some discussion about manning the towers, that they sought that you man the towers.

On our initial walk-through with the zabet I discussed the security situation. He told me that they man towers by day by night. My initial thought was that we could man one of the towers. However, security wise that was almost pointless given that the ANA would still be in the two others. So I decided that the ANA would man all the towers. And that discussion was not translated to the zabet. That was the discussion that I had with my sergeant. That was never a discussion I had with the ANA. It was a thought that I had because I didn’t like the idea of having ANA in the towers in close proximity to us. However, the fact that we would man one and they would be in two others defeated the purpose of manning any of them. That was the discussion I had with my sergeant, not with the ANA. It was never translated to the ANA.

99. On occupation of PB WAHAB, Soldier 3 placed a guardian angel/picquet in the southern facing tower to overwatch while they established their position. Later that day, Soldier 3 and Soldier 4 determined force protection measures for night routine would consist of a guardian angel/picquet in Bravo and picquet (on the battalion command net) in the same vehicle. On 29 Aug 12, during the daylight
hours the guardian angel/picquet was placed back in the southern facing tower to provide overwatch for Alpha's position and Bravo picquet continued in Bravo. Then for night routine that evening, Bravo picquet remained in Bravo and the guardian angel/picquet came out of the tower but instead of going back into Bravo, he was given a roving picquet task within the northern end of PB WAHAB. The relocation of the guardian angel/picquet had been discussed and agreed by the Alpha command team during Soldier 3's evening orders. There was concern that the guardian angel/picquet had limited visibility and situational awareness of the guard towers, particularly the north facing tower. Therefore the guardian angel/picquet was tasked to conduct a roving picquet around Alpha's area and to maintain situational awareness of the ANA in the three towers that overlooked Alpha's position. Soldier 4 and the section commanders of Alpha were supportive of Soldier 3's actions and the proposed force protection arrangements. Soldier 3 notes:

'It came up in orders. It was actually a recommendation from one of the section commanders and we all discussed it and agreed that if the guardian angel could better perform his task roving and had better SA, then it was a good thing. We all discussed it, but it was my decision to implement the rove.'

100. Finding 11. With regard to ToR 3, I find that Soldier 3 and Soldier 4's decision to occupy the northwest end of PB WAHAB to be a sound decision based on an acceptable assessment of the circumstances and physical layout of the patrol base. However, their decision to not occupy at least one of the guard towers in the northwest end of the patrol base on a 24 hour basis, to be a decision that did not adequately address the force protection needs for Alpha in that it potentially placed the Callsign at significant risk in that they were less prepared to react to fire or other environmental hazards, enemy action or insider attack.

101. In making this finding I have relied upon CO 3 RAR LTCOL Scott's Incident of 29 Aug 12 dated and the information provided by witnesses interviewed by the Inquiry team, in particular the evidence of LTCOL Scott and Soldier 4.

Single Guardian Angel – PB WAHAB

102. Guardian Angel role, task and responsibility. Prior to the shooting incident of 29 Aug 12, the concept of guardian angels was not well understood across ISAF. For example, the lead of the JCAT investigation team noted that even the title of the arrangement, 'guardian angel', gave the impression that a single guardian angel was a suitable force protection arrangement. At the time deployed to PB, there were no SOPs or established TTPs for guardian angels, moreover a number of witnesses considered a guardian angel could perform a similar role to what ADF personnel would expect sentries or picquets to perform. Soldier 3 had employed a guardian angel in a close personal protection/overwatch
role each time he or other members had gone to the ANA end of the patrol base. With regard to extant orders and directions, the force protection arrangements established by Soldier 3 and Soldier 4 during their deployment to PB WAHAB on 28 and 29 Aug 12, that of a single guardian angel/roving picquet, was the minimum level of force protection required in accordance with extant ISAF directions and 3 RAR TG TTPs.

103. **Extant Force Protection orders.** CTU FRAGO (Force Protection Measures in Response to the Inside the Wire Threat) of 12 amplified the heightened level of insider threat expected during 2012 and directed a number of actions occur. Specifically that such as the 3 RAR TG force element Alpha were to *Implement the “Guardian Angel” concept where, armed alert RC(S) personnel will provide overwatch in order to protect their fellow personnel.* CO 3 RAR TG, LTCOL Scott said 3 RAR TG acknowledged this requirement and in a subsequent Noting Brief to CJOIPS, he states that the number of guardian angels employed at each patrol base was up to the local commander and situation dependent. LTCOL Scott, OC MT and COMD 3 all highlighted in their interviews, that the commander on the ground has the responsibility to determine the force protection requirements based on the local situation and threat picture. As stated above the employment of a single guardian angel/roving picquet by Soldier 3 on the night of 29 Aug 12, was the minimum level of force protection required in accordance with extant ISAF directions and 3 RAR TG TTPs.

104. **JCAT Investigation.** SAF, the lead of the JCAT investigation team into the shooting incident at PB WAHAB on 29 Aug 12, noted to the Inquiry team that there was a ‘good deal’ of misunderstanding about the guardian angel requirement (as discussed above). The JCAT report into the shooting incident highlighted that a clear distinction must be made between guardian angels and force protection. It stresses that the guardian angel concept is a component of force protection and that additional measures are required for comprehensive force protection. It notes, where facilities and relationships do not exist, a single guardian angel is insufficient when assuming a position within ANA/ANP tactical infrastructure. An Security Force Assistance Team should establish a perimeter and secure it with a force of not less than two soldiers. SAF considered that the command team of Alpha had incorrectly appreciated their circumstances with regard to force protection requirements. He considered the single guardian angel/roving picquet to be a particular weakness and he noted several other issues also required review, including the lack of a protected area for Alpha.
personnel, the perceived complacency of the soldiers and the absence of any defensive arrangements.

105. **Force protection at PB WAHAB on 28 and 29 Aug 12.** The positioning of a guardian angel/picquet on 28 Aug 12 in **Bravo**, could be considered a part of a double staggered picquet given **Alpha** were maintaining **Alpha** picquet from the same vehicle. Albeit, **Alpha** picquet was being conducted by **Bravo** outside the vehicle. On the evening of 29 Aug 12, the single guardian angel was brought out of **Alpha** to conduct a guardian angel/roving picquet roving **Bravo**'s area. **Bravo** picquet stayed with **Bravo**. This decision by **Bravo** and **Bravo** to have a single guardian angel on the night of evening of 29 Aug 12 was considered a weakness by senior 3 RAR TG personnel.

a. **CO 3 RAR TG, LTCOL Scott stated:**

   ‘I suspect they felt that because it was such a confined area that the one man could do the job. Now, I don’t think that excuses it. I would have expected two.’

b. **RSM 3 RAR TG, Soldier 15** noted:

   ‘So I can only deduce from that they’ve just taken him out and instead of actually applying the thought process to it, they’ve actually just taken him out and made him into a roving picquet. But again, that’s something that you learn as a soldier, that we don’t send soldiers out to do jobs by themselves. He always has a mate with him. Whilst I don’t understand and I don’t know the circumstances fully in this case here, again I think if there’s a roving picquet it should be a double staggered roving picquet.’

c. **LTCOL Scott also stated:**

   ‘Well, it was a weakness in decision-making in that he only had one guardian angel…. So that’s a weakness in decision-making in **Alpha** command team’s point of view from my perspective.

106. **Finding 12.** With regard to Tor 3, I find that **Soldier 3** and **Soldier 4**’s decision to establish a single guardian angel/roving picquet on 29 Aug 12 met the minimum force protection requirements for the protection of personnel as required by extant ISAF orders and 3 RAR TG TTPs. However, notwithstanding this, I find that **Soldier 3** and **Soldier 4** decisions and actions with regard to establishing a single guardian angel/roving picquet, given the circumstances that existed in PB WAHAB at the time and the disposition of **Alpha** provided **Alpha** members an inadequate level of force protection on 29 Aug 12. This
finding should be considered in conjunction with Findings 13 and 14 concerning the relaxed tactical disposition of **Alpha** and unescorted ANA accessing **Alpha**'s admin area.

107. In making this finding I have relied upon FRAGO 12, Noting Brief for CJOPS through CJTF633 Way Ahead WRT potential disciplinary offences in the context of the insider attack inquiry cleared the JCAT report 29 August 2012 Green-on-Blue incident involving **Alpha** at Patrol Base WAHAB, Combined Team Urgun (CTU), Urgun Province, Regional Command-South, dated Sep 12, the information provided by witnesses interviewed by the Inquiry team, in particular the evidence of LTCOL Scott, **Soldier 5**, **Soldier 6**, **Soldier 15**, **Soldier 17** and **ISAF 1**, and information provided by **RC(S)** on 28 Sep 12.

**Force Protection** – relaxed tactical disposition of **Alpha** at PB WAHAB.

108. Separate to the force protection arrangements for **Alpha** that have been described above, **Soldier 3** and **Soldier 4** allowed **Alpha** personnel to adopt an inappropriate relaxed tactical disposition following their arrival at PB WAHAB. On 28 Aug 12, after they had harbooured up the vehicles, **Alpha** soldiers were allowed to wear PT dress around the admin area and at the makeshift gym, and to remain in PT dress for the evening. That evening and then again on the night of 29 Aug 12, **Alpha**'s admin area was lighted with white light so that soldiers could play cards or board games. On 29 Aug 12, as well as the soldiers playing cards and board games, other soldiers were watching movies on their computers or listening to music. Many were in PT dress, and a number had thongs on which indicates they were in a very relaxed state of force protection. **Alpha**'s admin area was not screened off from passing ANA, passing personnel could see directly into the area. Individually, some of these matters such as soldiers watching movies or listening to music in their bed-space area are not issues of concern. However, collectively, the situation at PB WAHAB on 28 and 29 Aug 12 highlights that the commanders and soldiers of **Alpha** were complacent about their force protection and personal discipline. The soldiers’ state of dress and **Alpha**'s inappropriate relaxed tactical disposition potentially placed soldiers at risk in that they were less prepared to react to fire or other environmental hazards, enemy action or insider attack. In consideration of this, LTCOL Scott noted:

‘PT dress is not to be worn in a PB (it makes it difficult to react to an incident, such as an atk on the base or other incidents inside the base, such as fire, plus it may give the perception of a relaxed degree of alertness for any potential insider threat).’

109. **Finding 13.** With regard to Tor 3, I find that **Soldier 3** and **Soldier 4**'s decision and actions, to allow **Alpha** personnel to adopt an inappropriate relaxed tactical disposition at PB WAHAB, in that **Alpha**'s admin area was lighted with white light, a number of soldiers were playing cards or board games, others were watching movies on their computers or listening to music, with many soldiers in PT dress and several with thongs on, to be such that
they potentially placed soldiers at risk in that they were less prepared to react to fire or other environmental hazards, enemy action or insider attack.

110. In making Finding 13, I note that individually some of these matters such as soldiers watching movies or listening to music in their bed-space area are not issues of concern. However, when viewed collectively, the situation at PB WAHAB on 28 and 29 Aug 12 highlights that the commanders and soldiers of Alpha were complacent about their force protection and personal discipline. The soldier’s state of dress and Alpha’s inappropriate relaxed tactical disposition potentially placed soldiers at risk in that they were less prepared to react to fire or other environmental hazards, enemy action or insider attack.

111. In making this finding I have relied upon the information provided by witnesses interviewed by the Inquiry team, in particular the evidence of LTCOL Scott, Soldier 9, Soldier 13, Soldier 14, and Soldier 16.

**Force Protection – ANA allowed in Alpha admin area at PB WAHAB**

112. On 28 and 29 Aug 12, several ANA entered into Alpha’s local area without escort to use the makeshift gym established near the southern facing tower. Such situations were not unusual, in that at other patrol bases 3 RAR TG soldiers have shared gym or make shift gym facilities with ANA, and had socialised with them in common areas, where such facilities existed. However, on the evening of 29 Aug 12, several unescorted ANA soldiers approached Alpha’s area and walked unescorted inside the Australian’s admin area. The ANA soldiers went into the lighted admin area and sat with the Australian soldiers, some talked, and others looked at magazines or remained standing and looked around. Personnel thought this situation acceptable due to the positive atmospherics that they were experiencing and their consideration that such interaction with the ANA supported their mentoring mission. When Soldier 3 was asked in interview about this situation, he noted he was happy with the situation but had some concerns:

‘Look, I was happy with the interaction. It’s not something that I would have continued. I was happy for the interaction sort of outside our administration area, but not within the close confines of our area because there needs to be an area where the soldiers can get away from the ANA. I didn’t feel it appropriate to tell them to go away, but it was something that at the time I thought I would speak to the tolay commander and put some restrictions on where they can and can’t go. But it’s something that I didn’t do immediately. So I let it go.’

113. As discussed earlier, OC MT Soldier 5 had two views on whether ANA could access MT force element areas. He noted that no ANA were allowed unescorted or unannounced into the Australian areas, and on the other hand, he extended some flexibility to MT commanders noting that they were responsible for their own force protection
assessment. Of note, when MT force elements had deployed to PB QUDUS and PB SAMAD, including Alpha, the force elements had established themselves such that they could partition off an area of the base and therefore secure a location and control ANA access into their area.

114. On 29 Aug 12, one of Alpha’s interpreters and at least one Australian soldier recognised SGT Hekmatullah as one of the ANA who worked out at the makeshift gym during the afternoon, and then later that evening as one of the ANA who visited Alpha’s admin area. The JCAT report states that SGT Hekmatullah spoke to a number of ANA in Alpha’s area and arranged with one of them to mount duty and therefore gained access to a weapon.

115. Finding 14. With regard to ToR 3, I find that Soldier 3’s and Soldier 4’s decisions and actions with regard to allowing ANA to enter unescorted into Alpha’s admin area was a weakness in the force protection measures adopted by in that their decisions and actions did not establish nor enforce a secure area where personnel were protected from approach by ANA soldiers.

116. In making Finding 14, I acknowledge the discussion concerning engaging with the ANA but note that such engagement was achieved at other bases by meeting at common areas such as the gym, or at established common areas and for meals. I note unescorted ANA are not allowed to enter MT’s main base at FOB SORKH BID, nor were they allowed to access MT force element areas when established at PB and PB. Further, I have considered Soldier 5’s responsibility to advise Alpha of his minimum force protection requirements, that is, no ANA allowed in Australian areas, and I acknowledge his shortfall in not doing this. However, I also consider that it was an error of judgement by Soldier 3 and Soldier 4 that they allowed unescorted ANA to enter their admin area. They had not done this during their previous missions and had not discussed this matter with MT’s chain of command.

117. In making this finding I have relied upon the JCAT report 29 August 2012 Green-on-Blue incident involving Alpha at Patrol Base WAHAB, Combined Team Urzgan (CTU), Urzgan Province, Regional Command-South, dated Sep 12 Soldier 4’s ADFIS statement dated Sep 12, Interpreter for Alpha ADFIS Statement dated Sep 12, and the information provided by witnesses interviewed by the Inquiry team, in particular the evidence of Soldier 5, Soldier 14, Soldier 13, and Soldier 11.
Force Protection - Dress and Equipment

118. Decision by Alpha to wear PT dress at PB WAHAB. Following their arrival at PB WAHAB, Soldier 3 and Soldier 4 determined that the soldiers of Alpha could wear PT dress within the PB. It was not unreasonable for soldiers to don PT dress for brief periods as part of their daily routine during missions in Afghanistan. For example, soldiers take the opportunity to conduct Freedom from Infection inspections (FFIs), to air their feet and bodies, and to sleep. Soldier 3 and Soldier 4 note that they made their decision to allow the soldiers to wear PT dress based on the consideration that the Callsign was a day mission, the ‘atmospherics’ were good and their relationship with the ANA was very positive. Soldier 4 noted:

‘Atmospherics were excellent. Like they were laughing and having a joke and all that kind of stuff. Like I said before, the atmospherics at WAHAB were a lot different and were positive compared to [redacted] that we’d been to a couple of weeks before. I actually felt more comfortable in that patrol base there than I did at [redacted] obviously because the ANA were a lot better, like a lot friendlier, if I can put it, per se.’

119. Soldier 3 noted:

‘There were ANA interacting with us from the late afternoon onwards, conducting PT with us, swapping patches, chatting, which I believe is part of our role here. Building a good relationship is the foundation of mentoring. I saw that as a positive.’

‘I had spoken with the talay commander quite a bit about the next day’s patrol, encouraging him to go on patrol. But all our interactions were positive and certainly the interactions that I observed between my soldiers and the ANA were positive. The interactions, well, as I said, whilst on patrol were all positive. There were no indicators that made me think that we need to escalate our force protection.’

120. The ‘atmospherics’ discussion. Soldier 3 and Soldier 4 highlight that the atmospherics at PB WAHAB shaped their decisions concerning force protection arrangements. For 28 Aug 12, such atmospherics discussion, with regard to force protection arrangements, is not accepted and is considered unrealistic given Alpha had been at the patrol base for less than a few hours when Soldier 3 and Soldier 4 allowed the wearing of PT dress on the afternoon and evening of 28 Aug 12. Soldier 4 notes he was familiar with some officers of the Talay, however Soldier 4 states that he had never met any of the Talay’s soldiers previously. Across the force, the soldiers of Alpha had not engaged with any Talay personnel during the afternoon of 28 Aug 12. For 29 Aug 12, the atmospherics discussion could be argued to have some relevance with regard to the force protection arrangements established for that evening, given the Callsign had been at the patrol base for over a day by then and therefore would have had some understanding of the local
situation. However, even in this context, the decisions and actions of the commanders and soldiers of Alpha on 29 Aug 12 highlight they were complacent about their force protection arrangements and personal discipline at the patrol base, as demonstrated by soldiers being dressed in PT gear for extended periods and when conducting guardian angel/picquet duties.

121. Wearing of PT Dress by Guardian Angels and picquets. On 28 Aug 12, the authority to wear PT dress was given by Soldier 3 and supported by Soldier 4. This decision, or a subsequent decision within the Alpha command team, then led to the situation where soldiers wore PT dress underneath their body armour during the conduct of guardian angel or picquet duties. This situation highlights a shortfall in decision making and actions by Soldier 3 and prior to the shooting incident. CO 3 RAR TG LTCOL Scott notes:

‘Look, the whole PT dress thing – I mean – and seeing that photo annoys me because it’s exactly what we’ve been against for six or eight months... So the PT dress thing, it annoys me, but it annoys me because it was something that I would not do myself and it’s not something I saw in the other mentoring teams and it was not my expectation that they would do that... What PT dress potentially does is prevent people from reacting to an incident such as fire, contact, et cetera. That’s why I’m more concerned about it. They’re less able to react appropriately.’

‘If I caught a soldier doing sentry in PT dress I would charge him and his section commander. I would consider that inappropriate. And if that is the case, then afterwards perhaps you could tell me and I’ll take that up because I do consider that as an issue. I don’t consider that appropriate at all. Neither the RSM and I would accept that.’

122. RSM 3 RAR TG Soldier 15 highlights:

‘I was extremely surprised when I found out that they were actually in PT dress. Again I wasn’t there to make that decision. But I was surprised. Again the patrol bases that we’ve been out to, as I me and the CO, have been in camo and slept in camo. So they’ve been dressed all the time and got their dress there ready to go.’

‘Personally, that’s – and I think for the rest of the battalion that’s unacceptable. For anyone who’s on guard watch, sentry or in a position to protect his mates he should be dressed in full equipment. That includes with etcetera on. So if anything happens they can react quickly to whatever it is.’

123. Extant Orders. The operation order for the surge mission, MTOPORD BALUCHI NFO MENTORING dated 12, directed the dress and
equipment requirements for Alpha during their mission to PB WAHAB. The order stated that the minimum dress state was ‘Dress State’ and that the dress states for MT personnel inside the wire at PB WAHAB, PB, and PB were to be in accordance with FOB Standing Orders. ‘Dress State’ is The command team of Alpha made a unilateral decision to relax these dress standards at PB WAHAB and did not inform MT’s chain of command of their actions. OC MT was not aware of the different dress state adopted by Alpha on 28 and 29 Aug 12. Dress states for the 3 RAR TG as directed in Task Force OPORD Operations in URZ Province Afghanistan dated 2012 require at all times. CO 3 RAR TG highlights that the Task Group have actively complied with directed dress states and until this incident there were no reported issues with these requirements.

124. Disciplinary action - Soldier 3 and Soldier 4 CO 3 RAR has taken disciplinary action against Soldier 3 and Soldier 4 with regard to their decisions and actions regarding the wearing of PT dress at PB WAHAB on 28 and 29 Aug 12.

125. Finding 15. With regard to ToR 3, I find that there was a shortfall in the decision making and actions by Soldier 3 and Soldier 4 prior to the shooting incident, in that soldiers were permitted to wear PT dress underneath their PPE/body armour whilst they were conducting guardian angel and piquet duties in PB WAHAB on 28 and 29 Aug 12. I find that the decisions and actions of Soldier 3 and Soldier 4 limited the ability for Alpha soldiers to react to an incident such as fire or other environmental hazard, enemy action or insider attack.

126. In making this finding I have relied upon MT OPORD BALUCHI NFO MENTORING dated 2012, FOB Standing Orders, Task Force OPORD Operations in URZ Province Afghanistan dated Noting Brief for CJOPS through CJTF633 Way Ahead WRT potential disciplinary offences in the context of the insider attack inquiry cleared and the information provided by witnesses interviewed by the Inquiry team, in particular the evidence of LT COL Scott, Soldier 5, Soldier 15, Soldier 4, Soldier 14, Soldier 17, Soldier 6, and Soldier .

127. Finding 16. With regard to ToR 3, I find that Soldier and Soldier’s actions and decisions to permit soldiers to wear PT dress underneath their PPE/body armour whilst they were conducting guardian angel and piquet duties in PB WAHAB was inconsistent with the requirements MT OPORD BALUCHI NFO MENTORING dated 2012, FOB Standing Orders, Task Force OPORD Operations in URZ Province Afghanistan dated .
128. In making this finding I have relied on MT OPORD BALUCHI NFO MENTORING dated 12, FOB Standing Orders, Task Force 12 and Soldier 18 Operations in Uruz Province Afghanistan 12 dated and the information provided by witnesses interviewed by the Inquiry team, in particular the evidence of LTCOL Scott, Soldier 19, Soldier 3, and Soldier 4.

129. Reserved.

Overview of force protection arrangements at PB WAHAB on 29 Aug 12

130. Review of force protection arrangements at PB WAHAB on 28 and 29 Aug 12 reveals a number of weaknesses that are related to shortfalls in the decisions and actions of Alpha and Soldier 10. When viewed in their entirety, these shortfalls highlight that Alpha’s force protection and some personal discipline aspects were not in accordance with existing standing operating procedures or tactics, techniques and procedures employed by other 3 RAR TG force elements in Afghanistan. They present a picture that Alpha’s soldiers were not disposed to react to fire or other environmental threats, enemy action or insider attacks. Whether these shortfalls were direct or indirect causal factors for SGT Hekmatullah’s attack on Alpha on the night of 29 Aug 12, is unknown and is not able to be proved or disproved on the evidence available to the Inquiry team. Only SGT Hekmatullah knows the reasons and circumstances of why he fired on the Australians. However based on the evidence available, it is possible to determine that, given Alpha’s force protection arrangements and disposition, that their state of readiness and therefore their ability to respond to fire or other environmental threats, enemy action or insider attack was less than what would be expected of a similar Australia FE in the same circumstances.

131. In consideration of the decisions and actions of Soldier 3 and Soldier 4 at PB WAHAB over 28 and 29 Aug 12, I sought CO 3 RAR TG LTCOL Scott and RSM 3 RAR TG Soldier 13’s opinion concerning the command relationship of officers and SNCOs, specifically with regard to responsibility for the actions undertaken by Alpha. LTCOL Scott noted:

‘In fact I hold Alpha sergeant as responsible as I do Alpha commander. The reason I do that is whilst Alpha commander will make the final decision because that’s what the chain of command says and that’s what we pay him to do, the Alpha sergeant generally has more experience and can just provide that guidance and advice that says, “Hey, boss, I’ve got a bad feeling about this one, Let’s do X instead of Y.” So, yes, most definitely. So just to finish that off, if I gave an order that said PT dress is okay and that occurred, without a doubt Soldier 3 is complicit in that order because he’s part of the team and it’s his responsibility as much as it is Soldier 3’s.”
132. Soldier 15 noted:

'Yes, sir. That's the reason we refer to them as command teams, because Alpha sergeant, CSM and the RSM, we all get our say and we have our input into those decisions. So therefore any decision that is made it's made by both parties. The only exception to that would be obviously if one of those stood up and said, "Well, no, in actual fact, sir, I think you're wrong." The decision is made and we'll still stick on with it, but a decision that is made by those two is a command team decision.'

133. Soldier 3's background. Soldier 3 is a 20 year old junior officer in RAInf. He completed officer training in 2004 and has been posted to 3 RAR since then. Soldier 3 completed the force preparation training undertaken by 3 RAR TG. He arrived in Afghanistan in late Jun 12 and subsequently completed RSO&I training that included specific training with regard to the insider threat. He deployed to PB X in early Jul 12 and completed handover training with the outgoing TG force element. Alpha, commanded by Soldier 2, had conducted several local patrols within the and had been deployed to PB X prior to the mission to deploy to PB WAHAB on 28 Aug 12. Soldier 3 has had no previous operational experience. Soldier 3 considered he and his team were ready to deploy and had no shortcomings with the training he had received.

134. Soldier 4's background. Soldier 4 is a 26 year old SNCO with 14 years service in RAInf. He was promoted to SGT in 2011. He had the same path as Soldier 3 through force preparation, deployment to Afghanistan, RSO&I training and arrival at PB X. Soldier 4 had been on the patrols conducted by Alpha, Soldier 2, had previously deployed to Afghanistan in 2010 and he served in East Timor in 2007. Soldier 4 considered he and the team ready to deploy, he did not identify any weaknesses in the training he had received.

135. Finding 17. With regard to ToR 3, I find that Soldier 3's decisions and actions in establishing and maintaining the force protection arrangements for Alpha at PB WAHAB on 28 and 29 Aug 12, particularly with regard to Findings 11, 12, 13, 14, 15 and 16, inadequately addressed the force protection needs for Alpha and potentially placed the Callsign at significant risk to the threat of fire and other environmental hazards, enemy action and insider attack. Whether these shortfalls in his decisions and actions were direct or indirect causal factors for SGT Hekmatullah's attack on Alpha on the night of 29 Aug 12, is unknown and is not able to be proved or disproved on the evidence available to the Inquiry team.

136. Finding 18. With regard to ToR 3, I find that Soldier 4's decisions and actions in establishing and maintaining the force protection arrangements for Alpha at PB WAHAB on 28 and 29 Aug 12, particularly with regard to Findings 11, 12, 13, 14, 15 and 16, inadequately addressed the force protection needs for Alpha and potentially placed the Callsign at significant risk to the threat of fire and other environmental hazards, enemy action and insider attack. Whether these shortfalls in his decisions and actions were direct or indirect causal factors for SGT Hekmatullah's attack on Alpha on the night of 29 Aug 12, is
unknown and is not able to be proved or disproved on the evidence available to the Inquiry team.

137. In making these findings I have relied upon Findings 11, 12, 13, 14, 15 and 16 above and the information provided by witnesses interviewed by the Inquiry team, in particular the evidence of LTCOL Scott and Soldier 15.

138. **Recommendation 3.** I recommend that CDF give consideration as to whether, in all the circumstances, administrative action should be initiated against Soldier 3 based on Finding 17.

139. In making this recommendation I have considered Findings 11, 12, 13, 14, 15 and 16 individually. I have given some weight to the consideration that Soldier 3's limited operational experience influenced his decisions with regard to Findings 11 and 12. I do note that he had met the minimum level of force protection arrangements required at the time, in that he had established a single guardian angel/picquet as a force protection arrangement. However, I have given greater weight to Findings 13, 14, 15 and 16 and consider that these findings indicate a significant drop of the expected basic standards of soldiers in an operational environment, and that when considered in-conjunction with Findings 11 and 12, indicate that Soldier 3 did not meet his responsibilities as Alpha. That is, I consider his decisions and actions in establishing and maintaining the force protection arrangements for Alpha at PB WAHAB on 28 and 29 Aug 12, inadequately addressed the force protection needs of that force and potentially placed these soldiers at significant risk to the threat of fire and other environmental hazards, enemy action and insider attack.

140. **Recommendation 4.** I recommend that CDF give consideration as to whether, in all the circumstances, administrative action should be initiated against Soldier 4 based on Finding 18.

141. In making this recommendation I have considered Findings 11, 12, 13, 14, 15 and 16 individually. I have given some weight to the consideration that Soldier 4 was influenced by Soldier 3 in his decisions and actions with regard to Findings 11 and 12. I do note that Soldier 4 had met the minimum level of force protection arrangements required at the time, in that they had established a single guardian angel/picquet as a force protection arrangement. However, I have given greater weight to Findings 13, 14, 15 and 16 and consider that these findings indicate a significant drop of the expected basic standards of soldiers in an operational environment, and that when considered in-conjunction with Findings 11 and 12, indicate that Soldier 4 did not meet his responsibilities as Alpha. That is, I consider his decisions and actions in establishing and maintaining the force protection arrangements for Alpha at PB WAHAB on 28 and 29 Aug 12, inadequately addressed the force protection needs of that force and potentially placed these soldiers at significant risk to the threat of fire and other environmental hazards, enemy action and insider attack.
ToR 4 - Positive observations: in the course of answering the preceding terms of reference, identify whether, and if so how, any defence systems, policies, equipment, practices, procedures, training, actions or decision making had a positive effect in the lead up to, during or after the shooting incident

Actions post the shooting incident

142. When SGT Hekmatullah fired into Alpha's admin area, two Alpha members returned fire. The Guardian Angel, Soldier 6, who was in vicinity of the patrol base entrance, fired on the north guard tower, as he believed that was the location of the shooter. Soldier 4, who was to the immediate rear of the admin area, fired at the southern facing tower, believing that was where the firing had come from. No other Alpha members were in a position to return fire. None of the ANA in the towers fired back at the Australians.

143. Alpha personnel quickly cleared and secured the three guard towers overlooking the Australian position. They removed the ANA soldiers from the towers and then released them to move down to the ANA sector at the southeast end of the patrol base. Alpha personnel remained in the towers for security and force protection. During this very tense period, the fire control discipline of Alpha personnel was very good. Soldier 14 noted that an ANA soldier was moving around with a weapon in a tower but was not engaged. Soldier 14 felt that Alpha's soldiers demonstrated restraint, self-discipline and a good understanding of rules of engagement in not firing on the ANA soldier.

'Like during the event or just after the shooting, the guys' restraint and their kind of knowledge of ROEs was pretty outstanding for relatively junior soldiers.'

'Fire control, definitely. I mean, that guy acting the way he did in that tower roaming around kind of with his weapon in the dark, I know the blokes were pointing weapons at him and when he was kind of - he was ducking over the tower kind of looking at me with his rifle. The fact that he didn't get shot too was pretty amazing.'

144. Concurrently, when it was clear that no further fire was incoming, first aid was commenced on the casualties. A number of Alpha soldiers went to the aid of the injured, however it was soon evident to medic that three members namely, LCPL Milosevic, PTE Poate, and SPR Martin, had no vital signs and were deceased. Nevertheless, these soldiers and Soldier 1 were Category II casualties with a gunshot wound were quickly moved to the helicopter landing zone, where they were loaded onto the arriving RW AME helicopters and transported to the R24 at MNB-TK. In the chaotic situation at PB WAHAB, where there were three severely injured casualties lying wounded in the dark, Soldier 7 and his team of combat first aiders were composed and deliberate. They did the best they could for the wounded members of Alpha.
145. The Australian medical staff at the R2 MNB-TK considered that the soldiers at PB WAHAB had provided what emergency pre-hospital care they could to the wounded soldiers. An Australian Nursing Officer at the R2 when the casualties arrived there noted:

'\textit{I think it was obviously a very chaotic issue, like situation, especially with the lights and trying to get situational and everything else and then dealing with the casualties and just the layout they were in. But I didn’t identify a weakness that I think could have been changed really and especially with the injuries that they encountered.}'

146. The Senior Australian Medical Officer at MNB-TK, who attended the casualties at the R2 noted that the soldiers at PB WAHAB could not have done anything else for the casualties. The wounds LCPL Milosevic, PTE Poate, and SPR Martin had sustained were inconsistent with life.

147. **Finding 19.** With regard to ToR 4, I consider that the actions of \textit{Alpha} in maintaining their self discipline and strict application of their rules of engagement in the situation where, immediately following the shooting incident they were not sure who had fired upon them but had ANA in the towers around their position, are commendable. The situation could have quickly escalated with further casualties occurring to both ANA and Australian soldiers had not \textit{Alpha} demonstrated restraint and self discipline in the securing of their area.

148. **Finding 20.** With regard to ToR 4, I consider that the competent and deliberate actions of \textit{Soldier 7} and \textit{Alpha}’s combat first aidsers/army first aidsers, in providing emergency pre-hospital care to the casualties following the shooting incident on 29 Aug 12 are commendable. In a chaotic situation, with several very seriously injured patients needing treatment simultaneously, \textit{Soldier 7} and the soldiers of \textit{Alpha} remained composed and deliberate, and provided what support they could to their fellow soldiers.

**Employment of an Incident Response Element**

149. Shortly after the incident, a 3 RAR TG \textit{Charlie} arrived at PB WAHAB to assist \textit{Alpha} and supplement security and force protection arrangements. About strength, \textit{Charlie} consisted of soldiers and was led by a 3 RAR TG. LTCOL Scott, CO 3 RAR TG considered \textit{Charlie} to be a very successful initiative, one that they had further developed following adopting the idea from the previous MTFs. \textit{Charlie} personnel valued and appreciated this support when it arrived noting that apart from the physical reinforcements it provided, the arrival of \textit{Charlie} enabled them time to regroup and to support each other.

'\textit{Yes, that was excellent. It relieved the guys, took some pressure off the guys for security purposes with the team. And I believe, he did an excellent job. He let us take care of the – like in the CP he let us take care of what was going on, but he was just like a guiding hand. He didn’t come in and take the job off us,}'}
which like we wanted to look after our guys and see the thing through the end, which I thought was – I think he was excellent.

150. **Recommendation 5.** I recommend that Chief of Army consider inclusion of a concept, where units have incident response element based on to respond to incidents within the Afghanistan operational environment, in the Afghanistan. Given the operational circumstances in Afghanistan, the construct and employment of an incident response element, such as the 3 RAR TG has been very successful. This type of an incident response element, that is a capability and based on warrants inclusion in activities because rather than being in order to allow units the opportunity to could assist in the development and construct of an SOP and could continue to develop the concept in their activities.

Any ancillary matters touching upon these terms of reference

Advice to Potentially Affected Persons (PAPs)

151. There are three personnel who may be potentially affected by the outcome of this Inquiry and who may regard my proposed findings and recommendations as adverse to their interests. I have made specific findings and recommendations concerning each of the following personnel:

a. **Soldier 5** Officer Commander MT

b. **Soldier 3** Alpha Commander Alpha and

c. **Soldier 4** Alpha Sergeant Alpha

152. Prior to completing the report, as a matter of procedural fairness, I provided each PAP a copy of my draft findings, recommendations and the evidence on which I relied, as it pertained to each of them. In my correspondence to them, I invited each PAP to comment on the draft findings and recommendations and to raise any matters that they may have with me. I advised me that they did not wish to respond to the initial potential adverse correspondence I provided to them. **Soldier 5** responded to Inquiry Team on 3 Dec 12.

153. On 03 Feb 13, I provided **Soldier 3** and **Soldier 4** a second Notification of Potential Adverse Finding. My reasoning for the second notification was to ensure I had provided every opportunity to review and consider my findings and
recommendations. The report provided to the members was the final draft post legal review, it included all matters favourable and unfavourable to them and all other information I considered in reaching my findings and recommendations. I redacted parts of the report provided to them as there were some matters not relevant to these members. On 7 Feb 13, Soldier 3 advised he did not wish to make any comments concerning the second PAP notice and draft report. On 18 Feb 13, Soldier 4 provided comments concerning the second PAP notice and draft report to the Inquiry Team.

154. Soldier 5’s response. Soldier 5’s response addresses a number of areas including the dichotomy he sees with the need to co-locate with the ANA in order to achieve the Task Group’s mentoring mission versus the greater degree of risk of insider attack that such a situation presents. For the mission to BALUCHI, he highlights that MT planned the mission in detail, that Alpha was adequately prepared and resourced, that Alpha’s command team were aware of the heightened threat levels of insider attack and that force protection arrangements at PB WAHAB were well within their scope of duties. I acknowledge these points, but I remain concerned that Soldier 5 made several assumptions regarding Alpha’s force protection to PB WAHAB, assumptions that he did not discuss with Soldier 3 and nor did he establish a mechanism to address them once after Alpha had arrived at PB WAHAB. In his considerations for MT’s mission to DORESHAN/BALUCHI, Soldier 5 assumed that Alpha would be separated from ANSF within PB WAHAB, that no ANSF would be allowed in Alpha’s area, particularly unescorted ANSF, and that he, had a similar understanding of the impact of these aspects on force protection. These assumptions were not addressed between 5 and Soldier 3 following Alpha’s occupation of PB WAHAB.

‘No, he was already in by the time I’d completed this and there was – I suppose there’s no change to the standard way that we’d occupied the previous patrol bases. So it’s probably a failure in my assumptions that I didn’t need to articulate that. I assumed that I didn’t need to articulate it’.

155. I note that Soldier 3 and Soldier 4 are chiefly responsible for the siting, deployment and force protection of Alpha at PB WAHAB, and for not reporting their concerns about force protection arrangements to the MT chain of command. However, I remain concerned as to whether they were adequately prepared to succeed in their mission, and in this, I consider that they were provided too little guidance and direction regarding the force protection arrangements that were expected to be employed at PB WAHAB. That is, I consider there was inadequate command direction because of the clear difference between the force protection arrangements MT had at FOB SORKH BID and that MT’s force elements had achieved at other patrol bases, to the situation at PB WAHAB where Alpha could not/did
not establish a separate secure area for Australian forces. This situation, particularly when considered against a background of heightened threat levels of insider attack and given that this was the first time a MTI force element had been to PB WAHAB, raises concerns about the level of guidance provided to Alpha with regard to force protection at PB WAHAB. I note that Soldier 5 having made several assumptions about force protection arrangements at the patrol base, did not seek to follow up and prove or address these assumptions in a timely manner. In these circumstances, I consider the findings and recommendations that pertain to Soldier 5 in the report, remain extant.

156. Soldier 4’s response addresses Findings, 11, 12, 13, 14, 15, 16 and 18. Soldier 4 does not provide any additional evidence in his response that I consider warrant changes to any of the findings in the report. The points he has raised have been substantially addressed in the report, he seeks to dispute Findings 11, 12, 13 and 14 based on his review and assessment of the situation at PB WAHAB on 29 Aug 12. I consider the discussion raised by Soldier 4 concerning the intelligence assessment, the manner of Alpha the ‘atmospherics’ at the time, the need for soldiers to be able to wear PT dress at night and the access of ANA soldiers into Alpha’s admin area to have been substantially addressed in the report and that the findings made are underpinned by the evidence contained within the report. I do not consider that Soldier 4’s discussion warrants any of these findings to be set aside.

157. In his response, Soldier 4 also speculates that additional protection would not have prevented SGT Hekmatullah attacking Alpha. I cannot make comment on this given as I have noted in the report, I am unable to conclusively determine whether the actions of Alpha on 29 Aug 12 were direct or indirect causal factors for SGT Hekmatullah’s attack on the force. However, I remain convinced that based on the evidence available, it is possible to determine that, given Alpha’s force protection arrangements and disposition, that their state of readiness and therefore their ability to respond to fire or other environmental threats, enemy action or insider attack was less than what would be expected of a similar Australia FE under the same circumstances. I consider the findings and recommendations that pertain to Soldier 4 in the report remain extant.

Previous Green on Blue or insider attacks on Australian forces in Afghanistan

158. In the conduct of my inquiry I reviewed a previous Inquiry Officer Report dated 27 Jul 12, concerning two incidents that occurred in Afghanistan in Oct and Nov 11. In my review of this report, I did not seek to examine each finding or recommendation of the report, rather I looked for any similarity or inconsistency with the ADF’s approach to preventative measures and arrangements to defeat or deter insider attacks as well as post attack aspects such as force protection and casualty management in Afghanistan.

159. I discussed these matters with Deputy Commander CTU Soldier 20, the Australian Senior National Representative in Uruzgan Province and he noted a number of changes had been implemented since the Oct/Nov 11 incidents, notably:
a. Mentoring Task Forces have developed SOPs (Insider Threat) which was used by 3 RAR TG force elements. This SOP remains the source document for 3 RAR TG and is updated as TTPs are developed. The

b. Guardian Angels have been implemented, whereby

c. The CTU counter intelligence

d. An Insider Threat training as all soldiers pass through

e. The DSTO Cultural Compatibility Study has been released and all Australian forces are educated on the findings of the study prior to their deployment to theatre. The study is also discussed during RSO&I training.

f. A Centre for Army Lessons Learned 'Inside the Wire' Green on Blue Handbook has been developed and promulgated across ISAF to highlight trends and counter-measures to protect against Green on Blue incidents.

g. The ANA are

h. When occupying shared tactical infrastructure, Coalition Forces and ANSF commanders now jointly determine a 'coalition only' area of the base and delineate responsibilities for security in respective areas of the patrol base.

i. An ISAF Subject Matter Expert (SME) was sent from Uruzgan Province to participate in the 3 RAR TG mission rehearsal activities to brief specifically on cultural issues when operating in Afghanistan. The SME remains operating as part of CTU.

j. A dedicated CTU force protection officer has been appointed to oversee the implementation of force protection measures, including

additional security for coalition forces in close proximity to ANSF.

160. In my review of the previous report, I did not identify any recurring weaknesses or deficiencies within the current insider threat preventative measures at 3 RAR TG or more broadly with Australian force elements in Uruzgan Province. Further, I did not identify any weaknesses or deficiencies with the insider threat education and training conducted for Australian forces during their force preparation and RSO&I training. In my opinion, the current force protection and security measures in place for the Australian Mentoring, now Assistance Task Groups at MNB-TK are pragmatic and appropriate measures. They provide a high degree of force protection and security against the threat of insider attack and enable our personnel to continue to work in a difficult and complex environment in order to complete their mission.

Notification and Repatriation of human remains

161. General. On advice of the shooting incident involving LCPL Milosevic, SPR Martin and PTE Poate, the immediate actions concerning Notification and Notification of Casualty were instigated by 3 RAR TG, HQ CTU and CJTF 633. These actions were carried out effectively and there is no evidence to suggest any weaknesses or deficiencies with these processes. The notification process and repatriation of human remains process and procedures were well managed with the parent unit's of each of the deceased members being kept fully informed. I have not sought to speak with family members of the deceased, but based on respective unit advice, the families were supportive of the notification process and with the subsequent repatriation and funeral arrangements.

'The support of DCO in ... and their contact with the unit was excellent. I feel that this was especially so for the MSO, ... whose conduct was exemplary.'

162. Coroner's Report. The Coroner's reports for LCPL Milosevic, SPR Martin and PTE Poate were not available to the Inquiry Team. On 10 Dec 12, Director General Health wrote to the ... Coroner requesting copies of the subject reports. However, based on the Senior Medical Officer HQ Joint Operations Command, ... notes from ... attendance at the post mortems for the members, ... my interviews with the ... members who were at PB WAHAB on 29 Aug 12, my interviews with several Australian medical staff present at the R2 ... at MNB-TK when the Australian casualties were treated there, namely ... Senior Medical Officer MNB-TK, ... Regimental Medical Officer and ... Nursing Officer, and my discussions with the HQJTF 633 Senior Medical Officer and ...
is my opinion that SPR Martin and PTE Poate were killed instantly, and that LCPL Milosevic died within a few minutes, as a direct result of the gunshot wounds they received during the shooting attack by SGT Hekmatullah on 29 Aug 12.

163. **Finding 21.** I find there were no weaknesses or deficiencies with the notification process or the repatriation procedures for LCPL Milosevic, SPR Martin and PTE Poate.

164. In making this finding, I have relied upon the operational documents produced at the time, Senior ADF MO notes from attendance at the post mortems for the members and on the information provided by witnesses interviewed by the Inquiry Team. In particular, I relied upon the evidence of OC ADFIS MEAC, Senior Medical Officer MNB-TK, Soldier 9, Regimental Medical Officer - Soldier 22, Soldier 23 and Nursing Officer - S10 and the soldiers of Alpha ...

**The ANA investigation into the shooting incident at PB WAHAB on 29 Aug 12**

165. The ANA investigation report into the shooting incident at PB WAHAB on 29 Aug 12 is attached at [redacted]. It is a two page document and provides a brief summary of the incident and a list of the personnel interviewed. The report makes the finding that SGT Hekmatullah’s shooting attack was a planned terrorist attack:

166. The ANA Investigation report provides insufficient detail and analysis to enable the Inquiry Team to fully understand the report’s finding as presented. However, the ‘reasons’ that underpin the ANA Investigation report’s finding have been considered as a part of the evidence collected by the Inquiry Officer for this report. ADFIS provided the Inquiry Team
with copies of the statements they had taken from the ANA soldiers that were in the guard towers at PB WAHAB during the shooting incident. Information concerning SGT Hekmatullah's background, his ANA military service and discussions he had had with members of his unit, was obtained from the JCAT report available intelligence products and from ADF force elements in Afghanistan. The Inquiry Team did not seek to interview or re-interview any ANA members based on advice from Australia's Senior National Representative in Uruzgan Province, Soldier 20, who noted that ANA commanders were unlikely to allow independent comment. Soldier 20 noted:

'Q.49. ... Do you see there would be any utility in us trying to interview members of the ANA with regard to this matter?

A. I'd probably recommend against that. I mean, if it's an essential part of the investigation, of course we'll do what we can to put it into effect. But I guess that's the reason that I'd question the utility of doing it. But if it's considered to be a necessary part of the inquiry, we could definitely try and facilitate that.

Q50. I ask that to place on tape really the advice that you would provide with regard to if we were to - what benefit would there be or would there be a benefit in us - - -

A. If the idea of this inquiry is to look at lessons, look at what was done wrong, how we might improve in the future, I don't think there's then a utility to try and have actually involved in that.'

CONCLUSION

167. Alpha were on an authorised mission and their occupation of PB WAHAB was in accordance with the Task Group’s scheme of manoeuvre at the time. On the evening of 29 Aug 12, several Alpha soldiers were relaxing in a makeshift administrative area within the Australian position, when without warning an ANA soldier, now known to be SGT Hekmatullah, fired his rifle into them. This attack resulted in the deaths of LCPL Milosevic, PTE Poate and SPR Martin and injuries to two other Australian soldiers.

168. Prior to the shooting incident occurring, no ADF or Coalition Force members were aware of any intelligence reports or other information concerning a specific insider threat existing at PB WAHAB. However, 3 RAR TG Alpha were operating against a background of a heightened level of insider attack across Afghanistan. There was no evidence of any ANA personnel being personally offended or culturally offended prior to the shooting incident. There was also no evidence of any insulting, offensive, or inappropriate behaviour or language being used by the Australian soldiers at PB WAHAB. The Australians considered that prior to, and at the time of the shooting, the 'atmospherics' between the ANA and the Australians were very good with no sign or indication of any conflict or cause for concern.
between the soldiers. The shooting incident does not appear to be a culturally related incident. Post the incident information was discovered concerning SGT Hekmatullah’s background that indicated he had family links to the Taliban and that this information had not been acted upon by the ANA chain of command. Of note, this information concerning SGT Hekmatullah was raised after the incident by ANA personnel and no ADF or Coalition Force members were aware of or informed of any such information prior to the incident.

169. On the evening of 29 Aug 12, the Australian Alpha at PB WAHAB had a minimal level of force protection in place to provide security for the soldiers of Alpha. These force protection arrangements, when considered in relation to several other factors at the time, such as the inappropriate dress of the guardian angel/picquet, in that they were allowed to wear PT dress under their PPE, the relaxed tactical disposition of Alpha and the open access that ANA had to Alpha’s area, indicates that Alpha’s force protection and some personal discipline aspects were not in accordance with existing standing operating procedures or tactics, techniques and procedures employed by other 3 RAR TG force elements in Afghanistan. Whether these shortfalls were direct or indirect causal factors for the SGT Hekmatullah’s attack on the Australian soldiers on the night of 29 Aug 12, is unknown and is not able to be proved or disproved on the evidence available to the Inquiry team.

170. However based on the evidence available, it is reasonable to determine that, given Alpha’s force protection arrangements and disposition on the night of 29 Aug 12, that their state of readiness and therefore their ability to respond to fire or other environmental threats, enemy action or insider attack was less than what would be expected of a similar Australian force element in the same circumstances. CO 3 RAR TG, has taken disciplinary action against Soldier 3 and Soldier 4 concerning the inappropriate dress of the guardian angel/picquet at PB WAHAB over the period 28 and 29 Aug 12.

171. Following the shooting incident of 29 Aug 12, Commanding Officer, 3 RAR TG has given specific direction with regard to the minimum force protection arrangements for Australian soldiers when working with Afghan National Security Forces (ANSF). In the month of August 2012 in Afghanistan, prior to the shooting incident, there had been other insider attacks by ANSF personnel with coalition forces soldiers killed and over wounded. Following the incident at PB WAHAB, in early September 2012 several other coalition soldiers were killed in further insider attacks. Headquarters International Security Assistance Force has addressed the ongoing insider threat situation with the Government of Islamic Republic of Afghanistan and have also given direction to limit certain areas of engagement between coalition nations and ANSF elements.

172. The insider threat in Afghanistan remains a very dangerous and difficult threat to detect and guard against. At the soldier level, this threat is made more difficult by the fact that the mentoring role involves working directly with ANA members on a daily basis and routinely being in close contact with them. However, as the ADF presence reduces in Afghanistan, as we move from tactical to operational and strategic support postures in accordance with our campaign plan, the risk from insider threat to Australian force elements may Nevertheless, intelligence assessments predict that insider attacks are likely to continue given the significant
attention they engender. In these circumstances, given the hard lessons learned from insider attacks against ADF and other Coalition force elements, the current force protection and security measures employed by the Australian Task Group at MNB-TK are pragmatic and appropriate measures. They provide a high degree of force protection and security against the threat of insider attack and enable our personnel to continue to work in a difficult and complex environment in order to complete their mission.

173. **Finding 22.** In accordance with the ToR, I have collected all the available evidence concerning the facts and circumstances surrounding the shooting incident in Afghanistan that resulted in the deaths of LCPL S. Milosevic, SPR J.T. Martin and PTE R.H.F. Poate and injuries to other Australian soldiers on 29 Aug 12. Based on this evidence, I consider that the deaths of LCPL S. Milosevic, SPR J.T. Martin and PTE R.H.F. Poate and the injuries to other Australian soldiers on 29 Aug 12 do not warrant the conduct of a Commission of Inquiry on the grounds that it would be unlikely to discover any further relevant material, information or evidence in the context of this incident.

174. In making this finding I have relied upon the Findings of this report.

175. **Recommendation 6.** It is recommended that CDF make a submission to the Minister of Defence requesting that he issue a written direction under subregulation 109(2) of Reference B, specifying that a Commission of Inquiry into the deaths of LCPL S. Milosevic, SPR J.T. Martin and PTE R.H.F. Poate and the injuries to other Australian soldiers on 29 Aug 12 is not warranted.

176. In making the conclusions, findings and recommendations contained in this report I have had regard to, and carefully considered and weighed, all the material contained in this report which I consider is a balanced and fair assessment of the facts and issues relevant to the inquiry. Where any adverse comment, findings or recommendations are directed to any individual they are based on a consideration of the totality of the evidence contained in the report.
177. Findings 1 to 22 are detailed in Table 1 below.

**Table 1 - Findings**

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<tr>
<th>Serial</th>
<th>ToR</th>
<th>Para in Report</th>
<th>Findings</th>
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<tr>
<td>1</td>
<td></td>
<td>31</td>
<td><strong>Finding 1.</strong> With regard to providing a detailed chronology as background for the ToR, the table ‘Chronology of Events – Shooting incident at PB WAHAB on 29 Aug 12’ at [redacted] constitutes Finding 1, in respect that it is a chronology of events concerning matters related to the ToR.</td>
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<td>2</td>
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<td>45</td>
<td><strong>Finding 2.</strong> With regard to ToR 1, I find that LCPL Milosevic, SPR Martin and PTE Poate were killed in the shooting attack by SGT Hekmatullah at PB WAHAB at approx 2145 h on 29 Aug 12.</td>
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<td>3</td>
<td>1</td>
<td>46</td>
<td><strong>Finding 3.</strong> With regard to ToR 1, I find that Soldier 1 and Soldier 2 were injured in the shooting attack by SGT Hekmatullah at PB WAHAB at approx 2145 h on 29 Aug 12.</td>
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<td>4</td>
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<td>48</td>
<td><strong>Finding 4.</strong> With regard to ToR 1, I am unable to determine from the available evidence the causal reasons that explain why SGT Hekmatullah attacked Alpha at PB WAHAB on 29 Aug 12.</td>
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<td>5</td>
<td>1</td>
<td>49</td>
<td><strong>Finding 5.</strong> With regard to ToR 1, I find there were no cultural factors that had a relevant impact on the events leading up to, during, or subsequent to the shooting incident at PB WAHAB on 29 Aug 12.</td>
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<td>Serial</td>
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<td><strong>Finding 6.</strong> With regard to ToR 2, I find that there were no weaknesses or deficiencies with the intelligence preparation and intelligence advice provided to <strong>Alpha</strong> prior to the patrol to PB WAHAB on 28 Aug 12. Further, I find that prior to the shooting incident occurring, no ADF or Coalition Force members were aware of any intelligence reports or other information concerning a specific insider threat existing at PB WAHAB. The intelligence threat assessments highlighted other than insider attacks as the most dangerous and most likely courses of enemy action. The threat of insider threat was not considered as high but the commanders and soldiers of <strong>Alpha</strong> were aware the threat existed. <strong>Soldier 3</strong> addressed 'actions on' regarding the threat of insider attack during his orders to <strong>Alpha</strong> following their occupation of PB WAHAB on 28 Aug 12.</td>
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<td>7</td>
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<td>71</td>
<td><strong>Finding 7.</strong> With regard to ToR 2, I find that <strong>Alpha</strong> were adequately trained for the mission of 28 Aug 12. I find that the mission of 28 Aug 12, was an authorised mission in accordance of MT [redacted] issued OPORD [redacted] – [redacted] BALUCHI NFO MENTORING. Further, I find that <strong>Alpha</strong> had adequate resources allocated to them to enable them to meet the requirements of their mission.</td>
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<td><strong>Finding 8.</strong> With regard to ToR 2, I find that <strong>Alpha</strong> did not establish nor enforce a secure area where personnel were protected from approach by ANA soldiers in PB WAHAB on 28 and 29 Aug 12. This situation, where <strong>Alpha</strong> was not separated from the ANA and did not establish nor enforce a secure area, represents a weakness in tactics, techniques and procedures (TTPs). On other occasions, when MT [redacted] force elements had visited PBs [redacted] and [redacted] the other ANA bases in MT [redacted] TAOR, the MT [redacted] force elements had established secure areas and controlled the access of ANA soldiers. (Consideration of this finding raises concern about the command direction within MT [redacted] see Recommendation 1)</td>
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<td><strong>Finding 9.</strong> With regard to ToR 2, I find that there was a weakness with MT's preparation for the mission to move force elements into the BALUCHI area from 28 Aug 12, in that the insider threat and force protection arrangements for PB WAHAB, such as the restriction of ANA from entering Alpha's harbour area, were not adequately addressed prior to the deployment of Alpha on 28 Aug 12. (Consideration of this finding raises concern about the command direction within MT; see Recommendation 2)</td>
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<td><strong>Finding 10.</strong> With regard to ToR 2, notwithstanding the preceding Findings and Recommendations, I find no evidence that establishes a direct causal link with regard to the completion of the TI review by MT on 28 Aug 12 and not providing the document to Alpha immediately it was completed, with the shooting incident of 29 Aug 12.</td>
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<td><strong>Finding 11.</strong> With regard to ToR 3, I find that Soldier 3 and Soldier 4's decision to occupy the northwest end of PB WAHAB to be a sound decision based on an acceptable assessment of the circumstances and physical layout of the patrol base. However, their decision to not occupy at least one of the guard towers in the northwest end of the patrol base on a 24 hour basis, to be a decision that did not adequately address the force protection needs for Alpha, in that it potentially placed the Callsign at significant risk in that they were less prepared to react to fire or other environmental hazards, enemy action or insider attack.</td>
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<td>106</td>
<td><strong>Finding 12.</strong> With regard to ToR 3, I find that <strong>Soldier 3</strong> and <strong>Soldier 4</strong>’s decision to establish a single guardian angel/roving picquet on 29 Aug 12 met the minimum force protection requirements for the protection of personnel as required by extant ISAF orders and 3 RAR TG TTPs. However, notwithstanding this, I find that <strong>Soldier 3</strong> and <strong>Soldier 4</strong>’s decisions and actions with regard to establishing a single guardian angel/roving picquet, given the circumstances that existed in PB WAHAB at the time and the disposition of <strong>Alpha</strong> provided members an inadequate level of force protection on 29 Aug 12. This finding should be considered in conjunction with Findings 13 and 14 concerning the relaxed tactical disposition of <strong>Alpha</strong> and unescorted ANA accessing <strong>Alpha</strong>’s admin area.</td>
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<td>13</td>
<td>3</td>
<td>109</td>
<td><strong>Finding 13.</strong> With regard to ToR 3, I find that <strong>Soldier 3</strong> and <strong>Soldier 4</strong>’s decision and actions to allow <strong>Alpha</strong>’s personnel to adopt an inappropriate relaxed tactical disposition at PB WAHAB, in that <strong>Alpha</strong>’s admin area was lighted with white light, a number of soldiers were playing cards or board games, others were watching movies on their computers or listening to music, with many soldiers in PT dress and several with thongs on, to be such that they potentially placed soldiers at risk in that they were less prepared to react to fire or other environmental hazards, enemy action or insider attack.</td>
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<td>14</td>
<td>3</td>
<td>115</td>
<td><strong>Finding 14.</strong> With regard to ToR 3, I find that <strong>Soldier 3</strong> and <strong>Soldier 4</strong>’s decisions and actions with regard to allowing ANA to enter unescorted into <strong>Alpha</strong>’s admin area was a weakness in the force protection measures adopted by <strong>Alpha</strong>. In that their decisions and actions did not establish nor enforce a secure area where <strong>Alpha</strong> personnel were protected from approach by ANA soldiers.</td>
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<td>ToR</td>
<td>Para in Report</td>
<td>Findings</td>
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<tr>
<td>15</td>
<td>3</td>
<td>125</td>
<td>Finding 15. With regard to ToR 3, I find that there was a shortfall in the decision making and actions by Soldier 3 and Soldier 4 prior to the shooting incident, in that soldiers were permitted to wear PT dress underneath their PPE/body armour whilst they were conducting guardian angel and picquet duties in PB WAHAB on 28 and 29 Aug 12. I find that the decisions and actions of Soldier 3 and Soldier 4 limited the ability for soldiers to react to an incident such as fire or other environmental hazard, enemy action or insider attack.</td>
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<tr>
<td>16</td>
<td>3</td>
<td>127</td>
<td>Finding 16. With regard to ToR 3, I find that Soldier 3 and Soldier 4’s actions and decisions to permit soldiers to wear PT dress underneath their PPE/body armour whilst they were conducting guardian angel and picquet duties in PB WAHAB was inconsistent with the requirements MPD OPORD BALUCHI NFO MENTORING dated 12, FOB Standing Orders, Task Force OPORD Operations in URZ Province Afghanistan 12 dated</td>
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<td>17</td>
<td>3</td>
<td>135</td>
<td>Finding 17. With regard to ToR 3, I find that Soldier 3's decisions and actions in establishing and maintaining the force protection arrangements for Alpha at PB WAHAB on 28 and 29 Aug 12, particularly with regard to Findings 11, 12, 13, 14, 15 and 16, inadequately addressed the force protection needs for Alpha and potentially placed the Callsign at significant risk to the threat of fire and other environmental hazards, enemy action and insider attack. Whether these shortfalls in his decisions and actions were direct or indirect causal factors for SGT Hekmatullah’s attack on the night of 29 Aug 12, is unknown and is not able to be proved or disproved on the evidence available to the Inquiry team.</td>
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<tr>
<td>Serial</td>
<td>ToR</td>
<td>Para in Report</td>
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<td>18</td>
<td>3</td>
<td>136</td>
<td><strong>Finding 18.</strong> With regard to ToR 3, I find that Soldier 4's decisions and actions in establishing and maintaining the force protection arrangements for Alpha at PB WAHAB on 28 and 29 Aug 12, particularly with regard to Findings 11, 12, 13, 14, 15 and 16, inadequately addressed the force protection needs for Alpha and potentially placed the Callsign at significant risk to the threat of fire and other environmental hazards, enemy action and insider attack. Whether these shortfalls in his decisions and actions were direct or indirect causal factors for SGT Hekmatullah’s attack on Alpha on the night of 29 Aug 12, is unknown and is not able to be proved or disproved on the evidence available to the Inquiry team.</td>
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<td>19</td>
<td>4</td>
<td>147</td>
<td><strong>Finding 19.</strong> With regard to ToR 4, I consider that the actions of Alpha in maintaining their self discipline and strict application of their rules of engagement in the situation where, immediately following the shooting incident they were not sure who had fired upon them but had ANA in the towers around their position, are commendable. The situation could have quickly escalated with further casualties occurring to both ANA and Australian soldiers had not Alpha demonstrated restraint and self discipline in the securing of their area.</td>
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<tr>
<td>20</td>
<td>4</td>
<td>148</td>
<td><strong>Finding 20.</strong> With regard to ToR 4, I consider that the competent and deliberate actions of Soldier 7 and Alpha’s combat first aided/army first aided, in providing emergency pre-hospital care to the casualties following the shooting incident on 29 Aug 12 are commendable. In a chaotic situation, with several very seriously injured patients needing treatment simultaneously, Soldier 7 and the soldiers of Alpha remained composed and deliberate, and provided what support they could to their fellow soldiers.</td>
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<td>21</td>
<td></td>
<td>163</td>
<td><strong>Finding 21.</strong> I find there were no weaknesses or deficiencies with the notification process or the repatriation procedures for LCPL Milosevic, SPR Martin and PTE Poate.</td>
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<td>Serial</td>
<td>ToR</td>
<td>Para in Report</td>
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**Finding 22.** In accordance with the ToR, I have collected all the available evidence concerning the facts and circumstances surrounding the shooting incident in Afghanistan that resulted in the deaths of LCPL S. Milosevic, SPR J.T. Martin and PTE R.H.F. Poate and injuries to other Australian soldiers on 29 Aug 12. Based on this evidence, I consider that the deaths of LCPL S. Milosevic, SPR J.T. Martin and PTE R.H.F. Poate and the injuries to other Australian soldiers on 29 Aug 12 do not warrant the conduct of a Commission of Inquiry on the grounds that it would be unlikely to discover any further relevant material, information or evidence in the context of this incident.
RECOMMENDATIONS

178. Recommendations 1 to 6 are detailed in the Table 2 below.

Table 2 – Recommendations

<table>
<thead>
<tr>
<th>Serial</th>
<th>Para in Rpt</th>
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<tr>
<td>1</td>
<td>77</td>
<td><strong>Recommendation 1.</strong> I recommend CDF give consideration as to whether, in all the circumstances, administrative action should be initiated against Commander MT based on Finding 8, in that on 28 and 29 Aug 12, did not meet his responsibility in providing advice to with regard to the occupation of PB WAHAB, that is, did not advise of his expectation that no ANA were to be allowed into ’s harbour area, and this potentially placed the Callsign’s soldiers at significant risk.</td>
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<td>2</td>
<td>91</td>
<td><strong>Recommendation 2.</strong> I recommend CDF give consideration as to whether, in all the circumstances, administrative action should be initiated against Commander MT based on Finding 9, in that did not meet his responsibility in providing adequate direction to with regard to the occupation of PB WAHAB and his expectation with respect to force protection generally, and that these matters were not adequately addressed prior to the deployment of on 28 Aug 12, thus creating a situation that potentially placed ’s soldiers at significant risk.</td>
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<td>3</td>
<td>138</td>
<td><strong>Recommendation 3.</strong> I recommend that CDF give consideration as to whether, in all the circumstances, administrative action should be initiated against based on Finding 17.</td>
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<td>Serial</td>
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<td>4</td>
<td>140</td>
<td><strong>Recommendation 4.</strong> I recommend that CDF give consideration as to whether, in all the circumstances, administrative action should be initiated against <em>Soldier 4</em> based on Finding 18.</td>
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<td>5</td>
<td>150</td>
<td><strong>Recommendation 5.</strong> I recommend that Chief of Army consider inclusion of a concept, where units have a <em>incident response element</em> based on <em>to respond to incidents within the Afghanistan operational environment, in the Afghanistan.</em> Given the operational circumstances in Afghanistan, the construct and employment of an incident response element, such as the 3 RAR TG<em>Charlie</em> has been very successful. This type of an incident response element, that is a *capability and based on *warrants inclusion in *activities because rather than being *it should be *in order to allow units the opportunity to *could assist in the development and construct of an SOP and could continue to develop the concept in their *activities.</td>
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<tr>
<td>6</td>
<td>175</td>
<td><strong>Recommendation 6.</strong> It is recommended that CDF make a submission to the Minister of Defence requesting that he issue a written direction under subregulation 109(2) of Reference B, specifying that a Commission of Inquiry into the deaths of LCPL S. Milosevic, SPR J.T. Martin and PTE R.H.F. Poate and the injuries to other Australian soldiers on 29 Aug 12 is not warranted.</td>
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179. All information relied upon in the report is included at _ _ _ _ _ _ _ _ inclusive.

Colonel
Inquiry Officer

28 Feb 13

Annexes: