

## CHRONOLOGY

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# Reports, allegations and inquiries into serious misconduct by Australian troops in Afghanistan 2005–2013

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Law and Bills Digest Section

A growing body of actual and anecdotal evidence from the past decade suggests that the personal and professional ethics of some have been deeply compromised.

Special Operations Commander, Major General Jeff Sengelman, 2016<sup>2</sup>

There have been allegations of serious human rights violations against all parties involved in the conflict in Afghanistan. The Prosecutor of the International Criminal Court is currently conducting an investigation focused on 'Alleged crimes against humanity and war crimes committed in Afghanistan since 1 May 2003'.<sup>3</sup> On a number of separate occasions since 2006, reports have been published in the Australian media alleging that a few Australian Defence Force (ADF) personnel operating in Afghanistan between 2003 and 2013 engaged in criminal conduct. This chronology is intended to:

- provide an outline of the alleged incidents in sequence and in chronological relationship to other notable events
- identify any inquiries into those allegations and
- facilitate cross-reference between public allegations made and incidents investigated by *The Inspector-General of the Australian Defence Force Afghanistan Inquiry* (the Brereton Inquiry),<sup>4</sup> once that report is published.

**This paper collates inquiry findings, published assertions, and hearsay reports on the content of official inquiries. For several incidents, reports from different sources reveal conflicting evidence of what occurred. No assessment of the existence or reliability of any evidence has been made. This paper should not be read as suggesting that any incident occurred as reported, or at all.**

**The chronology collates public information available up to 6 November 2020.**

1. Pauline Downing of the Law and Bills Digest Section provided valuable editorial and research assistance.
2. Reported statement from a confidential but unclassified report reviewing deployments of Special Operations Command soldiers to Afghanistan; quoted in N McKenzie and C Masters, '[Walking the line \[Moral fatigue\]](#)', *The Saturday Age*, 21 September 2019, p. 29 and with further detail of a letter signed by Sengelman in April 2016 in N McKenzie and C Masters, '["Collapse in morality" behind SAS war crimes](#)', *The Sydney Morning Herald*, 26 September 2020.
3. ICC-02/17, '[Situation in the Islamic Republic of Afghanistan](#)', ICC website.
4. Department of Defence (DoD), '[Inspector-General of the Australian Defence Force annual report 2018–19](#)', DoD, Canberra, 2018, pp. 6–9.

For some incidents, the fact that a death or injury occurred is confirmed by a publicly available official ADF Inquiry Officer (IO) Report. However, some allegations are contradicted in IO reports and the circumstances of even the confirmed incidents are contested. Most incidents have not been publicly confirmed by official sources. Around 30 IO reports into incidents in Afghanistan have been publicly released.<sup>5</sup>

The IO reports usually contain redactions to anonymise the reports and protect sensitive information. One of the items routinely redacted from IO reports is the number of enemy/insurgents killed, wounded or detained. Where it is apparent from the IO Report that the redacted number was more than one, the term 'a number of' has been used in the chronology. Many of the IO reports indicate that for operational reasons it was not possible to visit the site of the incident or to interview in person one or more local witnesses.

### ***Naming of ADF personnel***

Where ADF personnel have been named, or a pseudonym used in a publication, that name or pseudonym is repeated in this chronology. Several ADF personnel are named in public reports because they are witnesses or have come forward with information. Public reports make it clear that a number of different soldiers are accused of involvement in more than 15 unlawful killings that allegedly occurred during operations; however, the only soldier accused of an unlawful killing that has been named to date is former Special Air Service Regiment (SASR) Corporal Ben Roberts-Smith VC, MG.<sup>6</sup>

Roberts-Smith has not been charged with any offence, denies all allegations, and has commenced a defamation action against media organisations that identified him.<sup>7</sup> The case has been set down for hearing on 7 June 2021.<sup>8</sup> There have been a number of pre-hearing [orders and judgments](#) in the defamation case. In a judgment dated 8 September 2020, Justice Colvin summarised certain facts related to the case:

After the defamation proceedings were commenced in this Court, Mr Roberts-Smith was informed by the Australian Federal Police that he was considered to be a suspect in relation to an investigation into alleged war crimes committed at Darwan Village in Afghanistan on 11 September 2012. The investigation concerns matters the subject of some of the alleged defamatory imputations. Mr Roberts-Smith has participated in an interview with the Federal Police as part of their investigation. No charges have been brought against Mr Roberts-Smith.<sup>9</sup>

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5. DOD, '[Inquiry Reports Home](#)', DoD website.

6. A Greene, '[Defence inquiry uncovers evidence of possible homicide by elite Australian soldiers in Afghanistan](#)', ABC news, 11 June 2018; A Greene, '[Australian soldiers investigated by AFP for alleged war crimes in Afghanistan](#)', ABC news, 29 November 2018; N McKenzie and C Masters, '[Commando members confess to murder](#)', *The Saturday Age*, 21 September 2019, p. 1; N McKenzie and C Masters, '[New AFP probe of war hero](#)', *The Age*, 16 December 2019, pp. 1, 6; A Cooper, '[Police "consider ex-soldier a suspect"](#)', *The Age*, 2 September 2020, p. 8.

7. AAP, '[Roberts-Smith denies war crimes allegation](#)', *The Canberra Times*, 23 September 2019. P Maley, '[Top soldier blasts "abuse of power" \[VC winner's media battle\]](#)', *The Australian*, 7 October 2019, pp. 1, 3. See also A Greene and D Conifer, '[Ben Roberts-Smith rejects Afghanistan allegations and "gossip" detailed in court document](#)', ABC news, 19 October 2018, updated 20 October 2018; G Mitchell, '[Ben Roberts-Smith defamation trial set down for June 2020](#)', *The Sydney Morning Herald*, 9 August 2019; G Mitchell, '[Trial delay "affects ex-soldier's health"](#)', *The Age*, 22 August 2020, p. 17; B Packham, '[AFP tells Roberts-Smith of witnesses to war crimes](#)', *The Australian*, 2 September 2020, p. 9.

8. G Mitchell, '[Defamation trial set for next June](#)', *The Age*, 8 September 2020, p. 14.

9. *Roberts-Smith v Fairfax Media Publications Pty Limited (No 6)* [2020] FCA 1285, at [1]–[2].

## Guide to the chronology

Specific reports, incidents and allegations are described and sequentially numbered. Undated or multi-date allegations are located within the general timeframe identified and shaded orange. The deaths of Australian soldiers killed in Afghanistan and other known notable events that could add useful context or potentially have some relevance to an incident are included and shaded lighter green.

Legend	#1	#2	Specific reports, incidents and allegations sequentially numbered
			Multi-incident allegations
			Notable events

A glossary of terms and a list of library monographs documenting ADF activity in Afghanistan are included at the end of the chronology.

A note on spelling: Spelling of place names and personal names is not standardised in Afghanistan and variations in the English spelling are frequent: for example, Uruzgan/Uruzgun/Oruzgan; Tarin Kowt/Tarin Kot; Noy Juy/Nawjoy; Mohammed/Muhamed.

### Note on sources

The main sources for the chronology were publicly available media reports and IO reports. Monographs documenting ADF activity in Afghanistan were also been consulted as well as annual reports prepared by Government agencies. Other sources included briefing documents, sometimes referred to as ‘talking points’, prepared by the Department of Defence and provided to senior officials to assist them when appearing before Parliamentary Committees or when addressing the media. These briefing documents became public when they were disclosed under freedom of information legislation.

The Afghan Independent Human Rights Commission (AIHRC) was launched in June 2002. In 2007, it established a Special Investigation Team to monitor conflict-related prisoners and implementation of International Humanitarian Law. AIHRC documents civilian casualties and advocates for protection of civilians. AIHRC reports are published online in both English and Persian; however, these reports have not been consulted directly.<sup>10</sup> References to AIHRC work or findings in this paper are hearsay derived from media reports of content.

### Afghanistan Inquiry welfare support

The [Afghanistan Inquiry](#) has a web page with links to [welfare support](#) and [legal assistance](#).

**Readers may find some material in this chronology confronting, especially when collected together.** Some of the allegations involve injury to and death of children. The material contains links to photographs and video of distressing scenes, including footage of distressed animals and of dead bodies.

10. Afghan Independent Human Rights Commission (AIHRC), [‘Research and thematic reports’](#), AIHRC website.

## Chronology of reports, incidents, allegations and inquiries

Date/Place	Report/Incident/Allegation/Inquiry	Source documents
<p><b>#1</b></p> <p>2 June 2006</p> <p>Koran Ghar, Chora Valley Uruzgan Province</p>	<p><b>Journalist report:</b> An SAS patrol was conducting overwatch from a concealed observation post (OP) on Koran Ghar and identifying targets during fierce fighting in the Chora Valley on 1 June 2006. Next day, Trooper Mick and Trooper Jim said they were on watch in the OP when, around midday, a young, apparently unarmed local national (LN) not wearing a chest rig, walked across their field of view. Their range finder showed he was about 76 metres away. The troopers, who were on a clandestine, observation-only patrol, did not engage but reported the contact.</p> <p>Soon after the LN was sighted again, walking back the way he had come, this time carrying a bag. Once again, they did not engage. Sergeant Locke and Lance Corporal Roberts-Smith allegedly came forward to the OP and argued that, with the Taliban massing in the valley below, the troopers should have shot the LN as he was a spotter who had compromised the patrol.</p> <p>It is alleged that the post action report of the patrol commander, Sergeant Will, said Roberts-Smith and Locke pursued the LN and, using suppressed (silenced) weapons, killed him. He said a smoke grenade was deployed or exploded when the man was shot and this triggered machine gun fire. The soldiers did not have the opportunity to search the body.</p> <p>Packham reports that Roberts-Smith was awarded a Medal for Gallantry for his actions on that day as well as other actions during his deployment May-September 2006.</p> <p>Roberts-Smith gave a different account in 2011 to an Australian War Memorial (AWM) researcher: A couple of hours before dark, two LN had walked up to within 30 metres of the OP then turned sharply away into a different reentrant [a reentrant is the low ground formed between two hill spurs; a gully]. Assessing that the patrol was compromised, Roberts-Smith and Locke pursued the men, killed them and cleared their bodies. Roberts-Smith said a flare in one insurgent's chest rig went off when he was shot. (He later clarified he had confused this incident with a different incident. After checking his patrol report he confirmed only one insurgent was involved and the body was not searched.)</p> <p>The soldiers' post-incident reports were allegedly inconsistent. One patrol member insisted the LN appeared to be an unarmed teenager whose death could have been avoided. Other post-incident reports stated the insurgent was armed with an automatic rifle.</p> <p>Trooper Mick alleges that Robert-Smith came up to him later and said 'Next time we go out on patrol, if your performance doesn't improve I will shoot you in the back of the head' or words to that effect. Trooper Mick did not interpret Roberts-Smith's comment as a literal threat to kill, but was distressed.</p>	<p>C Masters, <a href="#"><i>No front line: Australia's special forces at war in Afghanistan</i></a>, Allen &amp; Unwin, Sydney, 2017, p. 101–109.</p> <p>N McKenzie, D Wroe and C Masters, '<a href="#">Beneath the bravery of our most decorated soldier</a>', <i>The Sydney Morning Herald</i>, 10 August 2018, p. 1.</p> <p>Australian War Memorial (AWM), <a href="#">Medal for Gallantry: Lance Corporal B Roberts-Smith, Special Air Service Regiment, Australian Army</a>, AWM website.</p> <p>B Packham, '<a href="#">"I will shoot you": SAS at war</a>', <i>The Australian</i>, 10 October 2020, p. 1.</p>

Date/Place	Report/Incident/Allegation/Inquiry	Source documents
<b>#2</b> July 2006  Chora, Uruzgan Province	<p><b>Journalist report:</b> Haji Malem Mohammed Abdul Khaliq Khan, a Barakzai member of Parliament, complained that his family had been attacked by the SAS as they fled Chora. His car was shot up and his wife blinded, their daughter lost a leg and his brother-in-law, Abdul Baqi, was killed. His son and a niece and nephew were also injured.</p> <p>McKenzie reported that military officials in Afghanistan found information about Australian involvement in the shooting, allegedly stored on ADF computers in Afghanistan. McKenzie reported the information found revealed the SAS patrol believed taxis were ferrying Taliban insurgents to combat hot spots in the area and an SAS patrol reported a contact in the same geographic area in which the Khaliq family car was hit. He reports a Defence source as saying there was pressure on Defence personnel in Afghanistan to cover up the shooting.</p> <p>McKenzie believes that information was not sent to the Chief of the Defence Force (CDF) before he told the Senate Foreign Affairs and Defence Committee on 14 February 2007 that 'The investigation found that times, locations and occurrences described by Mr Khaliq and his family do not correspond to coalition patrol reporting.'</p> <p>According to Masters, the ADF remain sure none of their troops was located where the incident occurred.</p>	<p>N McKenzie, '<a href="#">Military in Afghan cover-up</a>', <i>The Sydney Morning Herald</i>, 11 May 2009, p. 1.</p> <p>Senate Foreign Affairs, Defence and Trade Committee, '<a href="#">Official committee Hansard</a>', 14 February 2007, pp. 27–28.</p> <p>Masters, <i>No front line</i>, op. cit., p. 125.</p>
2006	<p>The <a href="#">International Criminal Court</a> (ICC) investigates and, where warranted, tries individuals charged with the gravest crimes of concern to the international community: genocide, war crimes, crimes against humanity and the crime of aggression.</p> <p>In 2006, the previous Prosecutor of ICC, Luis Moreno Ocampo, opened a preliminary inquiry into possible atrocities committed in Afghanistan by all parties in the conflict. There has been no indication that Australian personnel are the subject of inquiry. Ocampo's successor as Prosecutor in 2010, Fatou Bensouda continued the inquiry.</p>	<p>T Sterling and S van den Berg, '<a href="#">Facing hurdles from U.S., war crimes judges reject Afghan probe</a>', <i>Reuters</i>, 12 April 2019.</p>
<b>#3</b> August 2007	<p><b>Journalist report:</b> Australian soldiers were photographed flying a Nazi swastika flag from their vehicle while on operations in Afghanistan. Two separate Defence sources identified a particular soldier as the individual who took the flag to Afghanistan. One Defence source who was aware of the flag being flown in Afghanistan in 2007 said it was a 'twisted joke', rather than evidence or an expression of genuine neo-Nazism. The source claimed the flag was up for a 'prolonged period'.</p> <p>Oakes reported a Defence spokesperson to have said 'Defence and the ADF reject as abhorrent everything this flag represents. Neither the flag nor its use are in line with Defence values. The flag was briefly raised above an Australian Army vehicle in Afghanistan in 2007. The commander took immediate action to have the offensive flag taken down. It is totally inappropriate for any ADF vehicle or company to have a flag of this nature. The personnel involved were immediately cautioned at the time and subsequently received further counselling. Additionally, steps</p>	<p>D Oakes, '<a href="#">Australian soldiers flew Nazi swastika flag from vehicle in Afghanistan</a>', <i>ABC News</i> (online), 14 June 2018, updated 15 June 2018.</p> <p>M Payne (Minister for Defence), '<a href="#">Offensive flag</a>', media release, 14 June 2018</p> <p>M Payne and M Binskin (CDF), '<a href="#">Doorstop - Invictus Games and Special Forces inquiry</a>', media release, 2 July 2018.</p> <p>For a discussion of uniform and emblems, see: T Pfanner, 'Military uniforms and the law of war', <i>International Review of</i></p>



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	<p>were taken to reinforce education and training for all personnel who witnessed the flag.'</p> <p>[Note: <i>Display of a hate symbol could constitute a military discipline offence. Use of a non-standard flag is also problematic in the rules of war. The 'principle of distinction' expressed in Article 48 of the Additional Protocol I to the Geneva Conventions requires military units to be clearly distinguishable. A fixed distinctive sign recognisable at a distance is required.</i>]</p> <p>During a 2 July 2018 doorstep, Ten News suggested that one of the men responsible for raising the Nazi flag had risen to very senior rank within the Army. The Minister declined to comment. Air Chief Marshall Binskin noted that the incident was abhorrent, action was taken at the lowest level by the commander at the time, and he was satisfied with that action.</p>	<p>the Red Cross, 86, No. 853, March 2004, pp. 93–124.</p>
<p>#4</p> <p>23 November 2007</p> <p>Tarin Kowt Uruzgan Province</p>	<p><b>Inquiry Officer (IO) Report:</b> Troops carried out a planned search and clearance based on operational intelligence. Significant resistance was encountered over several hours.</p> <ul style="list-style-type: none"> <li>An organised militant force equipped with communications and heavy and light machine guns was present. A quantity of weapons, ammunition and equipment was captured.</li> <li>At least four Taliban were killed in action (KIA) inside the compound and more than three outside. One Australian soldier was KIA. A number of LNs were detained; some released, but four transferred to ongoing detention by ISAF forces.</li> <li>Two LNs (a baby and teenage girl) were KIA. At least three LNs were wounded. IO found they were not targeted, but were likely hit by Australian fire correctly directed at enemy. One LN complained he was mistreated in detention. No evidence of any mistreatment found and allegation later withdrawn.</li> </ul> <p><b>IO findings:</b> Australian commanders exerted effective operational control and coordination. ROE were adequate—the soldier was able to positively identify his assailant as enemy and fire first before he was killed. No shortcomings identified in ADF actions, decisions or training.</p>	<p>Colonel P Short, <a href="#">Inquiry Officer's report into collateral damage and allegations of mistreatment of a local national by the [redacted] in Uruzgan Province, Afghanistan on 23 Nov 07</a>, ADF, DoD, 21 December 2007.</p>
<p>2007–2008</p>	<p><b>Psychological fatigue of SF noted</b></p> <p><b>Journalist report:</b> SASR psychologists were holding conversations in the mental health space about multiple deployments. Former SAS psychologist Mark Mathieson said:</p> <p style="padding-left: 40px;">We knew fairly early on—by 2007 and 2008—that fatigue was a big issue within SOCOMD (Special Operations Command), and by that we don't mean just physical fatigue but also psychological fatigue.</p>	<p>B Packham, '<a href="#">Pawns in a deadly game</a>', <i>The Australian</i>, 19 September 2020, p. 15.</p>
<p>#5</p> <p>30 April 2008</p> <p>Uruzgan Province</p>	<p><b>IO Report:</b> On 29 April 2008, a Special Operations Task Group (SOTG) conducted a clearance operation and was engaged by insurgents. During a short intense battle, a number of Taliban were killed.</p> <ul style="list-style-type: none"> <li>Four suspected Taliban were detained and tactically questioned. One was released in the early morning. One</li> </ul>	<p>Colonel D Connery, <a href="#">Inquiry Officer's report into the detention of local nationals on 29–30 April 2008 in Uruzgan Province, Afghanistan</a>, ADF, DoD, June 2008.</p>

Date/Place	Report/Incident/Allegation/Inquiry	Source documents
	<p>Afghan National Army (ANA) soldier complained on 30 April that SOTG was harsh, disrespectful, and violent toward detainees. Allegations included detainees being pushed or bashed against wall; hit with a stick; trousers pulled off.</p> <ul style="list-style-type: none"> <li>• Detainees were transferred to International Security Assistance Force (ISAF) in late evening. Medical examination by ISAF occurred on transfer.</li> <li>• Several days later, ANA commanders alleged four detainees were stripped naked, beaten and mistreated by SOTG.</li> <li>• ADF Investigative Service (ADFIS) as well as IO investigated the incident.</li> </ul> <p><b>IO findings:</b> One LN was detained not fully dressed: he did not have the under-trousers usual with a tunic. Soldiers supplied trousers mid-morning on 30 April. Medical examinations on handover to ISAF showed only minor bruising and abrasions. Allegations not substantiated. Detainees were 'manhandled' during capture and questioning, but not mistreated.</p>	
#6 5 July 2008	<p><b>Vice Chief of the Defence Force (VCDF) Senate Estimates brief:</b> During a security patrol on 5 July 2008 in the Baluchi District, members of the Mentoring and Reconstruction Task Force (MRTF) conducted operations against suspected Taliban locations. Observed mortar fire and direct fire were used during the conduct of the operation. Following the mortar fire missions, allegations were raised of injuries to one male youth, the death of a LN and the destruction of livestock.</p> <p>Two inquiries were conducted into this incident (a primary and a supplemental). The first inquiry confirmed that mortar fire or direct fire in support of the MRTF mounted patrol likely resulted in the shrapnel injury to one local Afghan male youth and a number of livestock were probably destroyed as a result of the engagement. The supplementary inquiry found it was highly <i>unlikely</i> that a local national was killed. Both inquiries found that there were no breaches of the Australian ROE or Laws of Armed Conflict.</p>	VCDF, Senate Estimates Brief, ' <a href="#">Afghanistan 2: Death or serious injury of Afghan civilians where ADF involvement is alleged and subject to administrative inquiry</a> ', 1 October 2015, FOI 332/15/16, Item 3.
#7 17 September 2008  Sarsha Kala, Uruzgan Province	<p><b>Journalist report:</b> SOTG conducted a night raid at Sarsha Kala searching for OBJ MUSKET. Khusal Khan, son of the local police chief Rozi Khan, told journalists the villagers thought they were being attacked by the Taliban and called the local police chief, Rozi Khan. When the police arrived, the Australians fired on them, killing Rozi Khan.</p> <p><b>VCDF senate estimates brief:</b> During a night patrol, Australian forces were engaged by small arms fire. In returning fire, four Afghans were killed, including the Chora District Chief, Rozi Khan, and three others were wounded. An administrative inquiry was conducted into the incident. The findings were not published.</p>	<p>M Carney, T Cookes and S Sharifi, '<a href="#">In their sights</a>', <i>Four Corners</i>, ABC, 5 September 2011. <a href="#">Transcript</a>.</p> <p>VCDF, Senate Estimates Brief, '<a href="#">Afghanistan 2: Death or serious injury of Afghan civilians where ADF involvement is alleged and subject to administrative inquiry</a>', 1 October 2015, FOI 332/15/16, Item 3.</p>
#8 30 December 2008	<p><b>Defence talking points:</b> An off-duty member of the Afghan National Police who approached a MRTF checkpoint was shot. He was thought to be carrying an IED.</p>	ADF, ' <a href="#">12 February 2009 - Civilian Casualty Incident</a> ' Defence Communication Strategy, 24 March 2011,

Date/Place	Report/Incident/Allegation/Inquiry	Source documents
Location unknown	<p><b>Inquiries:</b> An initial inquiry, and a review conducted in 2010 after new information came to light, found that the soldiers involved acted within their rules of engagement. The 2010 review identified that the Australian Defence Force Special Investigative Service (ADFIS) investigation processes associated with this incident may have been interfered with.</p> <p>ADFIS subsequently initiated an investigation into that matter. The outcome of that investigation is not available.</p>	Attachment B, pp. 23–24.
<i>Dates of incidents not given—likely 2008 to 2009.</i>	<p><b>Journalist report:</b> Australian soldiers have been involved in capture and kill operations against Taliban leaders in Uruzgan Province. Leaked documents released by WikiLeaks in 2010 reveal previously unreported alleged incidents:</p> <ul style="list-style-type: none"> <li>• A December 2008 mortar engagement with insurgents that left an Australian soldier wounded.</li> <li>• LN children taken to hospital after Australian soldiers opened fire on a military checkpoint.</li> <li>• Australian ordnance found in Taliban weapons caches.</li> <li>• allegations that NATO forces operated a ‘black special operations’ unit outside government control to hunt and kill Taliban leaders.</li> </ul> <p><b>Journalist report:</b> A former 2CDO warrant officer, ‘Soldier H’, claimed in ‘<i>Life on the Line</i>’ military veterans podcast series that, while deployed in Afghanistan in 2008, he lent himself to unsanctioned missions with counterpart forces including from Italy, Germany, Canada and local Afghans for up to three weeks in the month. Soldier H claimed he would disappear for days on these missions, such was the lack of ADF and 2CDO direction and supervision.</p>	<p>J Kerin, ‘<a href="#">Just don’t mention the war</a>’, <i>The Australian Financial Review</i>, 29 July 2010, p. 61.</p> <p>C Miranda, ‘<a href="#">Aussie soldier a gun for hire</a>’, <i>Herald Sun</i>, 3 August 2020, p. 12.</p> <p>A Lloyd, “H”, vols. <a href="#">1–5</a>, ‘<i>Life on the Line</i>’, audio podcast, 7 May 2019.</p>
<p>#9 5 Jan 2009</p> <p>Baluchi, Uruzgan Province</p>	<p><b>IO Report:</b> A LN man arrived at White Compound, Chora with eight wounded LNs in vehicle, one later died that night. The LN claimed they were injured by [redacted: possibly drone]. He also claimed ten neighbours had been killed. ISAF initial investigation suggested indirect mortar fire from SOTG operating in area may have been responsible.</p> <p>IO sent shrapnel fragments taken from wounded to the Defence Science and Technology Organisation (DSTO) for analysis. Fragments did not match mortar bombs used by SOTG.</p> <p><b>Journalist report:</b> A Predator unmanned aerial vehicle provided targeting and a laser guided Hellfire missile fired at a group of fighters including OBJ FLAMBARD (Abdul Rashid) who was later confirmed killed. There was confusion about overlaid mortar fire.</p> <p><b>IO finding:</b> The IO noted a significant degree of conflicting information from numerous sources. Clear that SOTG not responsible for incident. IO noted that, while engaged by small arms fire, SOTG observed a rocket propelled grenade (RPG) and a 107mm rocket aimed at them pass overhead and detonate south of their position; however, IO was not able to conclude with confidence that these explosives caused the injuries. Cause of incident unknown.</p>	<p>Colonel S Clingan, <a href="#">Inquiry Officer’s report into an allegation that an indirect fire mission by Special Operations Task Group in Afghanistan on 5 January 2009 caused a number of unintended civilian casualties</a>, ADF, DoD, 20 February 2009.</p> <p>Masters, <i>No front line</i>, op. cit., pp. 248–249.</p>



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<b>#10</b> January 2009 Location unknown	<b>Journalist report:</b> Alleges an Australian military operation aimed at finding those responsible for the death of special forces soldier Greg Sher left four Afghan civilians dead. No other detail or reference to this alleged incident found. It is possible it refers to incident #9 above.	McKenzie, <a href="#">‘Military in Afghan cover-up’</a> , op. cit.
<b>#11</b> 12 February 2009 Sorkh Morghab Uruzgan Province	<p><b>Journalist reports:</b> Soldiers from the 1st Commando Regiment (1CDO) conducted a night-time raid on a compound in the Sorkh Morghab village, Uruzgan province, Afghanistan. The purpose of the raid was to capture a Taliban insurgent believed to be located in the compound.</p> <p>At about 1 am they approached a residential homestead surrounded by mud brick walls, with only a few windows. The soldiers were fired upon by a man inside a room in the compound. The resulting heavy firefight may have lasted only 90 seconds. ANA soldiers identified themselves and called on the shooter to cease firing, but he continued.</p> <p>The man may have fired most of three magazines, up to 90 rounds, of 7.62mm ammunition that was bursting through the mud walls around the soldiers. A sergeant ordered a soldier to throw a grenade into the room. After the first grenade exploded, there was a new burst of fire from the room. The soldier threw a second grenade and the shooting stopped.</p> <p>The shooter, identified later as Amrullah Khan, was found badly wounded. He was given aid by Australian soldiers, but died later at a medical treatment facility at the Tarin Kowt base. Five children were killed by the grenades thrown into the compound to stop the fire. There were other civilian casualties.</p> <p>There is conflicting evidence over whether the soldiers knew, or should have known, that there were women and children in the room, and whether they heard them screaming.</p> <p>One soldier did hear screams and countermanded an order to fire a machine gun.</p> <p><b>VCDF Senate Estimates brief:</b> An inquiry was conducted into this incident as well as an ADFIS investigation. Disciplinary proceedings involving the three ADF members charged in connection with the 12 February 2009 civilian casualty incident concluded on 29 August 2011. The court martial proceedings involving the two soldiers were dissolved on 22 June 2011 as a result of a ruling that the charges against them did not disclose a service offence. Court martial proceedings against the officer concluded on 29 August 2011, with the withdrawal of charges by the Director of Military Prosecutions (DMP). The ADF indicated it did not intend to pursue adverse administrative action against any ADF members involved in the matter.</p>	<p>M Vincent, <a href="#">‘Soldiers “incensed” by civilian deaths charges’</a>, <i>ABC News</i> (online), 30 September 2010.</p> <p>R Beasley, <a href="#">‘Duty of care on the battlefield’</a>, <i>Bar News</i>, Summer, 2011–12, pp. 53–58.</p> <p>ADF, <a href="#">‘12 February 2009 - Civilian Casualty Incident’</a> Defence Communication Strategy, 24 March 2011, pp. 5–25.</p> <p>J Kelly, <a href="#">‘Re Civilian Casualty Court Martial: prosecuting breaches of international humanitarian law using the Australian military justice system’</a>, <i>Melbourne University Law Review</i>, 37(2), 2013, pp. 342–371.</p> <p>S Davis and H Grasswill, <a href="#">‘Soldiers at centre of deadly Afghanistan raid should be exonerated, former Army chief says’</a>, <i>ABC News</i> (online), 30 May 2016.</p> <p>Australian Story, Australian Broadcasting Corporation (ABC), <a href="#">Statement from the Australian Defence Force (ADF) in answer to questions raised in Into the Fog of War 30 May 2016</a>, media release, 3 December 2017.</p> <p>S Davis and H Grasswill, <a href="#">‘Australian commandos’ role in deaths of five Afghan children questioned’</a>, <i>ABC News</i> (online), 22 May 2016.</p> <p>Masters, <i>No front line</i>, op. cit., pp. 251–254.</p> <p>VCDF, Senate Estimates Brief, <a href="#">‘Afghanistan 2: Death or serious injury of Afghan</a></p>

Date/Place	Report/Incident/Allegation/Inquiry	Source documents
		<a href="#">civilians where ADF involvement is alleged and subject to administrative inquiry</a> , 1 October 2015, FOI 332/15/16, Item 3.
<p><b>#12</b> 2 April 2009</p> <p>Jalbay/Chalabi, Chenartu District Uruzgan Province</p>	<p><b>IO Report:</b> Reliable intelligence indicated a senior insurgent, who was identified for deliberate targeting, was at a compound. Afghan National Security Force (ANSF) led mission with SOTG to clear the compound. Senior insurgent not found.</p> <p><b>Journalist report:</b> <i>Four Corners</i> alleged the intelligence was that OBJ SABRE, Mullah Ismail, was in Hajji Mussa's home. Witnesses Hajji Mussa and his cousin Abdul Razik say they had gathered the extended family for a mourning ceremony for a recently deceased granddaughter. The soldiers arrived by helicopter at Jalbay village after dark and there were immediately two explosions.</p> <p>Muhammad Mussa went to a window to tell the soldiers to stop but was shot through the head and killed. Razik's nephew Janan Khan fled to his house next door. Before he died, Janan told Razik the soldiers had picked him up and smashed him to the ground. A hired labourer, Taza Khan hid behind a haystack in a guest room. Razik alleges that after Taza was shot, his clothes were removed and an ADF dog attacked him tearing pieces off his body.</p> <p><b>Journalist report:</b> Masters reported that witnesses said the Taliban had departed earlier in the evening while cloud obscured UAV reconnaissance. Jalbay locals insisted the men killed were not Taliban.</p> <p><b>ADF response reported by <i>Four Corners</i>:</b> There is no evidence to substantiate the claim that a wounded man was left at the site to die. ADF tactics, techniques and procedures are appropriate and 'under constant review in order to do everything we can to minimise loss of life and impact on civilians'.</p> <p><b>IO Report:</b> Three fighting age males were KIA:</p> <ul style="list-style-type: none"> <li>• One male lying prone on a bed of chaff observing courtyard through window.</li> <li>• Male observed moving tactically and utilising cover in a tree line to east of compound.</li> <li>• Male observed attempting to conceal himself in hay.</li> </ul> <p>No shots fired by KIA. KIA were searched and no weapons or identification recovered. Area surrounding KIA not searched due to limited time for exfiltration.</p> <p>Eight fighting age males were detained. Two old weapons and small amounts of rusty ammunition recovered.</p> <p><b>IO findings:</b> Each soldier who fired decided their target was a threat to themselves or other soldiers based on observations of target behaviour. Conclusions were reasonable and members acted within their ROE (though it was ISAF rather than Australian ROE). KIA could not be identified. Probable that the KIA were</p>	<p>Colonel R Shanahan, <a href="#">Report of Inquiry Officer—possible civilian casualties resulting from clearance of compound at [redacted], Afghanistan on 2 Apr 09</a>, ADF, DoD, May 2009.</p> <p>M Carney, T Cookes and S Sharifi, <a href="#">'In their sights'</a>, <i>Four Corners</i>, ABC, 5 September 2011. <a href="#">Transcript</a>.</p> <p>Masters, <i>No front line</i>, op. cit., pp. 266–267.</p> <p>D Oakes and S Clark, <a href="#">'What the documents reveal about killings of unarmed Afghans: Three men killed, including one hiding in haystack'</a>, <i>ABC News</i> (online), 11 July 2017.</p> <p>VCDF, Senate Estimates Brief, <a href="#">'Afghanistan 2: Death or serious injury of Afghan civilians where ADF involvement is alleged and subject to administrative inquiry'</a>, 1 October 2015, FOI 332/15/16, Item 3.</p>

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	<p>associates of the senior insurgent.</p> <p><b>IO Recommended:</b></p> <ul style="list-style-type: none"> <li>SOTG Standard Operating Procedures (SOPs) to be modified to require every effort is made to determine the identity of KIA.</li> <li>SOTG must also provide more expansive post operation reports when KIA did not engage and/or no weapon found.</li> </ul> <p>The three dead males could not be identified at the time and in 2015, the Senate Estimates Brief prepared for VCDF stated DoD had closed the incident. It relied on the IO findings to report that the identities of the deceased were unlikely ever to be known with certainty; on the balance of probability, they were likely to have been associates of the senior insurgent leader and acted in a manner consistent with taking a direct part in hostilities.</p>	
<p><b>#13</b> 12 April 2009</p> <p>Kakarak, Uruzgan Province</p>	<p><b>Journalist report:</b> An airstrike was called on a compound codenamed Whiskey 108. 24 troops from 2SQN SASR and 7RAR advanced in daylight and killed a number of enemy in an intense firefight. When soldiers entered the compound, they heard Australian weapons fire and saw an older man with a prosthetic leg hurled from a window. He had been shot and was dead. Another LN was also killed. Afterward, a weapons cache and tunnel system was discovered.</p> <ul style="list-style-type: none"> <li>Troops later said a ‘rookie’ had been made to kill a prisoner as a ‘blooding’.</li> <li>The prosthetic leg was souvenired and returned to SASR barracks in Perth as a drinking vessel.</li> </ul> <p>In court documents filed in defence of a defamation action, Fairfax media alleged that Corporal Roberts-Smith is accused of killing the old man despite the man posing no imminent threat. Roberts-Smith denies any wrongdoing.</p> <p>Journalists reported in 2019 that at least three SAS members have allegedly agreed to testify against Roberts-Smith.</p>	<p>C Masters, ‘<a href="#">A law unto themselves? Who dares speak?</a>’, <i>The Sunday Age</i>, 10 June 2018, p. 19.</p> <p>A Greene and D Conifer, ‘<a href="#">Ben Roberts-Smith rejects Afghanistan allegations and “gossip” detailed in court document</a>’, <i>ABC News</i> (online), 20 October 2018.</p> <p>N McKenzie and C Masters, ‘<a href="#">New AFP probe of war hero</a>’, <i>The Age</i>, 16 December 2019, pp. 1, 6; N McKenzie and C Masters, ‘<a href="#">War hero faces new crimes inquiry</a>’, <i>The Age</i>, 16 December 2019, pp. 1, 6.</p>
<p><b>#14</b> 28 April 2009</p>	<p><b>IO Report:</b> Digging observed (apparently by drone) in area where insurgents active. Tactical movement observed with 5–6 people lurking and two acting as possible force protection. Assessed to be laying command wire for an improvised explosive device (IED). Request for visual verification on ground denied as risk too high. A HQ legal officer remotely observed the targeting assessment.</p> <ul style="list-style-type: none"> <li>[Name redacted] noted that setting IED in an aqueduct would be unusual.</li> <li>Possibility they were farmers who were required to use water allocation at night (common local practice) was raised during targeting process. Relevant commander assessed it was <i>not</i> farming activity—usual equipment not observed.</li> <li>Multiple airstrikes authorised. Four LNs KIA, two wounded.</li> <li>LN persons from area complained on 28 April that casualties were local farmers working at night.</li> </ul> <p><b>IO findings:</b> Noted low light and poor quality of imagery.</p>	<p>Colonel [redacted], <a href="#">Report of an Inquiry Officer: possible civilian casualties from close air support strike at [redacted] Afghanistan on 28 Apr 09</a>, ADF, DoD, June 2009.</p>

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	<p>Inspection of the site by soldiers on the ground after strike not possible. Conflicting evidence re identity of KIA. It was frequent Taliban practice to claim insurgent KIA were civilian. Strike compliant with ROE, likely that KIA were insurgents. Recommended formal pre-deployment training be required for all key targeting staff including legal officers.</p>	
<p><b>#15</b> 10 June 2009</p> <p>Noy Juy (Nawjoy) Mirabad, Uruzgan Province</p>	<p><b>Journalist report:</b> After heavy fighting between Australian troops and insurgents, suspected insurgents were seen leaving the area at dusk in a number of vehicles. Insurgent radio chatter was heard telling insurgents to turn off their headlights. Two vehicles with lights off were accordingly targeted and destroyed by a Dutch Apache helicopter.</p> <p>Locals later claimed nine civilians had been killed and four wounded. After a quick assessment inquiry, the ADF assessed that targeting was legitimate. It found civilian casualties might have resulted from a large explosion earlier in the day. The ADF chose to conduct no further inquiry. Journalist reports conflicting evidence from locals who claim the civilians were targeted by two helicopters.</p>	<p>D Oakes and S Clark, <a href="#">‘What the documents reveal about killings of unarmed Afghans: Apache helicopter destroys vehicle that switched off lights’</a>, ABC News (online), 11 July 2017.</p> <p>Masters, <i>No front line</i>, op. cit., pp. 276–278.</p>
<p><b>#16</b> 11 August 2009</p>	<p><b>IO Report:</b> Troops established vehicle checkpoint. Motorcycle failed to obey visual and verbal signal to stop. Soldiers fired multiple rounds. Driver dead, passenger wounded. After incident, the casualties were identified as Afghan police.</p> <p><b>IO findings:</b> Checkpoint was poorly sited and it was likely verbal and visual warnings could not be seen/heard. Use of pen flare for visual signalling may have avoided incident. CO had ordered reduction in use of flares.</p> <ul style="list-style-type: none"> <li>• Shooting was within Australian ROE but mandatory ISAF escalation of force procedures not used (no pen flare).</li> <li>• Incidents on 24 June and 12 July 2009 also had shots fired without pen flare being used first. New orders were issued after the first of those incidents, but learning had not been passed on to troops rotated in after 12 July.</li> <li>• ADF training deficiencies in NATO Standard Operating Procedures (SOP) identified. Additional equipment for use at vehicle checkpoints ordered. Deployed legal officers require additional training.</li> </ul>	<p>Colonel [redacted], <a href="#">Report of an Inquiry Officer into the shooting of two Afghan National Policemen, 11 August 2009</a>, ADF, DoD, November 2009.</p>
<p>November 2009</p>	<p><b>Formal Army report:</b> Deficiencies in training, assessment, certification and leadership of Lieutenant Fussell’s SOTG unit operated to increase the risk that a casualty might occur. (Michael Fussell 4 RAR was killed on 27 November by a detonating IED).</p> <p>Unit members had expressed concern about the competence of the Officer Commanding (OC), a Major, prior to deploying and that concern had been communicated to superiors. Incidents occurred the day before Lieutenant Fussell’s death and immediately after which made the OC’s shortcomings obvious. However, the leadership shortcomings did not directly contribute to Lieutenant Fussell’s death.</p> <p><b>Journalist report:</b> The OC was stood down from active command</p>	<p>Colonel McCullagh, <a href="#">Inquiry Officer’s report into the death of Lieutenant MKH Fussell in Afghanistan on 27 November 2008</a>, ADF, DoD, 23 December 2008.</p> <p>Vice Admiral Ritchie, <a href="#">Inquiry Officer’s report into matters relating to the force preparation, training, certification and leadership associated with the force element identified in the</a></p>

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	but remained in the Army. It is not clear when that action occurred. No findings were made in relation to the OC's superior officers with the failure to deal with the unit's command deficiencies instead being attributed to systemic problems.	<p><a href="#">Inquiry Officer's report into the death of Lieutenant MKH Fussell</a>, ADF, DoD, 23 July 2009.</p> <p>P Dorling, '<a href="#">Major loses command after soldiers death</a>', Canberra Times, 3 November 2009.</p> <p>Major General Tracey, Judge Advocate General, <a href="#">Review of VADM Ritchie Inquiry Report</a>, DoD, 14 October 2009.</p>
Throughout 2010	<p><b>Journalist report:</b> Journalist alleges there was a major ramping up of 'capture-kill raids' in 2010 while Major General Gilmore was commander NATO and ADF special forces in Afghanistan. In a 2011 interview while Special Operations Commander Australia, Major General Gilmore told journalist the ADF does not use term 'capture/kill squads'. Journalist states:</p> <ul style="list-style-type: none"> <li>• SOTG captured or killed insurgents at least 30 times between December 2010 and September 2011.</li> <li>• In 2009 NATO and Australian soldiers went on 675 recorded missions with 306 'adversaries' killed or captured. In 2011 NATO-led forces had conducted 1,879 missions with 916 'targets' killed or captured by September.</li> <li>• NATO had a Joint Prioritized Effects List (JPEL) containing Taliban names with NATO objective code name (OBJ) and JPEL number. For example, a 2010 NATO document lists Mullah Agha Wali (OBJ HADRIAN, IS0514) and Malim Taj Mohammad (OBJ FORGE, IS1494).</li> <li>• Operations targeting JPEL OBJ were more likely to get support from NATO assets, but stringent targeting process meant many more missions were cancelled than authorised.</li> </ul>	R Epstein, ' <a href="#">The secret soldiers</a> ', <i>The Age</i> , 5 September 2011, p. 9.
May–June 2010	<p><b>Formal Army report:</b> From May 2010, the SOTG conducted a series of daylight helicopter-borne raids, deep into enemy territory. Raids often resulted in fierce engagements with the enemy.</p> <p>The mission was to destabilise local insurgent networks and identify key Taliban leaders. The raids created fractures throughout the command and control architecture of the Taliban.</p>	Australian Army, ' <a href="#">Battle Honours: Citation: Special Operations Task Group—Rotation XII</a> ', Army website, last updated 23 September 2016.
Dates of incidents not given—context suggests 2009–2010	<p><b>Journalist report:</b> Allegations by ADF witnesses:</p> <ul style="list-style-type: none"> <li>• SOTG was 'loading up' KIA by placing weapons near bodies.</li> <li>• SOTG was conducting summary executions.</li> <li>• Kill counts in 2010 became so high that commanders in Kabul became concerned.</li> <li>• SASR had a 'kill board' on their door and had a kill goal.</li> <li>• Some SOTG members referred to others as having 'gone up the Congo', a reference to the moral wilderness in Conrad's novel <i>Heart of Darkness</i>.</li> </ul>	Masters, ' <a href="#">A law unto themselves? Who dares speak?</a> ', op. cit.



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	<ul style="list-style-type: none"> <li>SASR troops would keep their officers outside the target area until it was secured.</li> <li>The SASR chaplain found rampant bullying in SASR in 2009. An accomplished boxer, he offered to fight the perpetrators one by one. None turned up. After the chaplain's cap was shot to ribbons on the Tarin Kowt range (in either 2010 or 2012), the chaplain confronted and then had a boxing match with an SASR trooper.</li> </ul>	
13 August 2010 Lwar Byala village near Gumbad Kandahar Province	<p><b>Lwar Byala</b></p> <p>The village was a series of compounds with orchards and lush vegetation providing ideal cover for insurgents and identified as a headquarters for Taliban resistance. A full troop of SASR in four Blackhawks conducted a disruption raid in daylight with three patrols sweeping the village and one patrol positioned three kilometres away to intercept 'squirters'—persons escaping the cordon.</p> <p>They found the area was too large to be effectively cordoned and decided to withdraw. One patrol was ambushed from dense vegetation as they moved east. Trooper Brown was shot by a machine gun at close range. Sergeant David had his clothing and backpack shredded by rounds fired from metres away as he recovered Brown for first aid. He was recommended for the Victoria Cross but awarded the Star of Gallantry.</p>	<p>Masters, <a href="#">No front line</a>, op. cit., 'Rotation XIII, July 2010–December 2010', at pp. 363–366.</p> <p>N Butterly, '<a href="#">Rare honour for soldier's great courage</a>', <i>The West Australian</i>, 30 June 2011</p> <p><i>Note: There are several awards of the Star of Gallantry to anonymous SOTG members in 2011 for which the citations give no details of the action involved. The full citation for Sergeant David's award is not public.</i></p>
#17 13 August 2010 Lwar Byala village near Gumbad Kandahar Province	<p><b>Journalist report:</b> After the ambush, the troop moved to high ground for an extraction before dark, but only one patrol could be extracted before a dust storm drove off the helicopters. The remaining troops pulled back to high ground above the contact site and a 2,000-pound bomb was dropped on insurgents within 150 metres of their position.</p> <p>After dark and using night vision goggles, troops including Captain Ross entered surrounding vegetation. According to Masters, 'Three enemy stunned by the bomb were sighted still alive. Armed and therefore considered a threat, they were shot and killed.' The remaining troops were extracted the next day.</p>	Masters, <a href="#">No front line</a> , op. cit., pp. 365–366.
#18 23 August 2010 Location unknown	<p><b>Defence talking points:</b> Members of the Afghan National Army Provincial Response Company and of the SOTG were approached by a male LN who failed to respond to challenges and raised a weapon in a threatening manner. The LN was shot. The Defence talking points identify this as an incident resulting in a civilian death.</p> <p>An ADF initial assessment found that the ADF soldiers acted lawfully in self-defence and the matter was closed.</p>	<p>DoD, '<a href="#">12 February 2009 - Civilian Casualty Incident</a>'</p> <p>Defence Communication Strategy, 24 March 2011, Attachment B, p. 24.</p>
#19 Date unknown 2010 Location unknown	<p><b>Journalist report:</b> Two SAS soldiers were guarding an unarmed Afghan man prior to arrest. One of the soldiers alleges that Roberts-Smith entered the room and unexpectedly attacked the man, who froze in the foetal position. The witness alleges that Roberts-Smith was wearing Kevlar gloves and hit the man in the face with his fists and in the stomach with his knees. The soldier alleges that he intervened to call Roberts-Smith off.</p>	McKenzie et al., ' <a href="#">Beneath the bravery of our most decorated soldier</a> ', op. cit.

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<p><b>#20</b> 17 September 2010</p> <p>FOB Mirwais Chora Valley, Uruzgan Province</p>	<p><b>Journalist report:</b> Hundreds of men and boys approached Forward Operating Base (FOB) Mirwais, with some running and waving sticks. The incident was apparently sparked by false rumours that foreign forces at the base had been burning copies of the Koran. The crowd threw rocks at the soldiers and the base. Protesters tried to smash their way into the base, prompting some troops inside the base to open fire at the crowd. Australian troops dubbed the incident the 'Chora rock show'.</p> <p>Journalists report that a defence statement 'issued at the time of the incident' [statement could not be located] noted Australian troops, coalition forces and members of the Afghan National Army had helped defend the base. One protester aimed an AK-47 at one of the coalition soldiers, who then shot the protester. ISAF also stated that an ISAF service member shot the man in accordance with the ROE.</p> <p><b>Journalist report:</b> A later report from the Afghan Independent Human Rights Commission (AIHRC) stated that five civilians had been killed and six wounded during the protest. In his book <i>The Dust of Uruzgan</i>, DFAT staffer Fred Smith wrote that he was later told by NGO workers that there had been a higher death toll than that first reported.</p> <p>A Defence spokesperson told the ABC and Middle Eastern online news service, <i>The National</i>, that coalition soldiers, including an Australian, engaged the protesters in self-defence. The spokesperson said Defence was unable to confirm any fatalities from this incident and that an investigation by the Commanding Officer into the incident found that Australian and ISAF soldiers acted appropriately and in accordance with their ROE.</p>	<p>R Callinan and M Willacy, '<a href="#">Death toll much higher at Afghanistan protest than NATO publicised, according to human rights report</a>', <i>ABC News</i> (online), 21 October 2019.</p> <p>G Torre, 'NATO forces shot dead five civilians at 2010 Afghan protest, rights body says', <i>The National</i>, (online), 22 October 2019.</p>
<p><b>#21</b> 3 October 2010</p> <p>Zangitan, Kandahar Province</p>	<p><b>Journalist report:</b> Troops detained two men and used an interpreter to question them separately. One immediately gave up the other, Mullah Graan, as Taliban. Graan was then tactically questioned by a corporal from the Human Intelligence Cell. A nearby IED strike drew commandos away to provide security to a disabled vehicle and no one was guarding the door of the hut.</p> <p>After the questioning, the interpreter left the room followed by Graan, then the corporal. Graan's plastic handcuffs separated and he grabbed a sickle knife from a ledge above a doorway. The soldier put up his hand to block the blow, drew his pistol, and shot and killed Graan. Oakes and Clark say the detainee's death was reported to ADF as KIA. Masters says the self-defence killing was reported but no quick assessment inquiry undertaken.</p> <p>Oakes and Clark allege there was no investigation until 2012 when a journalist asked questions. An investigation determined the man was a detainee. ADFIS was tasked to investigate and concluded the soldier was within his rights to shoot detainee.</p> <p>Oakes and Clark report the Chief of Joint Operations (CJOPS) expressed disappointment with soldiers' operational decisions and reporting.</p>	<p>D Oakes and S Clark, '<a href="#">What the documents reveal about killings of unarmed Afghans: detainee whose handcuffs "separated" shot dead</a>', <i>ABC News</i> (online), 11 July 2017.</p> <p>Masters, <i>No front line</i>, op. cit., pp. 371–372.</p>

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#22 2 November 2010	<p><b>Defence talking points:</b> Following an engagement between a partnered patrol (soldiers of ANSF and Mentoring Taskforce 4) and insurgents in the Baluchi Valley region, several locals approached Afghan and Australian soldiers carrying the body of a male claiming that he had been killed by small arms fire.</p> <p>Findings of an IO report were released on 21 September 2012:</p> <ul style="list-style-type: none"> <li>Afghan and Australian soldiers were fired on from a series of qualas (walled, mud-brick compounds) during the incident. An Afghan teenage male was killed and two LN were injured.</li> <li>It was likely the casualties were not Directly Participating in Hostilities (DPH) at the time they were shot.</li> <li>It was highly unlikely that the deceased teenage male and the two injured Afghan men were hit by Australian fire.</li> <li>The IO could not determine whether insurgent fire or the ANA response during the incident caused the death and injuries.</li> </ul>	<p>DoD, '<a href="#">12 February 2009 - Civilian Casualty Incident</a>', Defence Communication Strategy, 24 March 2011, Attachment B, pp. 23–24.</p> <p>S Smith, '<a href="#">Ministerial statements: Afghanistan</a>', House of Representatives, <i>Debates</i>, 24 May 2012, p. 5459.</p> <p>VCDF, Senate Estimates Brief, '<a href="#">Afghanistan 2: Death or serious injury of Afghan civilians where ADF involvement is alleged and subject to administrative inquiry</a>', 1 October 2015, FOI 332/15/16, Item 3.</p>
2010–2011	<p><b>Psychological strain on SF reported</b></p> <p><b>Journalist report:</b> Former SAS psychologist Nick Doran said the psychological impact of the mounting death toll and repeated deployments was 'really starting to show' by the 2010 and 2011 fighting seasons.</p> <p>Doran and another former SAS psychologist Mark Mathieson said commanders were aware of the psychological injuries the conflict was inflicting on SF because reports were sent up the chain of command in detailed post-deployment reports.</p> <p>Mathieson said:</p> <p style="padding-left: 40px;">People had their values and morals effectively broken by chronic deployment to a basket case of a country and seeing good friends do bad things and good friends die.</p> <p>However soldiers wanted to keep deploying so they sought to hide their distress, unwilling to be seen as a liability to the unit.</p> <p>Doran said the SAS leadership were well aware, it was a major concern, but they were under orders from SOCOMD to do the job.</p> <p>It was DoD policy for SF soldiers to stay out of the war zone for a year between deployments. However, there were too few qualified people at certain ranks, particularly corporal, lance corporal and sergeant. A waiver system was developed to allow these critical positions and roles to break the one year rule.</p> <p>After completing a rotation, soldiers had to complete a Return to Australia Psychological Screening and a Post-Operational Psychological Screening three months later. However, psychologists sometimes had to compress the usual post-deployment psychological screening process</p>	<p>B Packham, '<a href="#">Pawns in a deadly game</a>', <i>The Australian</i>, 19 September 2020, p. 15.</p>

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<p><b>#23</b> 27 March 2011</p> <p>Shah Zafar/ Sah Zafar, Chora Valley, Uruzgan Province</p>	<p><b>Journalist report:</b> Australian and Afghan troops were conducting a ‘cordon and callout operation’ targeting a high value Taliban target. Troops were fired on from a concealed area; the Australian troops returned fire and moved to the location where shots were fired. They found a dead man and a fatally injured child. No weapon was found. Immediate medical assistance was given to the child who was evacuated by air to Tarin Kowt but later died.</p> <p>Locals said the dead man was the boy’s uncle and they were returning home from a local medical clinic. According to Oakes and Clark, the IO was heavily critical of the process that led to man being labelled an insurgent after his death. According to Masters, the IO report found that not enough effort had been undertaken to establish his identity and that ‘the deceased male who died at the scene was not actively taking part in hostilities’.</p> <p><b>Senate Estimates Brief:</b> IO report found actions of Australian personnel were lawful and within ROE. The KIA was not associated with the insurgents who engaged the patrol.</p>	<p>D Oakes and S Clark, ‘<a href="#">What the documents reveal about killings of unarmed Afghans: man and boy killed “returning home from local medical clinic”</a>’, <i>ABC News</i> (online), 11 July 2017.</p> <p>Masters, <i>No front line</i>, op. cit., pp. 400–401.</p> <p>VCDF, Senate Estimates Brief, ‘<a href="#">Afghanistan 2: Death or serious injury of Afghan civilians where ADF involvement is alleged and subject to administrative inquiry</a>’, 1 October 2015, FOI 332/15/16, Item 3.</p>
<p><b>#24</b> 29 April 2011</p> <p>Tarin Kowt, Uruzgan Province</p>	<p><b>Journalist report:</b> Afghan businessman Hayat Ustad (OBJ HEGGITT) was shot dead by an SAS operator in daylight in Tarin Kowt at his warehouse.</p> <p>The SOTG claimed Ustad had drawn a snub-nosed pistol and was shot in self-defence. (The pistol was photographed). Masters reported that rules for use of armed force on JPEL objectives did not require the targets to be armed or demonstrating lethal intent.</p> <p>A friend of Ustad, Mohammad Hassan, claims to have been at the warehouse when Ustad was killed. Hassan told journalists that Australian soldiers came to the warehouse and asked who the manager was. Ustad raised his hand and said ‘I am’. An Australian soldier led him out of sight and shot him dead. Hassan said Ustad was unarmed and not trying to flee.</p> <p>In September 2011, <i>Four Corners</i> reported Governor of Uruzgan Muhammad Omar Shirza stating that there was no report against Hayat in the national department of security, nor in the national police department. Uruzgan Senator Heela Achakzai alleged that the SOTG was fed false intelligence by a business rival of Hayat.</p> <p><b>ADF response to <i>Four Corners</i>:</b> Hayat Ustad’s killing was lawful. The SOTG had a ‘warrant for his detention’ issued by the Afghan authorities, and he ‘drew a pistol’.</p>	<p>M Carney, T Cookes and S Sharifi, ‘<a href="#">In their sights</a>’ (transcript), <i>Four Corners</i>, ABC, 5 September 2011.</p> <p>D Oakes, ‘<a href="#">Investigators travel to Afghanistan to interview witnesses over alleged Australian war crimes</a>’, <i>ABC News</i> (online), 6 August 2019.</p> <p>Masters, <i>No front line</i>, op. cit., pp. 403–404.</p>
<p>5 September 2011</p>	<p><b>Allegations of misconduct/false intelligence</b></p> <p>ABC <i>Four Corners</i> broadcast a 55-minute report examining the alleged Coalition ‘kill-capture’ strategy of targeted raids in Afghanistan. <i>Four Corners</i> investigated three Australian Special Forces raids that allegedly went wrong and examined claims the strategy, and especially night raids, was alienating the local population. The program alleged, in two cases, the wrong people were killed and, in another, a suspect already detained</p>	<p>Carney, Cookes and Sharifi, ‘<a href="#">In their sights</a>’, <i>Four Corners</i>, op. cit.</p>

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	<p>was shot dead at close range.</p> <p>The report also alleged that Afghan partner Matiullah Khan, made police chief after the death of Rozi Khan, was providing false intelligence to eliminate rivals.</p> <p><b>ADF response reported by <i>Four Corners</i>:</b> ADF tactics, techniques and procedures are appropriate and ‘under constant review in order to do everything we can to minimise loss of life and impact on civilians’. The ADF noted that it expected Matiullah Khan would act in an impartial and professional manner</p> <p>Australian Major General Michael Krause (Deputy Chief of Staff–Plans, Headquarters International Joint Command, ISAF Afghanistan from March 2011 to February 2012) told <i>Four Corners</i> the ISAF conducted as many as 18 operations every night. He stated that the intelligence used in the planning was extraordinary: ‘We do it with our Afghan partners. The Afghans are fundamental to the intelligence gathering. They’re the ones who give the go/no go, on an operation.’</p>	
<p>29 October 2011</p> <p>Patrol Base Sorkh Bed, Kandahar Province</p>	<p><b>Captain Bryce Duffy</b> 4th Field Regiment Royal Australian Artillery killed in a small-arms incident.</p> <p><b>Corporal Ashley Birt</b> 6th Engineer Support Regiment killed in a small-arms incident.</p> <p><b>Lance Corporal Luke Gavin</b> 2RAR died of wounds received during a small-arms incident.</p> <p><b>IO Report:</b> After morning parade, ADF personnel were in a loose group discussing the day’s activities. An ANA soldier ran from a group of ANA personnel nearby. At 10–15m from ADF soldiers, ANA soldier fired several bursts from a squad automatic weapon. Ten ADF members, one ANA member (not shooter) and three ISAF interpreters shot. Of those shot, three ADF members and one ISAF interpreter were killed. Two or three ADF members returned fire and killed the ANA shooter.</p>	<p>DoD, ‘<a href="#">Lest We Forget</a>’, op. cit.</p> <p>Colonel [redacted], <a href="#">Inquiry Officer inquiry report – matter concerning Joint Operations Command</a>, op. cit.</p>
<p>#25</p> <p>29 October 2011</p> <p>Tarin Kowt Uruzgan Province</p>	<p><b>IO Report</b> Note: Other Government Agency Platoon (OGA PI) provided security for the largely civilian Provincial Reconstruction Team (PRT).</p> <p>OGA PI was providing security to PRT who were attending an afternoon meeting in Tarin Kowt. OGA PI was aware of attack at Sorkh Bed that morning. During task, OGA PI given threat warning that an attack was planned using a motorcycle Vehicle Born IED (VBIED) against Uruzgan Chief of Police who was working nearby.</p> <p>A motorcycle entered road from a side street about 60m from ADF position. Soldier 2 in middle of road signalled and called motorcycle to stop. It continued to approach. Soldier 4 also signalled and called rider to stop. When motorcycle at 15m, soldier 4 and soldier 3 engaged. Rider fell a few metres in front of soldier 3 and, despite immediate medical assistance, died shortly afterwards. No VBIED found. There was an ADFIS investigation as well as an IO Inquiry.</p>	<p>Colonel [redacted], <a href="#">Report of an Inquiry Officer into the shooting death of an Afghan local national in Tarin Kot, 29 October 2011</a>, ADF, DoD, February 2012.</p> <p>J Kelly, ‘<a href="#">Anger building as locals ask why young Afghan had to die</a>’, <i>The Australian</i>, 31 October 2011, p. 2.</p> <p>VCDF, Senate Estimates Brief, ‘<a href="#">Afghanistan 2: Death or serious injury of Afghan civilians where ADF involvement is alleged and subject to administrative inquiry</a>’, 1 October 2015, FOI</p>



Date/Place	Report/Incident/Allegation/Inquiry	Source documents
	<p><b>Journalist report:</b> Journalist Jeremy Kelly was in Tarin Kowt on 29 October and interviewed LNs who claimed eyewitnesses stated ADF gave no warnings and multiple motorcycles passed checkpoint.</p> <p><b>IO findings:</b> IO interviewed Kelly in Kabul and found Kelly did not interview LNs at scene but at hospital afterward. The IO found those LNs were likely not eyewitnesses and considered their reports hearsay evidence. IO inspected site, concluded verbal warning could not be heard, and soldiers' weapons likely could not be seen. Soldiers 3 and 4 were not carrying the available pen flares, but would not have had time to use them. Soldiers believed they were in imminent danger.</p> <p>The soldiers applied every element of their training and acted lawfully and appropriately under Australian ROE. The soldiers' actions were reasonable; they were forced to make a rapid decision to respond to what they saw as an escalating threat. The IO recommended vehicle checkpoints must always have access to attention-gaining devices.</p>	332/15/16, Item 3.
8 November 2011  Patrol Base Nasir, Charmestan, Uruzgan Province	<p><b>IO Report:</b> ANA soldier in security overwatch position fired a machine gun into patrol base. When the weapon malfunctioned, he continued firing using squad automatic weapon. Two ADF soldiers returned fire. Shooter fled in stolen ANA vehicle. Three ADF and two ANA soldiers shot and wounded. None killed. It was clear that ADF personnel were deliberately targeted.</p>	Colonel [redacted], <a href="#">Inquiry Officer inquiry report – matter concerning Joint Operations Command</a> , op. cit.
2012	<p><b>Journalist report:</b> Former SAS operative Braden Chapman deployed to Afghanistan in 2012 attached to 3 Squadron SAS as a signals intelligence officer. He is reported as alleging that, throughout his deployment, there was systematic use of planted weapons and radios to justify killings. He also alleged there was a culture of silence among SAS operators.</p> <p><i>Four Corners</i> reported it had obtained hours of footage shot by members of 3 Squadron SAS during the unit's 2012 rotation through Afghanistan. Only small portions of the claimed footage were shown, embedded within the report. Those portions purport to show:</p> <ul style="list-style-type: none"> <li>• A discussion between two soldiers about the conduct of another soldier: '[The soldier is] a brother, but, "Bash who I want. Shoot at whoever. Kill a kid. Oh well, just keep shooting c***s."'</li> <li>• Frightening farm animals, shooting dogs, including dogs chained up and not a threat.</li> <li>• Apparently unnecessary damage being done to private homes and vehicles.</li> <li>• Harsh language, 'manhandling' and threats of violence toward unarmed and unresisting LNs.</li> </ul> <p>McKenzie and Masters report allegations made to an inquiry by Dr Cromptvoets (see below in 2015/2016):</p> <ul style="list-style-type: none"> <li>• Australian special forces 'would take the men and boys to these guest houses and interrogate them, meaning tie them</li> </ul>	<p>M Willacy, '<a href="#">Culture of cover-up</a>' <i>ABC News</i> (online), 17 March 2020.</p> <p>N McKenzie and C Masters "<a href="#">Blood lust, killings, cover-ups</a>": <a href="#">Report describes Australia's "Abu Ghraib" moment</a>', <i>The Sydney Morning Herald</i>, 27 October 2020.</p>

Date/Place	Report/Incident/Allegation/Inquiry	Source documents
	<p>up and torture them’ during operations in Afghan villages. When the soldiers left the village, ‘the men and boys would be found dead, shot in the head, sometimes blindfolded and throats slit. These are corroborated accounts’.</p> <ul style="list-style-type: none"> <li>Another account describes allegations that two ‘14-year-old boys suspected of being Taliban sympathisers had their throats slit ... the bodies were bagged and thrown into a nearby river’.</li> </ul> <p>Witnesses told Dr Cromptvoets that 2012 was by far the worst year for misconduct. McKenzie and Masters report defence sources have confirmed that 2012 is the key focus of the Brereton inquiry (see below in 2016).</p>	
29 Feb 2012	<p>ANSF and SOTG partnered operations ‘removed’ five insurgent commanders from Uruzgan Province over a period of six weeks during what is traditionally a time of lower activity. Commander of Joint Task Force 633 Major General Stuart Smith said these operations had degraded the insurgents’ ability to carry out attacks within Uruzgan.</p>	<p>DoD, <a href="#">Afghan and Australian Special Forces maintain pressure on insurgents</a>, media release, 29 February 2012.</p>
<p><b>#26</b> 14–15 March 2012</p> <p>Sarkhume village, Uruzgan Province</p>	<p><i>Note: Callinan and Willacy say their report is based on more than 90 files from AIHRC and interviews in Afghanistan.</i></p> <p><b>Journalist report:</b> Soldiers conducted a raid to find a suspected Taliban bomb maker. They landed helicopters on the plain above the village of Sarkhume. Haji Sardar Khan was repairing a door of his house. He left his house to find out what was happening taking the local shortcut over a broken-down wall to wash some mud from his feet in a drain near his house. According to his watching son, Hazratullah, he was shot without warning and hit in the thigh. Sardar dropped to the ground and was bleeding but Hazratullah says he was alive, talking and lucid.</p> <p>The Australian soldiers pulled a bag over Sardar’s head and a soldier hoisted him onto his back and carried him away to a nearby mosque. Hazratullah said the only thing in Sardar’s possession at the time was his transistor radio. He heard the old man calling out for an hour or 30 minutes. No one was allowed to go to him. After the soldiers left, Hazratullah entered the mosque and Sardar was dead; he had bruises on his neck and boot marks over his heart. Sardar’s oldest son, Abdul Latif was also interviewed by an Afghan journalist for the story.</p> <p>Warrant Officer Dusty Miller was an army medic seconded to the SAS in Afghanistan in 2012. Miller stated in interviews, without giving the date and location, that he was treating an unarmed Afghan man for a non-fatal wound to the leg when an SAS soldier took him away. Former SAS operative Braden Chapman says he was in Sarkhume that day and confirms Miller was upset. The experienced operator who allegedly killed Sardar had told Chapman early in the deployment that Chapman needed to be OK with the operator putting a gun to someone’s head and pulling the trigger because the operator did not want to read about it in ten or so years.</p> <p>McKenzie reports that Afghan human rights investigators</p>	<p>R Callinan and M Willacy, <a href="#">‘What really happened at Sarkhume? New report alleges unarmed civilians killed by Australian special forces’</a>, ABC News (online), 17 October 2019.</p> <p>N McKenzie and C Masters, <a href="#">‘How Dusty escapes demons of war’</a>, <i>The Saturday Age</i>, 22 September 2019, pp. 1, 6.</p> <p>N McKenzie and C Masters, <a href="#">‘Time for healing after facing war demons’</a>, <i>The Sydney Morning Herald</i>, 22 September 2012, p. 12.</p> <p>N McKenzie, <a href="#">‘Secrets of war’</a>, <i>Sixty Minutes</i>, Nine Network, 22 September 2019.</p> <p>N McKenzie, <a href="#">‘Probe backs medic’s report of execution’</a>, <i>The Age</i>, 8 November 2019, pp. 1, 5.</p> <p>M Willacy, <a href="#">‘Culture of Cover-up’</a> ABC News (online), 17 March 2020.</p> <p>N McKenzie, <a href="#">‘One last mission’</a>, <i>Good Weekend Magazine</i>, <i>Sydney Morning Herald</i>, 27 June 2020, pp. 8–11.</p>

Date/Place	Report/Incident/Allegation/Inquiry	Source documents
	identified the man Miller was treating as Haji Sardar Khan.	
<b>#27</b> 14–15 March 2012 Sarkhume village, Uruzgan Province	<p><b>Journalist report:</b> In a nearby field below Haji Sardar's home, mill worker Mirza Khan, aged about 20, left his work at the mill and in a field encountered a dog belonging to the soldiers. Hazratullah said he saw the attack from a distance. He said the dogs came at Mirza, who held them away and hit one with 'a stone'. The dogs tore his clothes. Soldiers fired multiple rounds and killed him. Hazratullah says his corpse had multiple wounds. Mirza's brother, Shaista Khan, did not witness his killing, but saw his brother's body before burial. He said Mirza was shot in his lower abdomen, leg, side, and chest. The relatives of the dead men denied either of them had been armed or were behaving aggressively towards the soldiers.</p> <p>The AIHRC report into the incident said a four year old boy, Zabihullah, was bashed with a knife handle on his back by foreigners because he was with his father and did not want to separate from him. A photograph of a boy with a dressed injury at the base of his head was included in the AIHRC report and published by the ABC.</p>	<p>Callinan and Willacy, <a href="#">‘What really happened at Sarkhume? New report alleges unarmed civilians killed by Australian special forces’</a>, op. cit.</p> <p>Date of the three incidents in Sarkhume given in VCDF, Senate Estimates Brief, <a href="#">‘Afghanistan 2: Death or serious injury of Afghan civilians where ADF involvement is alleged and subject to administrative inquiry’</a>, 1 October 2015, FOI 332/15/16, Item 3.</p>
<b>#28</b> 14–15 March 2012 Sarkhume village, Uruzgan Province	<p><b>Journalist report:</b> A farmer's son, Mohammad Wali, was hit and beaten by the Australian soldiers. Hazratullah said Wali was deaf and could not understand commands from the soldiers when they detained him. Hazratullah was told that Wali was taken to the stable where he was beaten and had his testicles squeezed. The AIHRC file stated that others—all of them innocent villagers—were detained and 'hit with gun butts'.</p>	<p>Callinan and Willacy, <a href="#">‘What really happened at Sarkhume? New report alleges unarmed civilians killed by Australian special forces’</a>, op. cit.</p>
<b>#29</b> 28 March 2012 Paryan Nawa, Kandahar Province	<p><b>Journalist report:</b> An SAS patrol landed by helicopter near a village at about 11 am. An unarmed, mentally disabled Afghan man in his early 20s named Ziauddin ran or limped away from the soldiers. 'Soldier C' fired two shots hitting Ziauddin in the head and killing him instantly.</p> <p>After the killing, the article claimed that another soldier put a combat chest rig containing magazines for an assault rifle on Ziauddin's body before he was photographed. At a later debriefing Ziauddin was labelled a legitimately killed high value target.</p>	<p>M Willacy and A Blucher, <a href="#">‘Fellow soldiers say the SAS operative filmed shooting an unarmed man killed another civilian’</a>, ABC News (online), 26 May 2020.</p>
<b>#30</b> 1 May 2012 Deh Rafshan, (near Derapet) Uruzgan Province	<p><i>Note: The IO was appointed on 25 May 2012. The report is dated May 2013. Dates of interviews conducted by the inquiry suggest neither date is a typographical error. There is no explanation in the public portions of the report for the inquiry taking a year.</i></p> <p><b>IO Report:</b> SOTG element containing both Afghan and ADF troops conducted a mission targeting a mid-level insurgent commander known to conduct insurgent activity regularly in Tarin Kowt.</p> <p><b>Journalist report:</b> The insurgent was holding a meeting with four known key insurgents. A number of blocking positions were set up around the meeting point to contain the insurgents.</p> <p><b>IO report:</b> An Australian sergeant saw two LNs he assessed were</p>	<p>Colonel [redacted], <a href="#">Inquiry Officers Report into an Afghan child sustaining a gunshot wound, in Uruzgan province, on 1 May 2012</a>, ADF, DoD, May 2013.</p> <p>D Oakes and S Clark, <a href="#">‘What the documents reveal about killings of unarmed Afghans: Afghan boy survives being shot through face’</a>, ABC News (online), 11 July 2017.</p>

Date/Place	Report/Incident/Allegation/Inquiry	Source documents
	<p>trying to escape the cordon and challenged them in Pashtu to stop. A local boy was in the vicinity but not seen by the sergeant. The men paused 50–100m from the sergeant and about 20m from a rock wall. A witness (possibly the boy) gave evidence he was drawing water at the well when he saw the men returning from sleeping in a field. He warned the men to be careful and sit down, as there were soldiers nearby.</p> <p>(Masters names the boy as Mohammed Hashim Shafiki and the sergeant as Sergeant Paul.) The Senate Estimates Brief states the boy was believed to be 12 years old.</p> <p>Both the sergeant and another witness observed the two LNs change direction and move in a crouch with urgency toward a rock wall in an elevated position, while glancing over their shoulders at the sergeant.</p> <p>The LNs were moving through a field with poppies growing densely to waist height and a dense population of trees. Foliage and shadow degraded clarity of vision across the field. The sergeant was unsure if the LNs were armed, but assessed the rock wall would provide a position of tactical advantage. Sergeant fired a single shot, which missed but caused LNs to increase speed. The witness said he followed the LNs in order to convince them to stop and was within one metre when the sergeant fired.</p> <p>The sergeant fired again at the lead LN who was 50–100m away and observed a third person, who he had not previously noticed, fall. The LN then stopped and waited. The sergeant gave evidence that the actions of LN and boy throughout were consistent with previously observed insurgent behaviour. Sergeant and another soldier approached, restrained the LN and commenced first aid. A limited search of the area found no weapons; the men were questioned (they appeared to know the boy's name) and released.</p> <p><b>Journalist report:</b> Masters says OBJ YARDARM and 15 associates were apprehended without bloodshed. The men with Mohammed were released for lack of evidence; however, Mohammed was carrying large wads of local currency and batteries. It is possible the men passed the items to the boy knowing they would be incriminating.</p> <p><b>IO report:</b> The boy's injury was initially assessed in operational reporting to be the result of a ricochet, but CO SOTG believed this assessment was not justified and amended it in later reporting.</p> <p>A witness gave evidence that, at a meeting with village elders after the incident, he witnessed a heated argument between two Australian soldiers, which he thought was about the shooting. The Australian who led the meeting did not recall any dispute or altercation.</p> <p><b>IO findings:</b> The shooting was not in self-defence since there was no imminent threat as LNs were attempting to evade. Comments about the sergeant's decision to fire are redacted. IO</p>	<p>Masters, <i>No front line</i>, op. cit., pp. 463–464.</p> <p>VCDF, Senate Estimates Brief, '<a href="#">Afghanistan 2: Death or serious injury of Afghan civilians where ADF involvement is alleged and subject to administrative inquiry</a>', 1 October 2015, FOI 332/15/16, Item 3.</p>

Date/Place	Report/Incident/Allegation/Inquiry	Source documents
	found the sergeant's belief was reasonable and engagement was within the ROE.	
<b>#31</b> Day uncertain— May 2012  Location unknown	<b>Journalist report:</b> An SAS soldier, Braden Chapman, says that 3 Squadron SAS was moving toward a target building when they saw a LN leaving the area. When the patrol was 20–30m from the LN, he saw the soldiers, grabbed a phone from his pocket and threw it. The LN then stood still and put up his hands. An experienced member of 3 Squadron shot the man twice in the chest then shot him through the head as the patrol walked past. Chapman was ordered to go through the LN's pockets. Chapman says another Australian patrol with an assault dog then arrived. The dog started chewing on the head of the man who had been shot. Chapman asked the handler to get the dog away. Allegedly, the handler said 'Oh, let him have a taste.'	M Willacy, ' <a href="#">Culture of cover-up</a> ', <i>ABC News</i> (online), 17 March 2020.
<b>#32</b> Day uncertain— May 2012  Shina, Province unknown	<p><b>Journalist report:</b> Soldiers from 3 Squadron SAS landed in two helicopters, one near the village and another near the village reservoir. A witness says two elderly men, Abdul Wahid and Aminullah, were ordered to approach the soldiers. Neither man was armed or threatening. Abdul Wahid was shot in the abdomen and neck.</p> <p>Farmer Sakhi Daad is reported as saying the men of the village were handcuffed and detained in a compound. They were told not to look at each other. They heard shots outside the compound. After the Australians left, they freed themselves and found three bodies. One was Jan Mohammed who was 20 years old and had some form of mental illness or disability.</p> <p>Jan Mohammed was grazing a cow that was startled by the helicopters and ran away. Jan Mohammed ran after it and was shot. The imam of the local mosque, Muhibullah, was also shot. Villagers say one man was a Taliban fighter.</p> <p>Two of those killed were photographed by the SAS with an AK-47. The same AK-47 was allegedly used in both photographs. Journalists say the IGADF is investigating the killings and whether the rifle was planted.</p> <p>The ABC published helmet cam footage, allegedly taken the following day, with audio of soldiers discussing their concerns about the killing of a compliant prisoner by a senior soldier the previous day in Shina.</p>	<p>M Willacy and Rory Callinan, '<a href="#">The same AK-47 was photographed on two dead Afghan civilians killed by Australian soldiers</a>', <i>ABC News</i> (online), 15 July 2020.</p> <p>M Willacy, '<a href="#">Video shows SAS soldiers discussing a fellow operator apparently killing a "compliant" prisoner in Afghanistan</a>', <i>ABC News</i> (online), 21 October 2020.</p>
<b>#33</b> Day uncertain— May 2012  Deh Jawz-e Hasanzai, Uruzgan Province	<p><b>Journalist report:</b> An SAS patrol searches for a man spotted by a helicopter in a wheat field near a mud compound. The incident was recorded on video through the head cam of the patrol's dog handler. The recording shows the military dog is released, finds the man and pulls him to the ground. 'Soldier C' and the dog handler reach the man. The dog handler calls the dog back and Soldier C trains an assault rifle on the man who is lying still on the ground. He appears to be unarmed and no equipment can be seen.</p> <p>Soldier C asks first the dog handler and then the patrol commander if he should kill the man. The dog handler defers to the patrol commander whose response cannot be heard.</p>	<p>M Willacy, '<a href="#">Killing Field</a>', <i>ABC Four Corners</i>, 16 March 2020. (video report)</p> <p>M Willacy, '<a href="#">Video shows Australian SAS soldier shooting and killing unarmed man at close range in Afghanistan</a>', <i>ABC News</i> (online), updated 20 March 2020.</p> <p>M Willacy and A Blucher, '<a href="#">Fellow soldiers say the SAS</a></p>



Date/Place	Report/Incident/Allegation/Inquiry	Source documents
	<p>Soldier C fires three shots and the man, later identified as Dad Mohammad, is killed.</p> <p>Willacy reports the killing was investigated by the ADF after complaints by tribal elders. The ADF report has not been published. The ADF investigators reportedly concluded the man was lawfully killed because he posed a direct threat to the Australian soldiers. Willacy claims the soldiers' statements to ADF investigators (that Dad Mohammad had been seen with a radio and Soldier C shot him from 15–20m away in self-defence) do not reflect what is shown in the video.</p>	<p><a href="#">operative filmed shooting an unarmed man killed another civilian</a>, ABC News (online), 27 May 2020.</p> <p>M Willacy, '<a href="#">Culture of cover-up</a>', ABC News (online), 17 March 2020.</p>
<p><b>#34</b> 27–28 May 2012</p> <p>Deh Jawz-e Hasanzai, Uruzgan Province</p>	<p><b>Senate Estimates Brief:</b> Allegation made by elders from Dorafshan to Provincial Reconstruction Team–Uruzgan (PRT-U) that coalition forces operating in the village of Dawjawaze Hasanzai on 27–28 May 2012, shot and stabbed a LN.</p> <p>It is possible this is the same incident as #33 above.</p> <p>CJOPS directed an administrative inquiry be held. Inquiry complete as at 1 October 2015, but findings not released.</p>	<p>VCDF, Senate Estimates Brief, '<a href="#">Afghanistan 2: Death or serious injury of Afghan civilians where ADF involvement is alleged and subject to administrative inquiry</a>', 1 October 2015, FOI 332/15/16, Item 3.</p>
<p><b>#35</b> Date unknown, likely mid 2012</p> <p>Location unknown</p>	<p><b>Journalist report:</b> An A US marine from US Marine Corps Light Attack Helicopter Squadron 469 'Vengeance' (HMLA-469) observed commandos on a joint drug operation. There was somebody just sitting on a wall watching them land. The commandos got off the helicopter and immediately shot the man a few times in the chest. The marine later challenged the commandos saying the man wasn't armed and asking what happened. A commando allegedly replied 'Oh, he was armed when we got through with him.'</p> <p><i>Note: HMLA-469 began their 2012 deployment at Camp Bastion on 15 May 2012.</i></p>	<p>M Willacy, A Blucher and D Oates, '<a href="#">US marine says Australian special forces soldiers made "deliberate decision to break the rules of war"</a>', ABC News (online), 20 October 2020.</p> <p>L Tourtelot '<a href="#">"Vengeance" takes flight, lifts off for first deployment</a>', 3rd Marine Aircraft Wing, US Marine Corps website.</p>
<p><b>#36</b> 5 June 2012</p> <p>Garmab, Uruzgan Province</p>	<p><b>Senate Estimates Brief:</b> Allegation reported to PRT-U members by tribal elders from the Garmab area of Uruzgan that on 5 June 2012 a LN was shot and killed whilst moving thorough the village to check on his son, who was in a nearby field. It is possible this is the same incident as #32 above.</p> <p>CJOPS directed an administrative inquiry be held. Inquiry complete as at 1 October 2015, but findings not released.</p>	<p>VCDF, Senate Estimates Brief, '<a href="#">Afghanistan 2: Death or serious injury of Afghan civilians where ADF involvement is alleged and subject to administrative inquiry</a>', 1 October 2015, FOI 332/15/16, Item 3.</p>
<p>June 2012— November 2012</p>	<p><b>Journalist report:</b> Multiple defence sources have confirmed that allegedly compelling evidence exists of Australian soldiers assaulting or murdering unarmed or handcuffed detainees between June and November 2012. Many of the incidents occurred during the 18th deployment of special forces to Afghanistan (it is not clear if this is the same as the deployment named Rotation XVIII).</p> <p>Journalists state they have confirmed the alleged incidents using multiple sources. Some of the evidence is in the form of recorded confessions from soldiers, both SAS and commandos who were present to colleagues or supporters. Journalists state that the DoD declined to respond to questions.</p>	<p>N McKenzie and C Masters, '<a href="#">Commando members confess to murder</a>', <i>The Saturday Age</i>, 21 September 2019, p. 1.</p>

Date/Place	Report/Incident/Allegation/Inquiry	Source documents
<p><b>#37</b> Date unknown—mid 2012 North of Camp Bastion in Helmand Province</p>	<p><b>Journalist report:</b> Marine Corps HMLA-469 was providing aerial covering fire for the Australian soldiers of the 2CDO during a night raid. the raid was in support of a wider joint Australian SF-US Drug Enforcement Administration (DEA) campaign targeting illicit drug operations that were financing the Taliban insurgency.</p> <p>A HMLA-469 helicopter door gunner with the pseudonym Josh watched 2CDO soldiers tackle and 'hogtie' several prisoners with hands behind their backs. He heard 2CDO report that they had captured 7 prisoners and request pick up, the pilot reported they could not carry that many. The helicopter crew heard a short silence, a pop, and then a 2CDO soldier said 'OK, we have six prisoners'.</p> <p>Josh said his crew decided there was no ambiguity, it was a deliberate decision to break the rules of war. He said the Australians had a reputation for action—lots of breaching of walls with explosives and lots of fires and bodies left in their wake.</p> <p>Two commandos from 2CDO Oscar Platoon deployed at the time confirmed that after the incident the DEA refused to work with 2CDO November Platoon:</p> <p>Our platoon commander pulled our platoon together and said that the [DEA] has said in no uncertain terms that they won't operate with [2CDO] November platoon any more due to their behaviour in the field.</p> <p>Josh says he flew dozens of missions with other special forces, including USMC special operations and the British SAS, 'Everybody else would step on the lines, but the Aussies would just see the line and just hop right over it.'</p>	<p>M Willacy, A Blucher and D Oates, '<a href="#">US marine says Australian special forces soldiers made "deliberate decision to break the rules of war"</a>', <i>ABC News</i> (online), 20 October 2020.</p>
<p><b>#38</b> Date unknown—2012 Location unknown</p>	<p><b>Journalist report:</b> SAS members in Afghanistan in 2012 allegedly possessed and displayed a large US Confederate flag with the words 'Southern Pride' emblazoned on it.</p> <p>[Note: <i>Display of a hate symbol would be a military discipline offence. US anti-hate organisation ADL, explains the Confederate flag is one of the more popular white supremacist symbols, including beyond the US. Although still used by non-extremists, especially in the South, as a symbol of Southern heritage or history, a growing number of people recognize it as a hate symbol. Whether display of the symbol is racist or white supremacist should be judged in context.</i>]</p> <p>The ABC published video, purportedly taken in Afghanistan in 2012, showing two SAS patrol members using the flag to guide a US Black Hawk helicopter to a landing zone after an Australian raid. The video appears to show that, as the helicopter lands, one of the soldiers slings the flag over his shoulder and helps the patrol escort several bound Afghan men to the landing zone.</p> <p>A photograph of SAS soldiers holding the flag allegedly features in a highlights video edited together by 3 Squadron SAS after its 2012 rotation of Afghanistan.</p>	<p>M Willacy and A Blucher, '<a href="#">Australian special forces shown posing with 'Southern Pride' Confederate flag in Afghanistan</a>', <i>ABC News</i> (online), 21 July 2020.</p> <p>Anti-Defamation League (ADL), <a href="#">Hate on Display Hate Symbols Database</a>, ADL website, accessed 2 November 2020.</p>

Date/Place	Report/Incident/Allegation/Inquiry	Source documents
	An SAS member allegedly told ABC Investigations he remembered the Confederate flag being held out the open door of the helicopter as they flew over the city of Tarin Kowt on their way back to their base.	
<b>#39</b> Date unknown—2012  Location unknown, Kandahar Province	<p><b>Journalist report:</b> Australian special forces soldiers were moving through the remote area during the early hours of the morning when they shot a boy dead. The family identified the boy as Khan Mohammed (14–15 years old) and said he was collecting figs in the early hours of the morning when he was shot in the leg and chest. Photographs of the dead boy do not show a weapon. Relatives were interviewed by an Afghan journalist.</p> <p>A ‘source with knowledge of the incident’ stated that there was no obvious insurgent activity in the area and the patrol had not been fired upon prior to the boy’s death. The boy was shot before dawn. The soldiers left his body where it lay. The killing was allegedly never reported up the chain of command, and was never the subject of any inquiry. The ABC reports Defence has confirmed it has no record of a civilian casualty occurring in that area at that time and has referred the incident to the AFP, which is liaising with the Brereton Inquiry.</p>	D Oakes and S Clark, ‘ <a href="#">Death in Kandahar</a> ’, ABC News (online), 10 July 2017.
<b>#40</b> 15 July 2012  Chora Valley Uruzgan Province	<p><b>Journalist report:</b> A patrol led by Roberts-Smith was tasked to flush out insurgents. During the patrol, a member was nearly shot by a second SAS patrol in a friendly fire incident. Trooper J was not responsible for the friendly fire but he was allegedly accused of breaching protocol by firing his weapon in response and not adhering to Roberts-Smith’s orders.</p> <p>Multiple witnesses allege that Roberts-Smith castigated the trooper in front of his patrol, ordering Trooper J to stand up and then punching him in the head. Trooper J was formally investigated, placed on administrative duties with another patrol, and soon after left the army. Roberts-Smith allegedly later threatened to report Trooper J to the International Criminal Court (ICC) for firing in the vicinity of civilians if the trooper’s account of the incident did not match his own.</p> <p>Roberts-Smith denies allegations he is a bully or that he ever assaulted or bullied a fellow soldier.</p>	McKenzie et al., ‘ <a href="#">Beneath the bravery of our most decorated soldier</a> ’, op. cit.
29 August 2012  Patrol Base Wahab, Uruzgan Province	<p><b>Sapper James Martin</b> 2CER killed in a small-arms incident.</p> <p><b>Lance Corporal Stjepan Milosevic</b> 2/14 Light Horse Regiment killed in a small-arms incident.</p> <p><b>Private Robert Poate</b> 6RAR killed in a small-arms incident.</p> <p><b>Journalist report:</b> DoD and ISAF confirm three soldiers died when ‘an individual wearing an Afghan National Army uniform turned his weapon against ISAF service members’. Later reports identified the individual as an Afghan Army sergeant named Hekmatullah.</p>	DoD, ‘ <a href="#">Lest We Forget</a> ’, op. cit.  Staff reporter, ‘ <a href="#">Diggers confirmed dead in “green on blue” attack</a> ’, ABC News (online), 30 August 2012, updated 14 February 2014.  D Oakes, ‘ <a href="#">Death in Darwan</a> ’, ABC News (online), 10 June 2018.

Date/Place	Report/Incident/Allegation/Inquiry	Source documents
29 August 2012— September 2012	<b>Journalist report:</b> After the attack by Hekmatullah at Patrol Base Wahab, special forces were sent on 'mission after mission' hunting for him. Sources told the ABC 'things did get a bit heavy-handed' and 'things went a bit sideways there'.	Oakes, ' <a href="#">Death in Darwan</a> ', op. cit.
<b>#41</b> 31 August 2012  Sola, a suburb on the eastern fringe of Tarin Kowt, Uruzgan Province	<p><b>Journalist report:</b> After OBJ EMERALD PANTHER was captured during the hunt for Hekmatullah; his mobile phone identified a compound of interest in Sola. SAS troops were deployed there at night by helicopter and truck.</p> <p>An SAS trooper, Corporal Shane, wrestled an LN later named as Mullah Jalil Akhund (Jalil), to the ground. After being initially compliant, Jalil tried to grab the trooper's weapon, so the trooper shot him dead. Masters says Corporal Shane thought he was wrestling with Hekmatullah. Each man allegedly struggled to bring his weapon to bear and Jalil was shot under the chin.</p> <p>Another LN, named as Mullah Janan Akhund (Janan), was seen talking on a radio as an Australian helicopter approached the area. That LN failed to comply with orders to stop and appeared to be manoeuvring to a covered position so was shot dead. Masters alleges Janan was shot by Corporal Ben (Oakes and Clark later identified this soldier as Ben Roberts-Smith).</p> <p>Oakes and Clark state that the <b>IO report</b> said troops acted within the ISAF ROE they were using but noted they were not using Australian ROE. They also reported that the IO stated that the troops' assessment that the Afghan man was demonstrating insurgent tactics, techniques and procedures was based on their own experience rather than any approved criteria. Notes accompanying the report recommended it not be made public.</p> <p>In the second report, Oakes and Clark state, citing a briefing paper (no date given) for Minister of Defence David Johnston, that Janan was 'assessed by SOTG members to be manoeuvring to gain tactical advantage through a covered position and potentially accessing a cache of weapons'. Janan was allegedly shot multiple times in the head and chest by two Australians, one of whom was purportedly Corporal Roberts-Smith. The briefing reportedly stated 'The scope of the legal concept of direct participation in hostilities ... is necessarily subjective in nature ... there is no compelling reason to second-guess the judgement of the soldiers involved'.</p> <p>Journalists say the <b>IO report</b> identified 'a number of concerns in relation to the application of Australian ROE with respect to individuals taking a direct part in hostilities'. They claim this prompted CDF to issue clarification of ROE in April 2013.</p> <p><b>Senate Estimates Brief:</b> During the operation, an insurgent leader known to have been involved in improvised explosive device attacks in Uruzgan province was detained. The insurgent leader was one of 12 persons of interest detained during the operation. Eleven people were later released after initial questioning indicated there was insufficient evidence to support their continued detention. The Brief stated: The Inquiry Officer found that the operation was appropriately authorised and that</p>	<p>D Oakes and S Clark, '<a href="#">What the documents reveal about killings of unarmed Afghans: on the hunt for deadly Afghan soldier, two men killed</a>', ABC News (online), 11 July 2017.</p> <p>D Oakes and S Clark, '<a href="#">Who is the enemy? Australia's secretive rules of engagement</a>', ABC News (online), 11 July 2017, updated 15 July 2017.</p> <p>Masters, <i>No front line</i>, op. cit., p. 489.</p> <p>VCDF, Senate Estimates Brief, '<a href="#">Afghanistan 2: Death or serious injury of Afghan civilians where ADF involvement is alleged and subject to administrative inquiry</a>', 1 October 2015, FOI 332/15/16, Item 3.</p>

Date/Place	Report/Incident/Allegation/Inquiry	Source documents
	two Afghan nationals were engaged and killed within the ROE. The inquiry report has not been released in order to protect the safety of Australian and coalition personnel who remain in Afghanistan.	
<b>#42</b> 11 September 2012 Darwan, Uruzgan Province	<p><b>The Darwan raid—deaths of Yaro Mama Faqir and Haji Nazar Gul</b></p> <p><b>Oakes report:</b> Australian soldiers were acting on intelligence reports that Hekmatullah was being sheltered at the house of Haji Mohammad Gul in Darwan. Darwan lay in an area controlled by the Taliban.</p> <p>Many relatives of Gul were staying at his compound that night, including his brother, Haji Nazar Gul, who had travelled from Helmand; his nephew, Ali Jan Faquir, who had come down from the mountains to buy flour; and his brother-in-law, Yaro Mama Faquir.</p> <p>Two sons of Gul, Sayed Hamid Khan and Sayed Jan, gave recorded interviews about the events to an Afghan journalist retained by the ABC, Bilal Sawary. The men claimed they had not sheltered Hekmatullah.</p> <p>A village elder interviewed later said the family had sheltered Hekmatullah and that other villagers were angered by that. However, he said he did not believe the family had ties to the Taliban.</p> <p>Soldiers arrived in Darwan by helicopter at dawn. Hekmatullah was not there. The facts around the way the Darwan raid was conducted and what occurred are contested.</p> <p><b>McKenzie/Masters/Oakes report:</b> During the search of Haji Mohammad Gul's compound, soldiers found two weapons and detained more than 50 LN. Yaro Mama Faqir and Haji Nazar Gul were two of those detained. Other detainees were present in the room when soldiers questioned the two men about where they had come from and why they were in Darwan. After the questioning, the soldiers took the two men to a room where almonds were stored.</p> <p>Witnesses heard noises like silenced pistols firing. No one saw what happened, but later that day the two men were found dead. Photographs later shown to a LN witness allegedly showed the men dead with guns beside them.</p> <p>Journalists report that, in the post-mission debrief, soldiers claimed the two men were armed. Villagers say they were not.</p> <p>Six of the detainees were taken back to Tarin Kowt by helicopter for questioning.</p> <p><i>Note: McKenzie, Masters and Oakes say they conducted hours of interviews with dozens of current and former soldiers and obtained confidential documents and briefings.</i></p> <p><b>Maley report:</b> On 27 September 2019, Maley reported a different account of the Darwan raid. According to this report, a force of about 100 soldiers from SASR, ANA and commandos</p>	<p>N McKenzie and C Masters, <a href="#">‘Did the SAS kick cuffed man off cliff?’</a>, <i>The Saturday Age</i>, 9 June 2018, p. 1.</p> <p>N McKenzie and C Masters, <a href="#">‘SAS’s day of shame’</a>, <i>The Saturday Age</i>, 9 June 2018, pp. 1, 10–13.</p> <p>Oakes, <a href="#">‘Death in Darwan’</a>, op. cit.</p> <p>Greene and Conifer, <a href="#">‘Ben Roberts-Smith rejects Afghanistan allegations and “gossip” detailed in court document’</a>, op. cit.</p> <p>McKenzie, <a href="#">‘Secrets of war’</a>, op. cit.</p> <p>N McKenzie and C Masters, <a href="#">‘SAS hero subject of war crime inquiry’</a>, <i>The Age</i>, 23 September 2019, p. 1.</p> <p>P Maley, <a href="#">‘Battle on the home front’</a>, <i>The Australian</i>, 27 September 2019, p. 11.</p> <p>P Maley, <a href="#">‘War crimes defamation case: “witness wasn’t there”’</a>, <i>The Australian</i>, 14 December 2019.</p> <p>N McKenzie and C Masters, <a href="#">‘New AFP probe of war hero’</a>, <i>The Age</i>, 16 December 2019, pp. 1, 6.</p>



Date/Place	Report/Incident/Allegation/Inquiry	Source documents
	<p>arrived by helicopter.</p> <p>An initial assault team engaged two LNs as it cleared the village, killing both. Civilians were mainly confined in the village. A second patrol, alleged to have included Roberts-Smith, positioned itself several hundred metres away as a blocking force and had little contact with civilians.</p>	
<p><b>#43</b> 11 September 2012</p> <p>Darwan, Uruzgan Province</p>	<p><b>The Darwan raid—deaths of Ali Jan Faqir (and the ‘spotter’?)</b></p> <p>The facts around the death of Ali Jan Faqir are contested. Reports appear to differ on whether two men or only one were killed by a patrol.</p> <p><b>McKenzie/Masters/Oakes report:</b> Villagers say that when the soldiers arrived, Ali Jan Faqir had already loaded his donkeys and started the journey back to his family; however, as the helicopters came into view, he turned back and sought refuge in the home of a villager called Man Gul.</p> <p>Soldiers questioned Ali Jan Faqir and led him away. Ghulab Shah, Ali Jan Faqir’s brother, claims villagers told him Ali Jan was kicked or thrown off a high retaining wall into a ditch. Sayed Hamid Khan says villagers told him that they had seen Ali Jan Faqir with his hands cuffed, shot and then thrown from the wall. They said when he was thrown from the wall he screamed.</p> <p>Two witnesses working with the SAS allege an SAS soldier with the pseudonym ‘Leonidas’<sup>11</sup> kicked the handcuffed detainee off the edge of a small cliff badly injuring his face on rocks. The impact of the fall to the dry creek below was so significant that it knocked Ali Jan’s teeth out of his mouth. ‘Leonidas’ then agreed with others to execute the detainee. Another soldier is suspected of shooting Ali Jan. Villagers later reported finding Ali Jan’s body with a radio next to it beneath a bush near the cliff.</p> <p>On 23 September 2019, McKenzie and Masters reported that serving SAS soldiers identified the soldier alleged to have kicked Ali Jan off the cliff as Corporal Ben Roberts-Smith.</p> <p>In December 2019, journalists reported Roberts-Smith denies the alleged wrongdoing, and relies on the testimony of another SAS soldier who claims to be the one who shot Ali Jan because he deemed Ali Jan a hostile insurgent posing a threat.</p> <p>The journalists report other SAS witnesses and support staff cooperating with the AFP contest that claim.</p> <p><b>Maley report:</b> A second patrol alleged to have included Roberts-Smith acted as a blocking force and positioned itself several hundred metres away from the village. This second patrol reportedly engaged two LNs.</p> <p>The patrol observed a ‘squinter’ across the Helmand River. At least one soldier fired at the man who hid in a rocky outcrop above the riverbank. Thinking it might be Hekmatullah; Roberts-</p>	<p>McKenzie and Masters, ‘<a href="#">Did the SAS kick cuffed man off cliff?</a>’, op. cit.</p> <p>McKenzie and Masters, ‘<a href="#">SAS’s day of shame</a>’, op. cit.</p> <p>Oakes, ‘<a href="#">Death in Darwan</a>’, op. cit.</p> <p>Greene and Conifer, ‘<a href="#">Ben Roberts-Smith rejects Afghanistan allegations and “gossip” detailed in court document</a>’, op. cit.</p> <p>McKenzie, ‘<a href="#">Secrets of war</a>’, op. cit.</p> <p>McKenzie and Masters, ‘<a href="#">SAS hero subject of war crime inquiry</a>’, op. cit.</p> <p>Maley, ‘<a href="#">Battle on the home front</a>’, op. cit.</p> <p>Maley, ‘<a href="#">War crimes defamation case: “witness wasn’t there”</a>’, op. cit.</p>

11. It was suggested to journalists that this might have been a re-enactment of a scene from movie ‘300’ because one patrol of SAS soldiers allegedly venerated Spartan culture.

Date/Place	Report/Incident/Allegation/Inquiry	Source documents
	<p>Smith swam across the river, climbed the bluff and shot the LN.</p> <p>The LN was searched and allegedly had valuable intelligence material – Iranian made IED detonators. The LN also had an old AK-47 with an Australian bullet lodged in it. Roberts-Smith allegedly took the weapons and then pushed the body down the bank so another soldier could photograph it.</p> <p>The patrol encountered a small number of civilians as it manoeuvred from the river back toward the village but none were fighting-age males. As they crossed a cornfield toward the end of the mission, Roberts-Smith's patrol allegedly shot and killed a Taliban spotter who allegedly had a radio.</p> <p>This second account of the raid is similar to that reportedly given by lawyers for Roberts-Smith during preliminary argument in a Federal Court defamation claim. The lawyers argue two combatants were killed by Roberts-Smith's patrol and the killings were lawful.</p>	<p>McKenzie and Masters, '<a href="#">New AFP probe of war hero</a>', op. cit.</p> <p>Maley, '<a href="#">They're calling me a murderer: war hero</a>', op. cit.</p>
<p><b>#44</b></p> <p>3 October 2012</p> <p>Location not given</p>	<p><b>Journalist report:</b> A commando of 'November platoon' was told by a more senior commando to 'take the prisoner ... and get rid of them' in a discreet location.</p> <p>He questioned the order but was told to 'get on with the job' and that 'it was OK because he was a 'bad guy'. The commando was sure the prisoner was innocent; however, he has confessed that he executed the prisoner with his pistol, shooting the prisoner in the back of the head at point blank range.</p> <p>The document detailing his admissions suggests that other members of the platoon had also carried out orders to get rid of prisoners by shooting them and that other commandos had participated in a summary execution.</p>	<p>McKenzie and Masters, '<a href="#">Commando members confess to murder</a>', op. cit.</p> <p>McKenzie, '<a href="#">Secrets of war</a>', op. cit.</p> <p>N McKenzie and C Masters, '<a href="#">Walking the line</a>', <i>The Saturday Age</i>, 21 September 2019, p. 29.</p>
<p><b>#45</b></p> <p>October 2012</p> <p>Location not given</p>	<p><b>Journalist report:</b> Two ADF witnesses allege that SAS soldier 'Leonidas' instructed and pressured an Afghan soldier to execute an unarmed prisoner of war suspected to have secreted a cache of arms in the wall of a house.</p>	<p>McKenzie and Masters, '<a href="#">Did the SAS kick cuffed man off cliff?</a>', op. cit.</p> <p>McKenzie and Masters, '<a href="#">SAS's day of shame</a>', op. cit.</p>
<p>22 November 2012</p>	<p>ANA takes responsibility for security in Uruzgan Province. The Special Operations Task Group continues to conduct partnered combat operations to disrupt the insurgency.</p>	<p>S Smith (Minister for Defence), <a href="#">Transition in Afghanistan</a>, media release, 22 November 2012.</p>
<p><b>#46</b></p> <p>December 2012</p> <p>Sara Aw, Kandahar Province</p>	<p><b>Journalist report:</b> Villagers allege that at about 11 am three helicopters landed carrying SAS patrols 'Zulu 1' and 'Zulu 2' which were to be partnered with Wakunish (Afghan police special forces). Three armed Taliban located in nomad houses near the village resisted and were killed by the Zulu 2 patrol. Their weapons were recovered.</p> <p>At least five farmers were allegedly shot by the Zulu 1 patrol near a tractor. No weapons were recovered from that group. Abdul Salim was driving the tractor when he was shot dead. Other villagers working on irrigation or with a crop of onions were also killed, including one named Mohammad Azam. Abdul</p>	<p>M Willacy and A Blucher, '<a href="#">Witnesses say Australian SAS soldiers were involved in mass shooting of unarmed Afghan civilians</a>', <i>ABC News</i> (online), 13 July 2020.</p>

Date/Place	Report/Incident/Allegation/Inquiry	Source documents
	Qadus was wounded and taken to the Afghan National Army hospital at Kandahar airbase. Accounts vary, but up to five Taliban and ten civilians were allegedly killed.	
21 December 2012	<p>ANSF and the SOTG destroyed significant quantities of narcotics and weapons and removed insurgent commanders from the battlefield in operations over the three months to December 2012. Partnered missions were carried out in the Daykundi, Helmand, Kandahar and Uruzgan provinces of Afghanistan from September through to December.</p> <p>SOTG Commanding Officer, Lieutenant Colonel I said that, during 2012, SOTG and their Afghan special police partners combined to remove a large number of insurgent commanders from the battlefield.</p>	<p>DoD, <a href="#">Successful rotation for SOTG comes to an end</a>, op. cit.</p> <p>DoD, <a href="#">Afghan National Security Force and Australian Special Forces help cut insurgent funding</a>, media release, 21 December 2012.</p>
<b>#47</b> 7 January 2013 Noy Juy (Nawjoy) Uruzgan Province,	<p><b>Journalist report:</b> Villagers say Australian troops arrived in Nawjoy by helicopter. The Imam of the village was allegedly with some of the village women, teaching the children. The women reported an Afghan interpreter accompanying the patrol asked the Imam his name. After he gave his name as Mawlawi Sher Mohammad, he was allegedly pulled away from the women and taken to the stable next to his home. The women say two shots were fired.</p> <p>Villagers say he was left lying in the doorway with his head in the stable and his feet outside. He had been shot with two bullets in the chest. They complained he had no links with the Taliban and his corpse was in a disrespectful situation dragged into a place for animals.</p> <p>ABC Investigations alleged that the dead man was a civilian who shared the same name as a Taliban target and 'that he was killed in cold blood'.</p> <p>Villagers also accuse the SAS of burning motorbikes and a car belonging to villagers. They say 16 villagers were detained at Tarin Kowt airbase before being released days later.</p>	<p>M Willacy and R Callinan, <a href="#">‘The mistaken identity that led to Australian soldiers allegedly killing the wrong man’</a>, ABC News (online), 21 July 2020.</p>
8 February 2013	<p>SOTG Rotation XVIII handed over to the incoming rotation. Hekmatullah escaped to Pakistan; however, intelligence generated by Rotation XVIII led to his later arrest in Pakistan and extradition to Afghanistan.</p>	<p>Masters, <i>No front line</i>, op. cit., p. 502.</p>
<b>#48</b> 28 February 2013 Char Chineh, Uruzgan Province	<p><b>Journalist report:</b> While troops were conducting a sweep through a remote region, radio chatter from insurgents indicated an imminent threat. SAS soldiers identified two insurgents 1.3km away from a checkpoint. An SAS officer, Captain Andrew Hastie, called in a helicopter strike to correct coordinates, but the helicopter fired on an area a few hundred metres away. The SAS patrol found two dead Afghan boys and three dead donkeys. Masters names the dead boys as Toor Jan and Odood.</p> <p>Journalists reported the ADF said no Australian was to blame; however, a NATO enquiry found the Australian commander on the ground and the pilot of the US attack helicopter failed to fulfil targeting obligations when they did not coordinate</p>	<p>D Oakes and S Clark, <a href="#">‘What the documents reveal about killings of unarmed Afghans: helicopter strike kills boys and donkeys’</a>, ABC News (online), 11 July 2017.</p> <p>It is unclear, but likely, that this is the same incident reported by B Nicholson and J Kelly, <a href="#">‘Diggers in attack that killed two boys’</a>, <i>The Weekend Australian</i>, 2 March 2013, p. 6.</p> <p>Masters, <i>No front line</i>, op. cit.,</p>

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	observation and fire onto same point.	pp. 507–508. McKenzie, <a href="#">‘Secrets of war’</a> , op. cit.
<b>#49</b> 9 or 10 March 2013 Southern region of Uruzgan Province	<p><b>Journalist report:</b> Australian and Afghan troops were conducting an armed reconnaissance of insurgent high activity zones. Australian troops saw a motorbike carrying two LNs moving in a ‘stop/start’ fashion. An Australian said he tried using hand gestures and verbal commands to get the motorcyclist to stop but believed the motorcycle was heading to an area that would provide a tactical advantage. Another Australian shot and killed the rider; the female passenger fell off and was apparently unhurt.</p> <p>The Australian did not tell anybody at the time that he had shot the motorcyclist, and it was erroneously reported that Afghan troops were responsible.</p> <p>Journalist reported that an IO found the killing was within ROE. Commando was cleared because intercepted communications revealed insurgents were active in the area, and the motorcyclist had exhibited behaviour consistent with ‘spotter’ behaviour (that is, ignoring commands to stop and watching Australian troops).</p> <p>In the second report, journalists cite further documents and claim:</p> <ul style="list-style-type: none"> <li>• Chief of police, Matiullah Khan, said in a meeting with Australian Special Forces that he was agitated about shooting civilians, especially females, who do not target ISAF or ANSF.</li> <li>• A NATO investigation team noted the local head of the Afghan national intelligence service (NDS) stating that Uruzgan citizens blamed the NDS for civilian casualty incidents arising from Special Operation raids.</li> <li>• The NATO report (written by an Australian officer) said acceptance of ANSF as the lead security agency made discretionary ISAF unilateral actions less acceptable to local government and population. The shift might require a review of the burdens of proof for engaging ‘spotters’.</li> </ul>	<p>D Oakes and S Clark, <a href="#">‘What the documents reveal about killings of unarmed Afghans: Motorcyclist gunned down for stopping and starting’</a>, ABC News (online), 11 July 2017.</p> <p>Oakes and Clark, <a href="#">‘Who is the enemy? Australia’s secretive rules of engagement’</a>, op. cit.</p>
Date unknown 2013 Perth	<p><b>Journalist report:</b> In 2013 at SASR barracks in Perth, a group of senior non-commissioned officers heard certain allegations and reported matters up the line. Unit psychologists and the chaplains also raised concerns.</p>	<p>Masters, <a href="#">‘A law unto themselves? Who dares speak?’</a>, op. cit.</p>
April 2013	<p><b>Journalist report:</b> Journalists claim to have seen ADF documents instructing troops that unarmed LNs could be legitimately killed if they were directly participating in hostilities (DPH). A person could be DPH if:</p> <ul style="list-style-type: none"> <li>• Moving in a tactical fashion.</li> <li>• Moving to an area where weapons might be stored.</li> <li>• ‘Spotting’ for insurgents.</li> </ul> <p>The documents stressed that mere suspicion or instinct was not</p>	<p>Oakes and Clark, <a href="#">‘Who is the enemy? Australia’s secretive rules of engagement’</a>, op. cit.</p>

Date/Place	Report/Incident/Allegation/Inquiry	Source documents
	<p>sufficient to assess DPH. A soldier must have a solid basis for suspicion based on knowledge of insurgent ‘tactics, techniques and procedures’.</p> <p>Journalists report that in April 2013, CDF, CJOPS and Commander Joint Task Force 633 each issued directives stressing that Australian soldiers must have a high degree of confidence that a targeted person is directly participating in hostilities. Journalists quote General David Hurley’s CDF Directive:</p> <p style="padding-left: 40px;">An ADF member is exposed to criminal and disciplinary liability, including potentially the war crime of murder ... for opening fire on a person when there is a substantial risk that the person is not DPH.</p>	
<p><b>#50</b> 28 April 2013  Olum Ghar, Zabul Province</p>	<p><b>Journalist report:</b> Journalists stated they had access to an IO Report. A photograph accompanying the article shows the title as: <i>Inquiry into incident involving sensitive site exploitation by members of SOTG on 28 APR 13 (F69031)</i>.</p> <p>SOTG were searching for an insurgent OBJ RAPIER who was a priority target. A total of 120 troops from SAS and commandos involved including Captain Andrew Hastie. A high intensity battle occurred during the patrol.</p> <p>Masters reported a squighter was tracked by overhead surveillance and a military working dog to a cave and shot by a five-tour veteran SAS Corporal. He recovered a Makarov pistol and conducted a time sensitive examination (TSE).</p> <p>The patrol then moved by helicopter across the valley to intercept more squighters. They shot and killed two more LNs, one carrying an AK-47. Another insurgent was killed by a different patrol. Two of the KIA had been shot in the face and were not recognisable. Journalist reported that an SAS corporal searched the bodies and cut the right hand off each of three corpses with a surgical scalpel.</p> <p>Hastie had to scramble down a slope to reach the KIA and by the time he got there, the helicopters were warning of fuel shortage. He saw the hands and with a sergeant questioned the corporal, who did not answer. Another trooper said: ‘This is a tactical necessity. This is a procedure to conduct latent fingerprints in the laboratory to take explosive residues.’</p> <p>An SOER sergeant who was tasked and equipped to conduct the examination was busy elsewhere. The troop had to run 2,000 metres to a landing zone to extract. Once in the air and back at base Hastie further questioned the men. He told them not to sever any more hands and next day reported the incident up the chain of command.</p> <p>Journalists noted Australian troops were required, where possible, to collect fingerprints and eye scans of every insurgent killed. Site exploitation required soldiers to take photographs of corpses, remove weapons, phones, documents and collect fingerprints and DNA samples via hair samples and swabs for a digital database. ISAF guidance called for biometric enrolment to</p>	<p>M Brissenden, ‘<a href="#">Australian special forces troops under investigation for cutting off hands of dead Afghan insurgent</a>’, <i>ABC News</i> (online), 30 August 2013.</p> <p>D Oakes and S Clark, ‘<a href="#">“What the f*** are you doing”: chaos over severed hands</a>’, <i>ABC News</i> (online), 11 July 2017.</p> <p>D Oakes and S Clark, ‘<a href="#">SAS soldier cleared of war crimes after cutting hands off dead Taliban suspects in Afghanistan</a>’, <i>ABC News</i> (online), 14 September 2017.</p> <p>Masters, <i>No front line</i>, op. cit., pp. 516–522.</p>



Date/Place	Report/Incident/Allegation/Inquiry	Source documents
	<p>be conducted with dignity.</p> <p>SAS troopers claimed that ADFIS officers had sanctioned the practice of cutting off hands at a training session on 19 April 2013. The corporal said he had severed the hands because there was time pressure to retrieve the biometric material and to get back to the helicopters for extraction.</p> <p>On 2 May the SOTG were put on an operational pause. The Commanding Officer, Lieutenant Colonel Beesley, was allegedly not informed of the incident until 1 May 2013. He concluded that the intent was professional and in no way trophy hunting. No locals raised allegations, and the incident was wholly self-reported by the SOTG. On 15 May, the operational pause was partly lifted.</p> <p>The SASR corporal and his sergeant were later sent home.</p> <p>Journalists report that the <b>IO Report</b> concluded:</p> <ul style="list-style-type: none"> <li>• ‘The views expressed [by other SAS members] appeared to go beyond mere support for [the corporal] and demonstrated a drift in values, or at least a degree of desensitisation’.</li> <li>• ‘It would be imprudent for commanders to assume that these members are in a position to make value judgements, in a way that will align with the judgement of the commanders ...’</li> </ul> <p>ADFIS commenced an investigation. Journalist reported ISAF also stated they would investigate. In October 2013, the commanding officer of the SOTG complained in writing to the head of ADFIS that the ADFIS team were deliberately seeking to charge members of the SOTG to prevent any adverse action against ADFIS members over their instructions to troops.</p> <p>The AFP commenced a two-year investigation into whether the soldier committed a war crime. The AFP did not find evidence of a war crime and referred the matter back to the ADF. It is not clear if any disciplinary action was taken against the soldier who severed the hands. No ISAF inquiry outcome has been reported.</p>	
April 2013	<p><b>Journalist report:</b> Corporal M made an official complaint against Corporal Roberts-Smith alleging that he was bullied and harassed by Roberts Smith. Corporal M alleged Roberts-Smith had complained of his performance while on deployment in 2006 and threatened to shoot him in the back of the head if it didn’t improve. Corporal M also alleged that Roberts-Smith demeaned his character and ability as an SAS patrol member during a 2012 squadron conference.</p> <p>Roberts-Smith told the investigator: “These allegations are simply not true and have been fabricated ... (Corporal M) has been communicating with other members of the unit to try and concoct stories and statements to verify his allegations.”</p> <p>The SAS conducted a quick assessment inquiry into the allegations and a four page staff-in-confidence briefing was given to the SASR commanding officer. In his official report, the</p>	B Packham, <a href="#"><i>“I will shoot you”: SAS at war</i></a> , <i>The Australian</i> , 10 October 2020, p. 1.

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	investigating captain found 'there is sufficient evidence to suggest that CPL Roberts-Smith may have verbally insulted (Corporal M)', and that 'an act of unacceptable behaviour may have been carried out by CPL Roberts-Smith during that deployment'.	
<b>#51</b> 23 September 2013  Chenartu, Patan, Uruzgan Province	<p><b>Journalist report:</b> Journalists claimed to have access to a quick assessment IO report. Afghan and Australian troops were conducting a clearance operation. Soldiers detained three persons of interest. They were handcuffed and taken to a nearby hut. Afghan troops conducted interrogation, concluded they were Taliban and should be taken to Tarin Kowt for questioning.</p> <p>The first two were questioned and taken outside. After the third was questioned, an Australian soldier was alone with the detainee. The soldier removed the detainee's plastic handcuffs 'in order to transfer him to the helicopter' and the detainee grabbed for the soldier's rifle. The soldier called for help, then regained control of the weapon and fired two or three shots point blank, which killed detainee. There were no witnesses.</p> <p>According to journalists, the IO report cleared the soldier. ADFIS decided to investigate whether it was a wilful killing. During the ADFIS investigation, the commander initially denied ADFIS access to the weapon used. There was a heated dispute between investigators and commanders over the usefulness of the evidence and the legality of the warrant. The weapon was eventually handed over. No one was charged.</p>	<p>D Oakes and S Clark, '<a href="#">What the documents reveal about killings of unarmed Afghans: detainee shot dead in hut prompts war crime probe</a>', ABC News (online), 11 July 2017.</p> <p>D Oakes and S Clark, '<a href="#">An interrogation, a shooting and no witnesses</a>', ABC News (online), 11 July 2017.</p>
<b>#52</b> 26 September 2013  Spin Kecha village, North West Uruzgan Province  <i>Alternative location:</i>  Ala Balogh village on outskirts of Tarin Kot Uruzgan Province	<p><b>Journalist report:</b> While searching a compound targeting a high value Taliban target, soldiers saw a man, named as Bismillah Azadi, pointing a pistol at them. He was shot and killed by two SOTG soldiers who were unaware that his son Sadiquallah was hidden in blankets near him. The child was discovered with a single gunshot to the abdomen and died.</p> <p>Relatives of the dead man told journalists that Azadi was unarmed when killed and had no links to the Taliban.</p> <p>Oakes and Clark report a defence inquiry found the soldiers had fired in self-defence and exercised appropriate restraint. Inquiry reportedly said there was insufficient evidence to conclude Bismillah was an insurgent; however, use of pistol and lack of local outcry suggested he was supportive of insurgency.</p> <p><i>Note: Willacy and Callinan say their report is based on more than 90 files from the AIHRC and interviews in Afghanistan.</i></p> <p><b>Journalist report:</b> Target of raid was Taliban commander Mula Sardar, who was captured. Soldiers from SOTG Rotation 20 climbed onto roof of Mula Sardar's neighbour. Soldiers entered a house [not clear which one] and shot and killed Bismillah Jan and his six year old son Sadiquallah while they were asleep under a blanket on the veranda.</p> <p>Mohammad Masoom (Bismillah's cousin and neighbour) said he found the man with the boy lying in his father's arms under the blanket, which had bullet holes, and they were bleeding out of</p>	<p>D Oakes and S Clark, '<a href="#">Death in Kandahar: Father and son gunned down in raid</a>', ABC News (online), 11 July 2017.</p> <p>D Oakes and S Clark, '<a href="#">What the documents reveal about killings of unarmed Afghans: child found under blankets with bullet wound</a>', ABC News (online), 11 July 2017.</p> <p>Oakes, '<a href="#">Investigators travel to Afghanistan to interview witnesses over alleged Australian war crimes</a>', op. cit.</p> <p>M Willacy and R Callinan, '<a href="#">A boy and his father were shot dead by Australian soldiers in Afghanistan. New reports claim they were unarmed</a>', ABC News (online), 16 October 2019.</p>

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	<p>the blanket. The boy had bandages and syringes on him. Esmat Khan (Bismillah's son) said his father and brother were asleep when the soldiers arrived. He says there were boot marks on his father's shoulder and head.</p> <p>Bismillah's family made a detailed complaint to the <i>AIHRC</i> about the killing, alleging it was completely unwarranted and that the farmer did not own a pistol.</p>	
2 October 2013	<p><b>Journalist report:</b> Corporal Roberts-Smith resigned from the Army to move into a business career but looked forward to continuing to serve in the Army Reserve, and working with various Defence Force charities.</p> <p>The SASR commanding officer, 'Lieutenant Colonel G', said Roberts-Smith had made a significant contribution to the unit since 2003. For almost a decade he faithfully served his country and the SASR in a period of continuous and unprecedented operational tempo. His awards for valour in Afghanistan are testament to his fierce determination and his absolute commitment to the profession of arms, in keeping with the SASR ethos that all regimental members uphold.</p> <p>The CA, Lieutenant General David Morrison, thanked Roberts-Smith for his service, 'Ben represents the best of the Australian soldier and has been a wonderful ambassador for the Australian Army'.</p>	M Willacy and R Callinan, ' <a href="#">Victoria Cross recipient Ben Roberts-Smith leaving Army for career in business</a> ', <i>ABC News</i> (online), 2 October 2013.
#53 7 December 2013 Kabul	<p><b>Inspector-General of Intelligence and Security (IGIS)</b>, Dr Vivienne Thom, reported a 'serious incident involving an allegedly inappropriate action by an officer of another Australian government agency towards an ASIS officer' in her 2013–14 Annual Report. IGIS found that the Australian Secret Intelligence Service (ASIS) did not yet have adequate controls in place to ensure that a person with a blood alcohol content above zero would not have carriage of a weapon. IGIS also found that she had been provided with inaccurate information, and her review of the ASIS investigation revealed substantial discrepancies.</p> <p><b>Journalist report 2014:</b> A source said the incident reported by IGIS referred to an Australian SAS trooper pulling a loaded handgun on an ASIS agent.</p> <p><b>Journalist report 2017:</b> Journalists claimed access to a 36-page report marked Secret AUSTEO (Australian Eyes Only) which explained the incident. A few ASIS officers and nine Australian soldiers who were deployed to guard them were present at a BBQ, as well as two Afghan interpreters and some Canadians. Alcohol was consumed. All soldiers at the event, except A35, initially denied they had been drinking. However, later they said senior members in their chain of command also drank alcohol and were aware that the soldiers drank. An order of 12 cases of beer and 40 bottles of spirits had been supplied through the Australian Embassy. The report found that, while ASIS officers were allowed to consume alcohol under certain circumstances, ADF personnel were not.</p> <p>SAS soldier 'A35' and ASIS 'Officer L' were to some degree</p>	<p>Inspector General of Intelligence and Security (IGIS), <a href="#">Annual report 2013–14</a>, The Office of the IGIS, p. 11.</p> <p>C Uhlmann, '<a href="#">Special forces soldier pulled handgun on Australian spy during drinking session in Afghanistan</a>', <i>ABC News</i> (online), 21 October 2014.</p> <p>D Oakes and S Clark, '<a href="#">The spy and the SAS soldier with a loaded Glock</a>', <i>ABC News</i> (online), 11 July 2017.</p>

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	<p>intoxicated. A35 left the event walking toward his room carrying his loaded pistol. Officer L followed shortly after. As she entered a courtyard, A35 pointed his pistol directly at her. He lowered the pistol, they talked and then he raised it again and placed it under her chin. His finger was not on the trigger. Officer L walked away, and when at what she thought was a safe distance, turned and called A35 'a complete dickhead'. She immediately told a colleague, who noticed that she was 'visibly shaking and had a quavering voice'.</p> <p>Journalists state that A35 denied placing the weapon under Officer L's chin but admitted he was 'possibly waving (the pistol) around and "talking with his hands"'. A35 and Officer L were both sent back to Australia within days of the incident.</p>	
26 January 2014	Corporal Ben Roberts-Smith awarded a Commendation for Distinguished Service as a patrol commander with the Special Operations Task Group in Afghanistan from June to November 2012. <a href="#">Citation for the Award</a> .	Australian Army, ' <a href="#">Corporal Ben Roberts-Smith, VC, MG</a> ', Army website, last updated 5 April 2019.
Date unknown, early 2014	<b>Journalist report:</b> Three SAS patrol commanders (still serving with the regiment) signed a complaint written by one of them, Sergeant L. The complaint allegedly urged senior officers to investigate Roberts-Smith's mentoring, leadership, and treatment of Trooper J (see Incident #38, above). The complaint allegedly stated 'As SAS soldiers, we are responsible for accurate reporting and honesty, in the field and in camp. This citation is a contradiction of those values.'	McKenzie et al., ' <a href="#">Beneath the bravery of our most decorated soldier</a> ', op. cit.
Date unknown, likely late 2015–early 2016	<p><b>Cromptvoets inquiry</b></p> <p><b>Journalist report:</b> Responding to rumours and internal accounts of misconduct, then Special Operations Commander, Major General Jeff Sengelman, allegedly commissioned Canberra-based sociologist Dr Samantha Cromptvoets in 2015 to write a report on 'Special Operations Command Culture Interactions'. Cromptvoets' report was provided to Sengelman in early 2016 and then briefed up to then Chief of Army (CA) Lieutenant General Angus Campbell. The report was tightly held and has not been publicly released; however, journalists Nick McKenzie and Chris Masters claimed in June 2018 to have obtained a copy. They also stated in October 2020 that <i>The Age</i> and <i>The Sydney Morning Herald</i> had recently seen the report.</p> <p><i>Note: The reports of McKenzie and Masters contain some conflicting information about the date of the Cromptvoets report and who commissioned it. Nicholson says Sengelman raised concerns with Campbell in 2015 and they commissioned the report together.</i></p> <p>Journalists said in 2018 that the report <a href="#">described a culture of impunity that may have normalised allegedly disturbing behaviour</a>. The report also allegedly identified serious 'governance and behavioural lapses'.</p> <p>In 2020 the journalists reported more of the content; Cromptvoets recorded allegations made by multiple special forces insiders that war crimes were normalised among cliques</p>	<p>D Oakes, '<a href="#">Claims of "illegal violence", drug and alcohol abuse alleged in leaked Australian Defence report</a>', <i>ABC News</i> (online), 9 June 2018</p> <p>N McKenzie and C Masters, '<a href="#">Former spy chief heads new "war crimes" inquiry</a>', <i>The Age</i>, 11 June 2018, pp. 1, 6.</p> <p>N McKenzie and C Masters, '<a href="#">SAS soldiers committed war crimes: secret report</a>', <i>The Sydney Morning Herald</i>, 8 June 2018, pp. 1, 6.</p> <p>F Kelly, '<a href="#">Sociologist who sparked ADF war crimes inquiry speaks out</a>', <i>RN Breakfast</i>, 27 February 2020.</p> <p>B Nicholson, '<a href="#">Focus on ethical soldiering</a>', <i>The Australian</i>, 3 October 2020, p. 16.</p> <p>B Nicholson, '<a href="#">Australian Army rebuilding special forces</a></p>

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	<p>of soldiers, while others who confronted the bad behaviour were marginalised. It says unarmed civilians and prisoners were shot or had their throats slit by some Australian soldiers with a 'large number of illegal killings often gloated about'. The report contained extracts of lengthy and candid interviews with SF soldiers and whistleblowers.</p> <p>Cromptvoets says that, according to some whistleblowers, those most responsible for war crimes were a very small number of patrol commanders. She was told repeatedly that everyone knew who the culprits were. Witnesses emphasised that disturbing events happened all the time. Cromptvoets assessed the allegations were particularly grave because there was a disturbing regularity and normality to serious misconduct and witnesses felt intense pressure not to report things up the chain of command. Insiders alleged that some investigations were 'set up' and ADF lawyers failed to properly investigate war crimes.</p> <p>Cromptvoets warned CA that the risk of serious reputational damage as a result of the misconduct extended beyond the SF and even the Army.</p> <p>Cromptvoets recorded 'countless references' from the special forces insiders 'to exceptional soldiers and officers who upheld Army values and whose character was unquestionably upstanding':</p> <p style="padding-left: 40px;">This was one of the most consistently conflicting pieces of information I was given, because the obvious question is: why did they not intervene or do anything to stop what was happening? To this question came the various answers: they were too high up the chain to see it; the tempo was so high the priority was just to keep everything ticking over; they did try to do something but were dismissed/marginalised/moved on; they only saw one incident not the pattern over time; eventually they left quietly.</p> <p>Special forces insiders disclosed concerns about the:</p> <p style="padding-left: 40px;">... diaspora of SF alumni who are powerful, have a great deal to lose and will no doubt fight to protect their personal reputation as well as the SF brand should they be implicated...</p> <p>The Cromptvoets report was the catalyst for the Brereton Inquiry.</p>	<p><a href="#">culture ahead of Afghanistan war crimes report</a>', Australian Strategic Policy Institute (ASPI), <i>The Strategist</i>, 3 October 2020.</p> <p>N McKenzie and C Masters <a href="#">"Blood lust, killings, cover-ups": Report describes Australia's "Abu Ghraib" moment</a>', <i>The Sydney Morning Herald</i>, 27 October 2020.</p>
March 2016	<p><b>Brereton Inquiry</b></p> <p>In March 2016, the CA requested the IGADF conduct a scoping inquiry to ascertain whether there was any substance to rumours of unlawful conduct by the Special Operations Task Group during deployments in Afghanistan. The <a href="#">IGADF Annual Report 2016–2017</a> stated the Inquiry commenced in May 2016 but as a result of changes in legislation pertaining to the IGADF, since December 2016 the Inquiry has continued at the direction of the CDF.</p> <p>The IGADF appointed Major General Paul Brereton, then a</p>	<p>DoD, <a href="#">Inspector-General of the Australian Defence Force annual report 2016–2017</a>, DoD, Canberra, 2018, p. 3.</p> <p>K Elphick, <a href="#">'The Inspector-General of the Australian Defence Force Afghanistan Inquiry (Brereton Inquiry): a quick guide'</a>, Research paper series, 2020–2021,</p>



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	<p>Justice of the Supreme Court of NSW, to conduct <i>The Inspector-General of the Australian Defence Force Afghanistan Inquiry</i> (also known as the Brereton Inquiry). The date of that appointment is not known.</p> <p><b>Confidential nature of inquiry</b></p> <p>The IGADF has explained that the Inquiry is being conducted in private:</p> <ul style="list-style-type: none"> <li>• Because it involves matters of operational security and protected identities.</li> <li>• For the protection of witnesses and of the reputations of individuals who may be unfairly harmed by publication of rumours that turn out to be unsubstantiated.</li> <li>• To protect lines of inquiry.</li> </ul> <p>In relation to an application for the production of certain documents confidential to the Brereton Inquiry, Justice Colvin of the Federal Court observed:</p> <p>There is a demonstrated public interest in being able to maintain the private nature of the [Brereton] Inquiry up until a decision is taken as to the extent to which the Inquiry's report is made public. That public interest includes the need to provide procedural fairness through a confidential delivery and response to PAP [Potentially Affected Person] Notices. The process that has been adopted in the conduct of the Inquiry is one that is contemplated by, indeed provided for, in the Regulation ... This is not an instance where the Executive seeks to maintain secrecy, it is an instance where the Legislature has put in place regulations to facilitate that course and to sanction its breach with offence and contempt consequences.</p>	<p>Parliamentary Library, Canberra, 3 September 2020.</p> <p>DoD, <a href="#">Inspector-General of the Australian Defence Force annual report 2018–2019</a>, DoD, Canberra, 2018, pp. 7–8.</p> <p><i>Roberts-Smith v Fairfax Media Publications Pty Limited (No 6)</i> [2020] FCA 1285, 8 September 2020, per Colvin J at [66].</p>
April 2016	<p><b>Special Operations Commander letter to SOCOMD</b></p> <p><b>Journalist report:</b> Special Operations Commander, Major General Jeff Sengelman, wrote to SF soldiers making clear that he believed shocking behaviour had occurred while SF were deployed to Afghanistan between 2001 and 2015. He describes SF misconduct and cover-ups as shameful and embarrassing and warns a failure to reform would render the SAS and Commandos 'strategically irrelevant'.</p> <p>Sengelman's letter outlines cultural and systemic failings including weak leadership and a compromised chain of command. Some officers and soldiers championed a 'warrior' culture at the expense of 'ethical behaviour, moral outlook, or integrity of character'.</p> <p>Many have opined to me the unacceptable behaviours ... were somehow justified by operational imperatives, our sacrifice, and the stressors associated with combat operations. While I am not insensitive to how this attitude may have arisen and am the first to acknowledge the exceptional commitment and sacrifice that operational</p>	<p>N McKenzie and C Masters, <a href="#">"Collapse in morality" behind SAS war crimes</a>, <i>The Sydney Morning Herald</i>, 26 September 2020, pp. 1, 4.</p>

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	service has required; this is not and never will be a satisfactory justification for deviation from standards or unacceptable behaviour. This cannot be in doubt. If it is for you, then we need to speak.	
Date unknown, before Irvine report in 2018.	<p><b>SOCOMD ‘redemption initiative’</b></p> <p><b>Journalist report:</b> Irvine reportedly commented in his 2018 report on the importance of a ‘redemption initiative’ introduced by Special Operations Commander, Major General Jeff Sengelman. It provided SF soldiers the opportunity to confess to transgressions and hold themselves to account. That enabled personnel who had conducted themselves in ways inconsistent with army values to be ‘managed out’.</p> <p>It is not clear whether the reference to being ‘managed out’ is to soldiers being removed from the SF or the Army.</p>	B Nicholson, <a href="#">‘Australian Army rebuilding special forces culture ahead of Afghanistan war crimes report’</a> , op. cit.
13 October 2017	<p><b>Harassment of Brereton Inquiry witness</b></p> <p><b>Journalist report:</b> A person using a false email address emailed then federal politician Nick Xenophon falsely alleging a serving SASR member who had earlier testified before Justice Brereton was mentally unstable and at risk of performing a repeat of the ‘Los [sic] Vegas Massacre’, a reference to a US incident on October 1 in which a gunman killed 58 people.</p> <p>Defence and law enforcement sources said the message to Mr Xenophon was designed to force police to launch an urgent raid without assessing the accuracy of the allegation. Details in the letter confirmed it was sent by a serving or former regiment insider.</p> <p>The complaint compelled border force and WA police to conduct a raid, which found no weapons.</p>	N McKenzie and C Masters, <a href="#">‘Special forces in “witness threats”</a> ’, <i>The Age</i> , 15 June 2018, pp. 1, 6.
November 2017	<p><b>International Criminal Court</b></p> <p>ICC Prosecutor, Fatou Bensouda, requested authorisation to commence a formal investigation into alleged war crimes and crimes against humanity. Between 7 December 2017 and 9 February 2018, the ICC Victims Participation and Reparations Section provided a total of 699 victims’ representations; however, on 12 April 2019, Pre-Trial Chamber II of the ICC unanimously rejected the request of the Prosecutor to proceed with the investigation. Among other reasons, the judges decided that an investigation into the situation in Afghanistan so long after the events occurred ‘would not serve the interests of justice’.</p>	<p>ICC-02/17, <a href="#">‘Situation in the Islamic Republic of Afghanistan’</a>, ICC website.</p> <p>T Sterling and S van den Berg, <a href="#">‘Facing hurdles from U.S., war crimes judges reject Afghan probe’</a>, <i>Reuters</i>, 12 April 2019.</p> <p>International Criminal Court (ICC), <a href="#">‘Situation in the Islamic Republic of Afghanistan: questions and answers’</a>, ICC, 15 April 2019.</p>
Early 2018	<p><b>Irvine Inquiry</b></p> <p><b>Defence statement:</b> David Irvine, former Director-General of the Australian Security Intelligence Organisation, was appointed in 2018 by the CA, Lieutenant General Burr, ‘... to conduct an independent assessment of reform measures implemented within Special Operations Command. As part of the broader army and Australian Defence Force cultural review and reform measures, Special Operations Command has implemented a</p>	<p>N McKenzie and C Masters, <a href="#">‘Former spy chief heads new “war crimes” inquiry’</a>, <i>The Age</i>, 11 June 2018, pp. 1, 6.</p> <p>Defence Statement quoted in McKenzie and Masters, <a href="#">‘Former spy chief heads new “war crimes” inquiry’</a>, op. cit.,</p>

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	<p>number of cultural and governance reforms since 2015. The Irvine review will assist army leadership to determine the effectiveness of reform initiatives and identify whether additional improvements are required.'</p> <p><b>Journalist report:</b> McKenzie and Masters report 'senior Defence sources' said Irvine would examine 'why so few soldiers or officers have been held accountable for a litany of alleged problems from 2001 to 2016, ranging from skylarking, excessive drinking or drug abuse and bullying to alleged war crimes'.</p> <p>Paul Maley reported on 26 October 2018 that Irvine had submitted his report and this was confirmed by a Defence spokesperson.</p> <p>In October 2020 Brendan Nicholson reported that Irvine found that after a decade of constant combat, SOCOMD was worn out and run down. He warned that in an elite unit, esprit de corps could quickly turn into arrogance. Irvine noted a culture among some soldiers that they did not report crimes to senior officers.</p> <p>Irvine stressed the importance of a 'redemption initiative' introduced by Sengelman and recommended the appointment of a senior officer with considerable command experience from outside SOCOMD as an independent special forces adviser.</p>	<p>p. 6.</p> <p>P Maley, '<a href="#">Inquiry into ADF misses deadline</a>', <i>The Australian</i>, 26 October 2018, p. 3.</p> <p>B Nicholson, '<a href="#">Australian Army rebuilding special forces culture ahead of Afghanistan war crimes report</a>', op. cit..</p>
June 2018	<p><b>Inquiry into threats against Brereton Inquiry witnesses</b></p> <p><b>Journalist report:</b> A key inquiry witness and member of the SASR was sent a threatening letter in early June 2018 threatening retaliation if he did not recant his testimony to an inquiry led by NSW Supreme Court judge Paul Brereton.</p> <p>The letter, which contained information suggesting it was prepared by an SAS insider, was received after the soldier was summoned to testify before the Brereton Inquiry. The letter was seized by the SASR commanding officer and sent to CDF. Defence launched an internal inquiry.</p> <p>A Defence spokesperson confirmed the threat and said:</p> <p style="padding-left: 40px;">Making such a threat is a criminal offence and Defence has referred the matter to the police. Witnesses are protected by law from intimidation and from liability for what they tell the inquiry</p> <p>Some SAS members told colleagues they were concerned about their physical safety.</p>	<p>N McKenzie and C Masters, '<a href="#">Special forces in "witness threats"</a>', <i>The Age</i>, 15 June 2018, pp. 1, 6.</p>
June 2018	<p><b>AFP investigation commences</b></p> <p><b>Journalist report:</b> The AFP allegedly launched what was intended to be a covert war crimes investigation into allegations made against Ben Roberts-Smith after receiving two referrals from the office of the IGADF as part of the Brereton Inquiry.</p> <p>The AFP Offshore and Sensitive Investigation taskforce, at the time under the leadership of deputy commissioner Neil Gaughan, was reportedly investigating.</p>	<p>A Greene, '<a href="#">Australian soldiers investigated by AFP for alleged war crimes in Afghanistan</a>', <i>ABC News</i> (online), 29 November 2018.</p> <p>N McKenzie and C Masters, '<a href="#">SAS "war crimes" witnesses speak</a>', <i>The Age</i>, 20 September 2019, pp. 1, 6.</p>

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		N McKenzie and C Masters, ' <a href="#">Keelty revealed war crimes probe</a> ', <i>The Age</i> , 17 August 2020, pp. 1, 12.
June 2018	<p><b>ACLEI investigate leaking of AFP information to Roberts-Smith</b></p> <p>In June 2018, former AFP chief Mick Keelty met Roberts-Smith twice to give him welfare support. In a written statement to <i>The Age</i> and <i>The Sydney Morning Herald</i> Keelty confirmed he passed on information about the existence of three highly sensitive and confidential referrals to the AFP about Roberts-Smith's alleged criminal conduct (one referral was unrelated to conduct in Afghanistan). Keelty said that while he was told by AFP officers of the three Roberts-Smith referrals, he was not told if they were still in the assessment phase or had progressed to full-blown inquiries. Keelty noted that a referral to police is not a guarantee of an investigation. There is no suggestion Keelty acted with intent to compromise the AFP inquiry.</p> <p>The Australian Commission for Law Enforcement Integrity (ACLEI) confirmed that the AFP notified it on 21 June 2018, of allegations that Roberts-Smith had been told sensitive information about the AFP's interest in him. On 27 June 2018, it launched a joint covert operation with the AFP to investigate the alleged leak. ACLEI said its inquiry 'has not uncovered admissible evidence against any person within ACLEI's jurisdiction'. McKenzie and Masters note that ACLEI only has power to investigate allegations of corrupt conduct by serving AFP members. Keelty is not within the ACLEI's jurisdiction because he left the AFP in 2009. The journalists note that '[t]here is no suggestion Mr Keelty has engaged in corruption, only that his disclosures compromised a covert inquiry'.</p>	<p>N McKenzie and C Masters, '<a href="#">Keelty revealed war crimes probe</a>', <i>The Age</i>, 17 August 2020, pp. 1, 12.</p> <p>Editorial, '<a href="#">Compromised war investigation stains our honour</a>', <i>The Sydney Morning Herald</i>, 18 August 2020, p. 20.</p>
10 August 2018	<p><b>Roberts-Smith commenced defamation action</b></p> <p>Five actions have been filed in the Federal Court by Roberts-Smith alleging defamation against several journalists and news outlets. An action filed against Fairfax Media on 10 August 2018 was dismissed by consent and is closed (NSD1440/2018).</p> <p>Three actions filed on 15 August 2018 against Fairfax Media, the Age and the Federal Capital Press and various named journalists are ongoing. The Federal Court file numbers are <a href="#">NSD1485/2018</a>, <a href="#">NSD1486/2018</a> and <a href="#">NSD1487/2018</a>.</p> <p>An action filed on 2 June 2020 against Jonathan Pearlman was discontinued/withdrawn (NSD1826/2018).</p>	Federal Court records accessed through the <a href="#">Federal Law Search</a> on the <a href="#">Commonwealth Courts Portal</a> .
Date unknown, 2019	<p><b>Special forces adviser appointed</b></p> <p><b>Journalist report:</b> Major General Shane Caughey appointed as independent special forces adviser. The role is to support and monitor implementation of reforms. In future operations the adviser would ensure SOCOMD maintained good governance and oversight.</p> <p>A former Warrant Officer of the Army has also been appointed</p>	B Nicholson, ' <a href="#">Australian Army rebuilding special forces culture ahead of Afghanistan war crimes report</a> ', op. cit.

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	to ensure clear communication between the adviser and the soldiers in SOCOMD.	
1 March 2019	<p><b>Army ‘Good Soldiering’ initiative launched</b></p> <p>CA, Lieutenant General Burr launched the ‘Good Soldiering’ program, Army’s cultural optimisation program.</p> <p>The Good Soldiering program is what we will use to take the next step, to optimise our culture. It is fundamental to the success of our warfighting philosophy. Good soldiering emphasises high-performance teams, and it details the signature behaviours that build a good culture. It is about getting the best from our people, our teams and from Army. It is about developing character. It is about achieving the mission.</p> <p>The Good Soldiering program will help us achieve our aim - to be professional, prepared, delivering through our people to achieve our individual and collective potential. Everyone in Army owns our culture.</p>	<p>Australian Army, ‘<a href="#">Launch of Good Soldiering</a>’ Facebook post, 4 March 2019 accessed 2 November 2020.</p> <p>R Burr, ‘<a href="#">Good Soldiering</a>’, Army News, Edition 1437, 7 March 2020, p. 5.</p>
Date unknown, mid 2019	<p><b>AFP officers interview witnesses in Afghanistan</b></p> <p><b>Journalist report:</b> AFP agents travelled to Afghanistan and interviewed potential witnesses. They were reportedly seeking to corroborate eyewitness testimony from SAS soldiers and support staff who had given signed statements to police. An Afghan defence source confirmed to journalists that AFP agents were in Afghanistan and spoke to many people.</p> <p><b>Federal police representative:</b> investigators recently deployed to Afghanistan in support of the war crimes investigations. Afghanistan authorities in country supported the AFP and inquiries with international partners remain ongoing.</p>	<p>N McKenzie and C Masters, ‘<a href="#">SAS hero subject of war crime inquiry</a>’, <i>The Sydney Morning Herald</i>, 23 August 2019.</p> <p>N McKenzie and C Masters, ‘<a href="#">AFP seeks Afghan “war crime” testimony</a>’, <i>The Sydney Morning Herald</i>, 20 September 2019, pp. 1, 6. See also N McKenzie and C Masters, ‘<a href="#">SAS “war crimes” witnesses speak</a>’, <i>The Age</i>, 20 September 2019, pp. 1, 6.</p>
December 2019	<p><b>AFP invited Roberts-Smith to be interviewed</b></p> <p>During legal argument in a Federal Court defamation case brought by Ben Roberts-Smith, Barrister Sandy Dawson SC, Counsel for news outlets being sued, told the court that, in relation to the death of Ali Jan (incident #43 above), the AFP:</p> <ul style="list-style-type: none"> <li>• Wrote to Roberts-Smith through his lawyers in December 2019 telling him it had obtained certain evidence in relation to the operation.</li> <li>• Considered Roberts-Smith a suspect in that investigation on the basis that Roberts-Smith contended that Ali Jan was a spotter who was legitimately killed, whereas the AFP had information and eyewitness accounts to the contrary.</li> <li>• Had interviewed Roberts-Smith about that incident.</li> </ul>	<p>C Knaus, ‘<a href="#">Australian police told Ben Roberts-Smith they had witnesses to alleged Afghanistan war crimes, court hears</a>’, <i>The Guardian (Australia)</i> (online), 1 September 2020.</p> <p>A Cooper, ‘<a href="#">Police “consider ex-soldier a suspect”</a>’, <i>The Age</i>, 2 September 2020, p. 8.</p>
25 February 2020	<p><b>IGADF Annual Report tabled in Parliament</b></p> <p>In his 2018-19 annual report, IGADF James Gaynor reported that at 30 June 2019 the Brereton Inquiry had 55 separate incidents or issues under inquiry covering a range of alleged breaches of</p>	<p>DoD, <a href="#">Inspector-General of the Australian Defence Force annual report 2018–19</a>, DoD, Canberra, 2018, p. 8.</p>



Date/Place	Report/Incident/Allegation/Inquiry	Source documents
	the Law of Armed Conflict, predominantly unlawful killings of persons who were non-combatants or were no longer combatants, but also 'cruel treatment' of such persons.	
Date unknown, 2020	<p><b>Threat made against Justice Brereton's family</b></p> <p><b>Journalist report:</b> A threat was allegedly made earlier this year against the family of Assistant IGADF Justice Brereton. ADF investigators and police conducted raids in 2020 and are still carrying out investigations in relation to the alleged threat and other materials found during the raids.</p>	<p>D Oakes and J Story Carter, <a href="#">'Australian special forces Instagram account mocks war crime allegations, calls to "Make Diggers Violent Again"'</a>, ABC News (online), 3 September 2020</p>
5 March 2020	<p><b>International Criminal Court</b></p> <p>ICC Prosecutor, <a href="#">Fatou Bensouda</a>, appealed the April 2019 ICC decision to deny permission for a formal investigation.</p> <p>On 5 March 2020, the Appeals Chamber found that the Prosecutor is authorised to investigate the crimes alleged to have been committed on the territory of Afghanistan since 1 May 2003, as well as other alleged crimes that have a nexus to the armed conflict in Afghanistan, are sufficiently linked to the situation in Afghanistan, and were committed on the territory of other States Parties.</p> <p>The ICC Prosecutor's Office stated the Prosecutor can request that the court's judges issue summons to appear or arrest warrants 'no matter who the perpetrator', for alleged atrocity crimes. The Prosecutor is focused on investigating grave crimes where there are no relevant national proceedings against those who appear to be most responsible.</p> <p>Ms Bensouda will investigate crimes against humanity and war crimes by the Taliban and their affiliated Haqqani Network; war crimes by the ANSF and in particular, members of the National Directorate for Security (NDS) and the Afghan National Police (ANP). The Prosecutor will also probe alleged war crimes by US military personnel in Afghanistan and by members of the Central Intelligence Agency in 'secret detention facilities' in Afghanistan 'and on the territory of other States Parties to the Rome Statute, principally in the period of 2003-2004'. The news report did not mention Australian personnel.</p>	<p>Staff reporter, <a href="#">"Unanimous" ICC gives go-ahead to probe Afghanistan alleged war crimes'</a>, <i>UN News Service</i>, 5 March 2020.</p> <p>ICC-02/17, <a href="#">'Situation in the Islamic Republic of Afghanistan'</a>, ICC website.</p>
19 March 2020	<p><b>Further incident referred to AFP</b></p> <p>On 16 March 2020, the ABC <i>Four Corners</i> program 'Killing Field' broadcast video of a person identified as Soldier C apparently executing an Afghan man in a field in 2012. This appears to be incident #33 above.</p> <p><b>Ministerial statement:</b> Defence Minister Linda Reynolds formally referred the incident to the AFP on 19 March 2020 for investigation.</p> <p><b>ABC Investigations reported</b> on 19 March 2020 that Soldier C had been suspended from duty. The date of suspension is not clear but it appears to have been in response to the <i>Four Corners</i> program aired on 16 March 2020.</p>	<p>L Reynolds (Minister for Defence), <a href="#">'Statement—Four Corners Report'</a>, media release, 16 March 2020.</p> <p>L Reynolds (Minister for Defence), <a href="#">'Four Corners Report'</a>, media release, 19 March 2020.</p> <p>ABC Investigations, <a href="#">'Soldier who shot an unarmed Afghan man suspended from duty by Australian Army'</a>, ABC News (online), 19 March 2020.</p>

Date/Place	Report/Incident/Allegation/Inquiry	Source documents
Date unknown, March 2020	<p><b>Special Operations Commander personally briefs SAS Regiment</b></p> <p><b>Journalist report:</b> Major-General Adam Findlay reportedly told SAS soldiers in a confidential briefing that Brereton had identified ‘trigger pullers’ and ‘names that come up beyond trigger pullers’ and had a very strong evidential basis for finding some soldiers had acted criminally.</p> <p>Findlay reportedly praised SAS soldiers who were brave enough to blow the whistle on war crimes and explained that the genesis of the Brereton Inquiry was SAS soldiers writing to senior military officers about misconduct.</p> <p>Findlay reportedly admitted that war crimes may have been covered up and blamed the crimes on one common cause—poor moral leadership. He said a small number of commissioned officers had allowed a culture where abhorrent conduct was permitted and a handful of experienced soldiers including patrol commanders and deputy patrol commanders, who typically led five-man SAS teams on missions, had also enabled this culture to exist. Findlay is reported to have said:</p> <p style="padding-left: 40px;">If you have led a command climate that has permitted people to think [it was OK to do] egregiously wrong acts, you need to be rooted out. One, as an individual and, two, as a group ... You’ll have to sleep once you leave the services. If your honour has been compromised, it will affect you for the rest of your life.</p> <p>Findlay reportedly warned those soldiers who had lied to Justice Brereton out of ‘misguided loyalty’ would be identified in the report as perjurers and would be removed from the SAS ‘as a minimum’.</p>	<p>N McKenzie and C Masters, <a href="#">‘General speaks out over atrocities’</a>, <i>The Sydney Morning Herald</i>, 29 June 2020, p. 1.</p> <p>N McKenzie and C Masters, <a href="#">‘SAS men committed war crimes, says chief’</a>, <i>The Age</i>, 29 June 2020, pp. 1, 8.</p> <p>E Ritchie, <a href="#">‘Inquiry points to war crimes, says SAS chief’</a>, <i>The Australian</i>, 29 June 2020, p. 3.</p>
Date unknown, March 2020	<p><b>CA asked Irvine to examine progress of reforms</b></p> <p><b>Journalist report:</b> CA, Lieutenant General Burr, asked David Irvine to re-examine progress of the cultural and professional reforms within SOCOMD. According to Nicholson:</p> <p style="padding-left: 40px;">Irvine concluded that the command was on track to meet its targets of major renewal and regeneration but the challenge remained substantial. The three main goals were to deal with the most serious issues from Afghanistan, to reset the command to meet Australia’s special operations requirements and to prepare it for the changing strategic environment to come.</p> <p style="padding-left: 40px;">In terms of cultural change, there remained some pockets of resistance among old hands in the units, and these had been described as ‘pockets of permafrost’. And while pleasing progress had been made to restore the unit’s ethical base, more work could be done.</p> <p>CA is reported as saying that Irvine assured him that Army was doing the right things but needed to stay focussed on further implementation and consolidation of the initiatives.</p>	<p>B Nicholson, <a href="#">‘Australian Army rebuilding special forces culture ahead of Afghanistan war crimes report’</a>, op. cit.</p>

Date/Place	Report/Incident/Allegation/Inquiry	Source documents
16 April 2020	<p><b>Brereton explains welfare support provided by Inquiry</b></p> <p><b>Journalist report:</b> Justice Brereton responded by letter dated 16 April 2020 to concerns raised by the RSL and SAS Association about the impact of the Brereton Inquiry on current and former soldiers. Justice Brereton wrote that from the outset he had been conscious of the potential for its proceedings to have an impact on the mental health of witnesses and others who may be affected or involved. The prospect that the report would some people could not be completely avoided but explained that any person potentially the subject of an adverse finding would be afforded procedural fairness.</p> <p>Justice Brereton noted welfare for serving personnel and veterans was generally offered by Defence and the Department of Veterans' Affairs, but the IGADF had also provided support. He revealed that his inquiry team had taken steps to provide psychological support to soldiers ahead of the investigation's findings including expanding its witness support program by appointing additional Witness Liaison Officers. These Witness Liaison Officers are Reservists who were formerly permanent force SF soldiers. they are not privy to the evidence before the inquiry, their function is to monitor the welfare of witnesses.</p>	<p>A Greene, <a href="#">Findings from Afghanistan war crimes investigation will cause 'distress' for some elite soldiers, judge warns</a>, ABC News (online), 21 May 2020, updated 24 May 2020.</p> <p>P Brereton, <a href="#">Letter from Major General Paul Brereton to Major General Greg Melick and Lieutenant Colonel Peter Fitzpatrick [Re: IGADF Afghanistan Inquiry]</a>, 16 April 2020.</p> <p>See DoD, <a href="#">Afghanistan Inquiry welfare support</a>, DoD webpage</p>
Date unknown, mid 2020	<p><b>AFP submit brief to prosecutor</b></p> <p><b>Journalist report:</b> The AFP has reportedly submitted a brief of evidence against Ben Roberts-Smith alleging he was involved in the execution of prisoner Ali Jan in September 2012. Roberts-Smith denies any wrongdoing and his lawyers issued a statement on 7 May 2020 saying they had received assurances from police that the reports a brief of evidence had been submitted were false. The AFP declined to comment.</p> <p>If a brief has been submitted to the Commonwealth Director of Public Prosecutions (CDPP), it does not imply a prosecution will occur. The CDPP will examine the brief and determine if there is sufficient evidence to prosecute.</p> <p>McKenzie and Masters report that more of Roberts-Smith's fellow SAS soldiers have come forward to allege he was involved in other serious war crimes, including murders other than that of Ali Jan, during his various tours of Afghanistan.</p>	<p>N McKenzie and C Masters, <a href="#">'Afghanistan veteran may face charges'</a>, <i>The Age</i>, 7 May 2020, p. 3.</p> <p>P Maley, <a href="#">'Military hero denies war crimes referral'</a>, <i>The Australian</i>, 8 May 2020, p. 7.</p>
Date unknown, around May 2020	<p><b>Appointment of specialist CDPP prosecutor</b></p> <p>The CDPP has reportedly appointed leading Sydney barrister, David McClure, SC, a former special forces officer, to lead efforts to prosecute Ben Roberts-Smith for alleged war crimes. McClure was a defence barrister in the <i>Re Civilian Casualty Court Martial</i> (see incident #11 above).</p>	<p>A Galloway, <a href="#">'Top silk to lead war crimes probe'</a>, <i>The Age</i>, 19 May 2020, p. 4.</p>
Date unknown, likely mid 2020	<p><b>Brereton Inquiry issues PAP Notices</b></p> <p><b>Journalist report:</b> Journalist Ellen Whinnet reported in July 2020 that a number of current and former special forces soldiers had been served with the Potentially Affected Person (PAP) Notices by investigators. Whinnet said that the report of the Brereton Inquiry had been delayed 'to give the soldiers time to respond to</p>	<p>E Whinnet, <a href="#">'Report into accusations against SAS is delayed'</a>, <i>The Sunday Telegraph</i>, 19 July 2020, p. 25.</p> <p><i>Roberts-Smith v Fairfax Media Publications Pty Limited (No 6)</i></p>

Date/Place	Report/Incident/Allegation/Inquiry	Source documents
	<p>formal notices that essentially accuse them of committing war crimes.’</p> <p><b>Evidence of Deputy IGADF:</b> Deputy IGADF, Commodore Fiona Sneath, swore an affidavit for use in <i>Roberts-Smith v Fairfax</i> (date unknown but, from list of court documents filed, likely around July 2020). As at the date of Sneath’s affidavit, the Brereton Inquiry had commenced the process of using PAP Notices; however, not everyone likely to receive a PAP Notice had then been issued with a notice. Sneath noted that while preparation of the report of the Inquiry is underway, lines of inquiry have continued to emerge as the Inquiry has progressed, including in recent times.</p> <p>The Brereton Inquiry has not disclosed the identity of any person who has or is likely to receive a PAP Notice.</p> <p>Sneath explained that a PAP notice is not a pro forma document; each notice is tailored to the circumstances of the individual recipient. A PAP Notice will:</p> <ul style="list-style-type: none"> <li>• Identify each finding or recommendation relevant to the PAP that the Inquiry is considering whether to make</li> <li>• Provide the relevant factual background and</li> <li>• Provide a summary, in many cases a lengthy and highly specific summary, of the evidence relevant to each of those findings or recommendations.</li> </ul> <p><b>Colvin J judgment on 8 September 2020:</b> The Brereton Inquiry was required to be conducted in private and continues to be conducted in private:</p> <p style="padding-left: 40px;">The purpose in providing PAP Notices to individuals is to afford them the opportunity to present submissions and further information as to matters that may be the subject of adverse findings against them. In the course of a private investigation it is likely to be the first and only opportunity that a party has to provide a response to the nature of claims made and the basis for them because up until then, other than by providing evidence personally, the party will not have participated in the process by which evidence has been gathered from others and considered by those with the conduct of the Inquiry ...</p> <p>After receiving a response to a PAP Notice an inquiry might be persuaded to make different findings or no adverse findings. For that reason, it is important that the existence and content of any PAP Notices remains confidential.</p>	<p><a href="#">[2020] FCA 1285</a>, 8 September 2020, per Colvin J at [4], [60]–[62].</p>
Date unknown 2020	<p><b>Crompvoets report circulated to senior military officers</b></p> <p><b>Journalists report:</b> The 2016 Crompvoets report to CA was circulated to senior military ranks during 2020. Prior to that wider circulation, it was one of the most tightly held documents in Canberra.</p>	<p>N McKenzie and C Masters “‘Blood lust, killings, cover-ups’: Report describes Australia’s ‘Abu Ghraib’ moment”, <i>The Sydney Morning Herald</i>, 27 October 2020.</p>
August 2020	<p><b>Defence Minister warns Brereton report will be confronting</b></p> <p><b>Journalist report:</b> The Defence Minister told an Australian</p>	<p>B Packham, ‘<a href="#">War crimes report uncomfortable reading</a>’</p>

Date/Place	Report/Incident/Allegation/Inquiry	Source documents
	<p>Strategic Policy Institute webinar that, though she had not read Justice Brereton's findings, they would be confronting and that they would make Australians uncomfortable and dismayed.</p> <p>The Minister reportedly said the army and its special forces regiments had done 'a significant amount of self-reflection on how some of these reported circumstances could have happened, and what needs to happen structurally and culturally to make sure that these events do not happen again.'</p> <p>The Minister stressed that the past behaviour documented in the report in no way reflected the behaviour of currently serving ADF members who were doing an extraordinary job.</p>	<p><a href="#">Reynolds</a>, 'The Weekend Australian', 8 August 2020, p. 2.</p> <p>M Grattan, '<a href="#">Government bracing for damning report on alleged Special Forces incidents in Afghanistan</a>', <i>The Conversation</i>, 11 August 2020.</p>
August 2020	<p><b>Frame study into ethical standards and command culture</b></p> <p><b>Journalist report:</b> CDF Angus Campbell has commissioned <a href="#">Professor Tom Frame</a>, (respected military historian, Director of the Howard Library, and former Anglican Bishop to the ADF) to examine cultural and leadership failings that contributed to the alleged murder of prisoners and civilians by Australian forces in Afghanistan.</p> <p>Frame's study will 'aim to provide an understanding of Australia's Special Forces, including consideration of the ethical standards and command culture of Special Operations Command and its people on operations from 1999 until the present day, with a focus on service in Afghanistan.' Publication is expected in 2022, and it will be used as an academic reference to contribute to professional development of the ADF.</p> <p>Defence told <i>The Australian</i> that Professor Frame would begin interviewing serving special forces personnel and veterans after the IGADF's findings were handed down. The study was to be independent of the IGADF inquiry and would not be a historical record, the department said. As at 14 September 2020 a public Defence media release relating to the Frame study could not be found.</p> <p>Professor Frame has a strong record of academic publication on military ethics<sup>12</sup> and has a leading role in the University of New South Wales Canberra 'Moral Injury in Modern Warfare' project.</p>	<p>University of New South Wales (UNSW), '<a href="#">UNSW Canberra academic to undertake study of Australian Special Forces, media release</a>', 11 August 2020.</p> <p>M Grattan, '<a href="#">Government bracing for damning report on alleged Special Forces incidents in Afghanistan</a>', <i>The Conversation</i>, 11 August 2020.</p> <p>B Packham, '<a href="#">How SAS succumbed to tribal and untouchable culture [How SAS gave in to tribal culture]</a>', <i>The Australian</i>, 11 August 2020, p. 1.</p> <p>B Packham, '<a href="#">Top brass can't duck war crime scandal [Brass must answer to war crimes]</a>', <i>The Australian</i>, 12 August 2020, pp. 1, 2.</p> <p>Editorial, '<a href="#">Reckoning time for ADF elite forces in Afghanistan</a>', <i>The Australian</i>, 12 August 2020, p. 11.</p>
3 September 2020	<p><b>Instagram account 'State Sanctioned Violence' reported</b></p> <p><b>Journalist report:</b> Current and former SF soldiers were operating an Instagram account mocking allegations of war crimes allegedly committed by SF in Afghanistan. The account featured a series of graphic and troubling posts, including videos of combat killings set to rap music. The account had several thousand followers.</p>	<p>D Oakes and J Story Carter, '<a href="#">Australian special forces Instagram account mocks war crime allegations, calls to "Make Diggers Violent Again"</a>', ABC News (online), 3 September 2020</p>

12. For example: T Frame, *Living by the sword? The ethics of armed intervention*, UNSW Press, Sydney, 2004; T Frame (ed), *Moral injury: unseen wounds in an age of barbarism*, UNSW Press, Sydney, 2015; T Frame and A Palazzo (eds), *Ethics under fire: issues and challenges for the Australian Army*, UNSW Press, Sydney, 2017; T Frame, '[The military and human rights: political narratives and moral injury](#)', *Human Rights Defender*, 28(2), 1 September 2019.



Date/Place	Report/Incident/Allegation/Inquiry	Source documents
	<p>The account was selling merchandise including bumper stickers reading 'Make Diggers Violent Again' and 'Taliban Tears', and T-shirts with 'High Velocity Atrocities'.</p> <p>One video, which included a mock advisory warning normally used on ABC broadcasts, featured a mash-up of aerial footage of people being killed by missiles, gun fire and drone strikes, while rap music played in the background.</p> <p>The ABC reported the account has been pulled down and put back up a number of times. It reportedly caused significant concern among senior ADF officers. CA Burr issued a statement on 3 September 2020:</p> <p style="padding-left: 40px;">Army has commenced investigations into these allegations and into the content on this account. Such behaviour does not align with Army values... I want to assure the Australian public that if these allegations are substantiated through our investigations, those at fault will be held accountable. This account has now been closed.</p> <p>The ABC reported DoD stated that Defence personnel found to be associated with extremist ideologies will be investigated and may face administrative sanctions.</p> <p>DoD said it was not appropriate to discuss whether the State Sanctioned Violence Instagram account was linked to an alleged threat made against Justice Brereton's family (see above), as New South Wales police are still investigating the incident.</p>	
24 September 2020	<p><b>Brereton announces that inquiry is in final stages</b></p> <p>The Inspector General of the Australian Defence Force announced on Thursday that the inquiry into alleged breaches of the laws of war by Australian soldiers in Afghanistan was 'in its final stages' and the Inquiry did not intend to issue any further notices to potentially affected persons.</p> <p><b>Journalist report:</b> Intense discussions are now under way over the amount of evidence obtained by Justice Brereton that can be made public or passed to the AFP without jeopardising future trials.</p>	<p>B Packham, '<a href="#">Immunity could threaten war crimes trials</a>,' <i>The Australian</i>, 25 September 2020, p. 3.</p> <p>IGADF, <a href="#">IGADF Afghanistan Inquiry</a>, DoD website.</p>
Date unknown, early October 2020	<p><b>CA emails whole Army re Brereton Inquiry</b></p> <p><b>Journalists report:</b> CA, Lieutenant General Richard Burr, has sent an internal email to all army officers, soldiers and employees noting that allegations of war crimes are extremely serious and deeply troubling and at odds with 'who we aspire to be'.</p> <p>CA explained he had not yet seen the Brereton inquiry report because the IGADF inquiry is independent from the ADF chain of command. CA therefore does not yet know the character and scale of the actions that will be required. He vowed to act on the findings when they are presented to CDF. He told Army that:</p> <p style="padding-left: 40px;">We all have a role to build on the actions we have already taken to address shortcomings that our social research programs and reforms have identified.</p>	<p>N McKenzie and C Masters '<a href="#">"Extremely serious": Chief of Army prepares ground for war crimes report</a>,' <i>The Sydney Morning Herald</i>, 27 October 2020.</p> <p>B Packham, '<a href="#">Special forces get training in ethics</a>,' <i>The Australian</i>, 4 October 2020, p. 3.</p>

Date/Place	Report/Incident/Allegation/Inquiry	Source documents
Date unknown, 2015–2020	<p><b>Restructuring of SOCOMD</b></p> <p><b>Journalist report:</b> SOCOMD has been restructured to position it to implement the findings of the Brereton Report. ADF commanders have been working to rectify ‘catastrophic cultural and professional shortfalls’ within SOCOMD and ‘corrosive’ friction between the SAS and the commandos.</p> <p>Under the pressure of 20 intense rotations in Afghanistan over 11 years, the SF had become isolated from the rest of the army. It has now been reintegrated within the broader army structure and the command embraced significant organisation, cultural and capability reforms. CA Burr is quoted as saying:</p> <p style="padding-left: 40px;">The leadership, structures and plans are now in place to assure the momentum of this substantial cultural and professional transformation.</p> <p>Reportedly, the natural flow of new personnel through the ADF means that 80% of those now serving in the SAS had not deployed to Afghanistan in a SOTG.</p>	B Nicholson, <a href="#">‘Australian Army rebuilding special forces culture ahead of Afghanistan war crimes report’</a> , op. cit.
Date unknown, Likely late 2020	<p><b>New ethics courses for SF</b></p> <p><b>Journalist report:</b> The ADF has introduced a special forces military ethics course aimed at strengthening the ability of SF soldiers to make values-based decisions under immense pressure. The ‘Special Operations — Live Better’ initiative encourages the nation’s most elite soldiers to focus on all aspects of their lives, including ‘cognitive, social, spiritual and physical performance’.</p> <p>The course was developed by the University of NSW, the Australian Graduate School of Management and King’s College London University.</p>	B Packham, <a href="#">‘Special forces get training in ethics,’</a> <i>The Australian</i> , 4 October 2020, p. 3.
Date unknown, Likely October 2020	<p><b>ADF reform ahead of the Brereton Report</b></p> <p>CDF has unveiled a new set of values to apply to the whole ADF emphasising ‘service, courage, respect, integrity and excellence’. The new values are listed on the websites of each of the services.</p> <p>CA has introduced an army-wide Ethics Enhancement Plan to help soldiers ‘understand ethical decision-making in chaotic, uncertain and violent situations that typify conflict, but are applicable every day’.</p> <p>A new Defence Special Operations Training and Education Centre and improvements to SF management and governance have also been put in place to deal with ethics and discipline problems that came to a head during the Afghanistan war.</p> <p>Further reforms to the SAS and Commando units are expected. Potentially including the introduction of a combined SF training course, which SAS members and veterans are opposed to because theirs is reputedly the toughest. The 2020 SAS selection round is reportedly under way this month, but it could be the last one in its current form.</p>	<p>B Packham, <a href="#">‘Special forces get training in ethics,’</a> <i>The Australian</i>, 4 October 2020, p. 3.</p> <p>There were no relevant media releases on the DoD website as at 29 October 2020 and the report could not be confirmed.</p>

Date/Place	Report/Incident/Allegation/Inquiry	Source documents
	<p><b>Anticipated content of Brereton Report</b></p> <p><b>Journalist report:</b> Masters and McKenzie report insiders with knowledge of the Brereton report say the Brereton report has confirmed many of the key findings of the 2016 Cromptoets report. Multiple sources say Justice Brereton's findings will identify a small group of special forces soldiers as responsible for murders and make war crimes referrals to the Australian Federal Police.</p> <p>The Brereton report is expected to expose:</p> <ul style="list-style-type: none"> <li>• a rogue group of SAS soldiers, variously consisting of four to five men, executed multiple bound or defenceless prisoners</li> <li>• a small number of Commandos and SAS soldiers executed prisoners believing more senior soldiers had given tacit support for unlawful killings</li> <li>• poor leadership and oversight, with some officers blind to warning signs that pointed to a collapse in basic morality among small soldier cliques.</li> </ul> <p>Packham suggests the Brereton report will focus on 8–10 serious crimes identified in interviews with about 330 witnesses.</p> <p>McKenzie and Masters report their sources said they did not believe senior or mid-level officers had direct knowledge of war crimes. The evidence suggests small cliques of soldiers with relatively low ranks either participated in or witnessed war crimes but covered them up from the chain of command.</p> <p>Masters and McKenzie suggest the Brereton report is likely to remain largely classified except for a redacted public summary of key findings.</p>	<p>N McKenzie and C Masters, <a href="#">“Collapse in morality” behind SAS war crimes</a>, <i>The Sydney Morning Herald</i>, 26 September 2020, pp. 1, 4.</p> <p>N McKenzie and C Masters <a href="#">“Blood lust, killings, cover-ups”: Report describes Australia’s “Abu Ghraib” moment</a>, <i>The Sydney Morning Herald</i>, 27 October 2020.</p> <p>B Packham, <a href="#">“Special forces get training in ethics,”</a> <i>The Australian</i>, 4 October 2020, p. 3.</p>
6 November 2020	<b>Chief of the Defence Force General Angus Campbell received the Afghanistan Inquiry report from the IGADF.</b>	A Campbell (CDF), <a href="#">‘Statement - IGADF Afghanistan Inquiry report’</a> , media release, 6 November 2020.

### Afghanistan Inquiry welfare support

The [Afghanistan Inquiry](#) has a web page with links to [welfare support](#) and [legal assistance](#).

## Glossary

ACLEI	Australian Commission for Law Enforcement Integrity
ADF	Australian Defence Force
ADFIS	Australian Defence Force Investigative Service
AFP	Australian Federal Police
AIHRC	Afghan Independent Human Rights Commission
ANA	Afghan National Army
ANSF	Afghan National Security Forces
ASIS	Australian Secret Intelligence Service
CA	Chief of Army
CDF	Chief of the Defence Force
CDO / 2CDO	Commando. A number in front indicates the Regiment. For example, 2CDO is 2nd Commando Regiment—an Australian Army special forces unit
CER	Combat Engineer Regiment
CJOPS	Commander Joint Operations
commando	One category of special forces soldier
DEA	US Drug Enforcement Agency
DFAT	Department of Foreign Affairs and Trade
DoD	Department of Defence
DPH	Directly participating in hostilities – a term used in Rules Of Engagement (ROE) to identify a legitimate target
DSTO	Defence Science and Technology Organisation
engage	Use weapons against a target
FOB	Forward Operating Base
GOAS	Australian Government
ICC	International Criminal Court
IED	Improvised explosive device
IO	Inquiry Officer
IRR	Incident Response Regiment
ISAF	International Security Assistance Force
JPEL	NATO's Joint Prioritized Effects List containing Taliban names with

	NATO objective code name (OBJ) and JPEL number
Kandak	An Afghan National Army formation equivalent to a battalion
KIA	Killed in action - a person who has been killed in the course of combat (whether or not they were deliberately targeted)
LHR	Light Horse Regiment
LN	Local National (an Afghan citizen)
MRTF/RTF	Mentoring and Reconstruction Task Forces
NATO	North Atlantic Treaty Organisation
NGO	Non-Government Organisation
operator	An SAS soldier
PAP	Potentially Affected Person. A person who may be affected by findings or recommendations made during a formal inquiry or in a report.
pen flare	A small hand held flare used for visual signalling
PRT-U	Provincial Reconstruction Team – Uruzgan
qala	A walled, mud-brick compound
RAR	Royal Australian Regiment. A number in front indicates the Battalion. For example, 7RAR is 7th Battalion, Royal Australian Regiment
ROE	Rules of Engagement—orders issued to soldiers instructing in what circumstances they are permitted to ‘engage’; that is, direct weapons fire at a target
RTF	Reconstruction Task Force
SAS/SASR	Special Air Service Regiment—an Australian Army special forces unit
SF	Special Forces—combat troops trained for special missions
SOCOMD	Special Operations Command
SOER	Special Operation Engineer Regiment—a combat engineer unit that works alongside other special forces
SOP	Standard Operating Procedure
SOTG	Special Operations Task Group
spotter	ADF slang—a person who is reporting the activity of ADF troops to insurgents
squirter	ADF slang—a person who is attempting to escape a cordoned area



tactical questioning	Tactical questioning uses direct questions, is limited in duration, and is conducted at or near the point of capture by any soldier trained in tactical questioning. Tactical questioning focuses on collecting information that is of immediate tactical value or will aid in filling out a detainee capture tag. Tactical questioning is not interrogation and does not use the techniques approved for interrogation: US Department of the Army, <i>Techniques for Information Collection During Operations Among Populations</i> , Army Techniques Publication No 3-55.4 (ATP 3-55.4), 5 April 2016, p. 1-2, [1-12]
VBIED	Vehicle-borne improvised explosive device
VCDF	Vice Chief of the Defence Force
Wakunish	National Directorate of Security-Wakunish, an Afghan police special operations unit

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