



CHIEF OF THE DEFENCE FORCE

Minute

• CDF/OUT/2016/1005

IGADF (BP25-4)

For information:

CA (R1-4-B002)

DGSSIM (R1-6-A114)

CHIEF OF DEFENCE FORCE DIRECTION TO INSPECTOR-GENERAL OF THE AUSTRALIAN DEFENCE FORCE – CONCERNS REGARDING SPECIAL OPERATIONS COMMAND

References:

- A. OCA/OUT/2016/R25294020 *Referral of Serious Concerns regarding Special Operations Command (SOCOMD)* of 30 Mar 16
- B. Direction to Assistants Inspector-General of the Australian Defence Force, IGADF INQ/17/16 of 12 May 16
- C. OCA/OUT/2016/R27314031 of 21 Sep 16

Background

1. In March 2016, I understand that SOCAUST wrote to CA regarding rumours about the culture and behaviour of, or concerning, SOCOMD. This included second or third-hand narratives relating to SOTG deployments in Afghanistan during the period 2007 to 2016. In Reference A, CA requested you undertake a scoping inquiry in respect of those rumours and related matters. At Reference B, you issued Directions to Assistants IGADF to conduct a scoping inquiry into these matters. In Reference C, CA requested that you include in your inquiry specific allegations of possible crimes by SOTG personnel as reported by a former SOCOMD member.

Direction to IGADF

2. With recent amendments to the *Defence Act 1903*, and in particular the promulgation of the *Inspector-General of the Australian Defence Force Regulation 2016*, it is now appropriate that IAW s 110C(1)(f) of the *Defence Act 1903*, I direct you to conduct a scoping inquiry to determine whether there is any substance to rumours of criminal or unlawful conduct by, or concerning, SOTG deployments in Afghanistan during the period 2007 to 2016. This inquiry is to incorporate the scoping and assessment of the matters raised in References A and C, including but not limited to the allegations regarding:

- a. possible crimes (illegal killings, inhumane and unlawful treatment of detainees, or mistreatment of corpses);
- b. the cultural normalisation of deviance from professional standards within SOCOMD, including intentional inaccuracy in operational reporting related to possible crimes;
- c. a culture of silence within SOCOMD;

- d. the deliberate undermining, isolation, and removal from SOCOMD units of individuals who tried to address this rumoured conduct and culture; and
- e. a systemic failure, including by commanders and legal officers at multiple levels within SOCOMD, to report or investigate the stories as required by Defence policies.

3. It would be appropriate for this scoping inquiry to provide a range of possible options and potential ways forward and / or to address identified issues, as per Reference B, paragraph 3. Monthly updates on inquiry progress should continue to be provided to CA, and also now to me.

4. My POC for this matter within OCDF is DGSSIM, BRIG G Whelan who can be contacted by telephone on [REDACTED] or by email [REDACTED]



MD Binskin, AC
ACM
CDF

14 Dec 16