



General Angus Campbell AO DSC  
Chief of the Defence Force



Dear General ~~Campbell~~ <sup>Angus</sup>

I write as National Chairman of the Special Air Service Association (ASASA) on behalf of SAS veterans to ask you to reconsider aspects of your response to allegations of war crimes in Afghanistan reported by Justice Brereton in on behalf of the IGADF.

Brereton was careful to state that although some of the evidence he received alleging unlawful killings appeared "credible", only a properly constituted investigation and consideration of the claims in accordance with due process, could take evidence from all parties and establish the truth. Through the Office of the Special Investigator (OSI) and by other arrangements the ADF has taken action to initiate that process. A court may upon hearing all the evidence, take a different view of what is and what is not a 'lawful' killing in each case before it and may consider mitigating considerations in defence. No charges have yet been laid. It is possible that there will not be a single conviction.

We acknowledge that certain behaviours on operations which have come to light because of the IGADF revelations are of concern and that as CDF you have exercised your responsibility and right to act to rectify those behaviours. Whether those behaviours were illegal are questions yet to be determined by a court. Despite the absence of a considered judgement from a court, you have described the allegations as 'shameful', 'deeply concerning', 'appalling' and you have apologised and sought to pay compensation payments to Afghan victims. You recommended to government the removal the meritorious unit citations to SF Task group rotations and certain medals for distinguished service in warlike operations from certain soldiers, but these steps were overruled by the former government. You have recently reraised the prospect of removing soldiers' awards and sought approval from the new government to again prosecute the matter.

Until truth has been established, we ask that you desist from any action designed to punish or constructively dismiss from ADF employment any soldier. We further ask that you do not recommend to government the removal of unit, rotation, or personal awards for distinguished service in warlike operations, at least until all court proceedings are complete. Action must be taken in response to any convictions for wrongdoing by individuals, but in the absence of convictions veterans and the Australian people expect leaders to respect the presumption of innocence.

The tempo and design of our nation's use of the ADF on operations in Afghanistan had a bearing on all events in theatre. Brereton did not investigate or consider government policy settings, CDF and other military advice to government, ministers' submissions to cabinet or cabinet deliberations. A court may well seek to do so to establish what pressures our Special Forces were placed under.



Around 60,000 Australians served in the Vietnam conflict from 1962 to 1972 during which government chose to send a balanced combined arms force of task force, the minimum commitment deemed appropriate. The scale and design of the Vietnam commitment over a single decade saw infantry battalions carry most of the heavy fighting with SAS largely in the reconnaissance, surveillance and harassment role for which it was designed. 523 Australian servicemen died in Vietnam and almost 2,400 were wounded.

Over 30,000 Australians were committed to the conflict in Afghanistan over almost two decades by successive governments but instead of deploying a Brigade or infantry capability to perform high intensity combat roles, government decided on ADF advice to repetitively deploy and overuse on repeat combat rotations, smaller formations of highly trained SAS soldiers for the heavy fighting. The SASR was tasked to close with and kill the enemy on capture or kill missions, a traditional role for the Royal Australian Infantry. 41 servicemen died and around 261 were wounded.

These decisions by government on advice of senior ADF leadership about the size and shape of our Afghanistan commitment satisfied our allies expectations, limited casualties, reduced the cost to the taxpayer by limiting troop numbers and therefore minimised the confluent political risk for government. Defence spending at the height of the Vietnam conflict as a percentage of GDP was almost twice that during the Afghanistan conflict

Many soldiers and their families feel there was a lack of a duty of care by senior command and by Ministers for Defence for soldiers' health and mental health, brought on by multiple rotations and the tempo of operations. SF soldiers were required to deploy, return and with little rest, respite, retraining or family down time, were required to redeploy in some cases for up to nine or ten rotations. We have reports that soldiers suffering from health and mental health conditions were given 'exemptions' to redeploy. Many junior leaders and soldiers feel there was a disregard for the wellbeing of families and of the impacts upon spouses and children resulting from prolonged and repetitive absence by soldiers on warlike operations with insufficient 'time out' between deployments. Senior command was aware of this tempo of operations and allowed it to continue. Officers and soldiers at unit, subunit and troop level did their best to comply with the demands put upon them by government decisions and by senior ADF command, both in Australia and in Afghanistan.

Veterans claim there was a chronic under resourcing of SF on operations in Afghanistan particularly in respect of air power and helicopters, weapons and equipment, communications and intelligence. A mental toll and physical pressure were placed upon SF commanders by government and senior command to comply with Afghan Government insistence that dangerous daytime operations be conducted instead of night-time operations. The repeated release by the Afghan government of enemy fighters captured by Australians and their return to the battlefield endangered Australian lives and hardened attitudes. Orders to include comparatively poorly trained local soldiers (Wakunish and others) on SF deployments into the field increased lethal risk and added to the pressure officers and soldiers were placed under. The loss of comrades to enemy action, combat injuries and the ever-present risk to life and limb on this battlefield, pressured decision making and the workplace environment. These and a host of other factors placed commanders and soldiers in Australia and in theatre under extreme pressure and would surely have contributed to any poor decision making linked to war crimes allegations, which may have occurred on operations.

The strain brought about by this tempo of operations upon parent SF unit training, pre deployment and post deployment resources and processes and soldier management was overwhelming. Much was required of the few. Many Australians would be shocked by the present high level of medical discharges of soldiers out of SF units, many classified as Totally or Permanently Incapacitated (TPI) which is a testament to the workplace they were required to work within in Afghanistan and is evidence to the impact upon soldiers of government and senior ADF command decisions.

Our concerns will be raised with the Royal Commission into Veterans Suicide when it visits Perth in May. The issues we have raised are likely to be raised as defences in court proceedings into alleged war crimes. We question Brereton's assertion that senior ADF commanders and by implication ministers in successive governments, should not be held accountable for actions in the field under operational conditions created by their decisions. We also question whether Brereton's recommendations that punitive actions be taken against SF units and officers in command by removing awards is a judgement, inconsistent with his statements that only a thorough investigation and legal process can establish truth and decide the matters. We are consulting with other ESO's about a call for a further inquiry by Parliament or a Royal Commission to investigate the full facts around our Afghanistan war. It may be that only through such a process will the truth be established regarding the pressure soldiers and units were put under which created the environment and circumstances which gave rise to the allegations of war crimes.

The outcome we seek is for you as CDF to desist from any action founded in a presumption of guilt or designed to punish or constructively dismiss from ADF employment any soldier not proven to have done something wrong. We further ask that you not recommend to government the removal of unit, rotation, or personal awards for distinguished service in warlike operations, at least until all court proceedings are complete. I have read letters you have sent to officers on this matter and note you have indicated you may choose not to act. We think that would be prudent. A recommendation from you to the minister to remove awards will elevate the matter to government. The ESO community will then need to redirect its attention to the political level a step likely to generate negative publicity not be helpful to anyone.

The sooner matters flowing from the Brereton report are properly dealt in accordance with the process presently underway the better it will be for all involved and for the ADF which has important new challenges before it. We raise these issues with you directly because it is right to do so, and in the interests of transparency. A delegation from the ASASA veterans' community would be delighted to meet with you if you wish to discuss our concerns further. We look forward to your response so that we can communicate your views to our membership.

Yours Sincerely



**Hon Martin Hamilton-Smith**

**08 Feb 23**

**Chairman**

**The Australian Special Air Service Association**

