

Australian soldiers charged over civilian killings in Afghanistan

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Three special forces' commandos were charged this week by the Australian Director of Military Prosecutions (DMP) over the killing of five Afghan children on February 12, 2009, in the village of Sur Murghab, in Afghanistan's southern province of Uruzgan.

One soldier has been charged with manslaughter or, alternatively, dangerous conduct. Another, believed to be the commander at the scene, has been charged with "failing to comply with a lawful general order". The charges against the third man, believed to be a higher ranking officer, have not been revealed as he is travelling overseas. At the time of the incident, all were members of the Sydney-based 1st Commando Regiment, which is made up of both regular and reserve soldiers. The three men are still serving, one in the regular Army and two as reservists.

The prosecutions are the first against any member of the Australian armed forces in the nine years that it has been deployed in the neo-colonial occupations of Afghanistan and Iraq. None was prosecuted at all during the entire 10-year deployment of Australian troops in the Vietnam War from 1962 to 1972.

The trial will take place early next year before a military court martial, not a civilian court. The three soldiers will therefore only appear before proceedings run by the Australian military itself.

The decision to lay the charges may well have been made to preempt international proceedings. The International Criminal Court in The Hague revealed on September 29 that it had been examining the case but would now end its investigations. The ICC only has jurisdiction if charges are not laid in the country concerned.

What took place in Sur Murghab was only brought into the open by investigative reporters working for the SBS television "Dateline" program, and an Afghan Australian, Farid Popal, who successfully tracked down the survivors of the Australian attack. The investigative team first met with one of them, Zahir Khan, in Kabul in October 2009.

In the early morning of February 12, 2009, it is suspected that the Australian troops were seeking to kill or capture an alleged Taliban insurgent leader named Mullah Noorullah. Instead, they smashed their way into a compound housing the families of two

brothers, Zahir and Amrullah Khan.

The Australian troops allege they took close-range gunfire from one of the rooms. To silence the attacker, two grenades were hurled through a window. Amrullah Khan was mortally wounded and died in hospital. The gunfire and explosions also killed two boys aged 10 and 11 and Khan's teenager sister Zakera. Another two-year-old girl and one-year-old boy died of their wounds. Two other adults and two young girls were wounded, but survived. Zahir Khan was dragged away to an Australian base for interrogation and released shortly afterward.

The DMP has accepted the military's claim that Amrullah was an "insurgent". In the October 2009 interview organised by SBS, however, Zahir Khan denied that his brother was a member of the Taliban. He could not confirm whether Amrullah had actually ever fired on the Australian troops because he had been blindfolded and was being dragged from the compound by the time the shooting began.

If Amrullah Khan did open fire, it may also simply have been because he had no idea who had smashed into his house at two o'clock in the morning and was dragging away his brother. Most Afghan men carry arms and in a society that is once again dominated by US-backed tribal warlords, drug traffickers and other criminal elements, they will use them to protect their families and property.

The charges against the three soldiers have reportedly been greeted with anger and disbelief throughout the Australian military, with a formal internal expression of concern by the chief of the army, General Ken Gillespie. An editorial in the Murdoch-owned *Daily Telegraph* on September 28 labelled the prosecution "obscene and unacceptable" and "giving strength to the vicious and inhuman tactics of our enemy". Prime Minister Julia Gillard immediately pledged her Labor government would offer full legal support to the soldiers.

The reaction in the military, media and the Labor government stems from concern that the prosecutions could hinder Australian military operations in Afghanistan. Far from being an aberration, the incident is typical of the type of operations that the 300-strong Australian Special Forces Task Group (SFTG) has carried out on

numerous occasions. The SFTG is primarily used to assassinate or capture alleged insurgents throughout Uruzgan and, more recently, in provinces such as Kandahar.

The Australian unit is only one such special forces group in Afghanistan. In other parts of the country, assassination or “snatch-and-grab” missions are routinely carried out by American or British special forces squads. Generally involving night-time attacks on homes and villages, the inevitable civilian deaths and injuries are officially viewed as nothing more than “collateral damage” in the quest to crush Afghan resistance to the US-led occupation of the country. An American unit, known as TF373, has been linked to a series of incidents in which children and other non-combatants were slaughtered during raids similar to the one in Sur Murghab.

Two of the charged Australian soldiers released a press statement on September 28 defending their actions. While regretting the civilian deaths, they blamed the “callous and reckless act of an insurgent who chose to repeatedly fire upon us at extremely close range from within a room he knew contained women and children”. The civilians, they stated, “were people we were risking our lives to protect”.

What is the reality? Australian soldiers, like their American and European counterparts, are not protecting the Afghan people, but occupying their country and keeping in power the thoroughly corrupt government of President Hamid Karzai. The Taliban and other insurgent organisations have considerable popular support, especially in ethnic Pashtun-populated regions like Uruzgan. A classic guerrilla war is being waged against the occupation forces, in which the insurgents, deeply embedded in their communities, seize what opportunities they can to strike.

Like all occupation armies, soldiers in Afghanistan have inevitably come to view the entire population—and particularly those labelled “Fighting Age Males” or FAM—as potential insurgents. The killing of three Afghan men by Australian troops on April 2, 2009, for example, was cleared by a military inquiry on the grounds the victims “did not display the reactions typical of uninvolved Afghan FAM when confronted by coalition forces”. The men, on whom no weapons were recovered, were shot while attempting to hide or run away.

There is every reason to believe that the Sur Murghab incident would have been dismissed by the military had it not been for the efforts of SBS and Farid Popal. SBS provided the Australian Defence Force Investigative Service (ADFIS), the body responsible for investigating the incident, with transcripts of the statements made by Zahir Khan in October 2009. An ADF investigator subsequently met with Farid Popal and was provided with details and offers of assistance to contact the Khan family for further information.

The ADFIS, however, took no steps to obtain witness statements and the investigation was handed over to the Director of Military

Prosecutions in late November 2009. It soon emerged that Australian commanders in Afghanistan had not even referred the case to the ADFIS until July 2009—five months after the killings.

In response to the apparent stalling of the Australian military, Farid Popal, with SBS assistance, flew to Afghanistan himself in January this year. In a safe house in Kandahar, he met with and videoed both Zahir Khan and Shuri Noor, the five-year-old daughter of his brother who had suffered a stomach wound in the attack but survived.

Popal and Zahir Khan then organised a team of locals to travel to Sur Murghab, where they interviewed the Khans’ sister Jamela and Amrullah’s widow, Shapero. Shapero told the interviewers that Australian troops had demanded to know if Amrullah was “Mullah Noorullah”. She told a translator they had “made a mistake and attacked the wrong house”. An updated report on the case and the interviews were broadcast by the SBS “Dateline” program on March 7, 2010.

If the Sur Murghab attack was the result of faulty intelligence, it was certainly not the first. On November 23, 2007, Australian troops seeking to kill Taliban leader Mullah Baz Mohammed stormed into a house and instead killed three men, two women and one female child of the Daad family. The Daad males allegedly opened fire on the unknown people smashing in their door, killing Private Luke Worsley of 4RAR, the regular Army’s commando battalion.

The prosecution of the three soldiers involved in the Sur Murghab incident is an attempt to deflect attention from the criminal character of the war. The US-led occupation is not to assist the Afghan people or fight “terrorism” but to advance Washington’s ambitions for dominance in resource-rich Central Asia. Thousands of Afghans have lost their lives in atrocities for which no-one has been held to account.

The chief culprits in these crimes are not the soldiers ordered into combat, but the government leaders who launched and continue the illegal invasions of Afghanistan and Iraq, and the military commanders who drew up the brutal strategies to implement their designs.

The SBS investigation is available to view [here](#).



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