

Australia: Lauded military veteran subject of second police investigation into alleged war crimes in Afghanistan

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Former special forces soldier Ben Roberts-Smith, who was awarded the military's highest honour, the Victoria Cross, for his purported heroism in Afghanistan, is now known to be the subject of two police investigations into allegations that he murdered Afghan civilians.

According to reports this week in the *Sydney Morning Herald* and the *Melbourne Age*, the police inquiry centres on the death of an unarmed man with a prosthetic leg, who was shot during an Australian operation in the village of Kakarak, in Afghanistan's Uruzgan province, in April 2009. At least three former soldiers have reportedly agreed to testify that Roberts-Smith, a Special Air Service (SAS) corporal at the time, executed the man.

The existence of the first police investigation into Roberts-Smith was revealed in September on the current affairs television program "60 Minutes." It centres on an allegation that, in September 2012, he kicked a handcuffed farmer named Ali Jan off a ridge near the village of Darwan in Uruzgan and ordered a subordinate to shoot him.

Roberts-Smith has emphatically denied the allegations. When an account of the Darwan incident first surfaced in 2018 in the *Sydney Morning Herald* and the *Age*, he immediately launched a defamation suit that is still proceeding. As part of their defence, the newspapers have claimed to have evidence that Mr Roberts-Smith participated in six unlawful killings in Afghanistan.

The SAS, along with the Commando regiment, was used for some of the most brutal aspects of the war, particularly hunting down and capturing or killing alleged Taliban resistance fighters in areas where they

had overwhelming support among the local population.

Roberts-Smith's service record testifies to the manner in which the Australian government relied on special forces personnel as its main contribution to the US-led occupation of Afghanistan. He was deployed on combat tours in 2006, 2007, 2009, 2010 and 2012. He was awarded the Victoria Cross for killing several Taliban fighters in 2010 in Kandahar province.

Under conditions in which they were being repeatedly deployed to suppress the popular resistance, occupying troops in Afghanistan and Iraq resorted to ever more ruthless and indiscriminate methods. Evidence of war crimes committed by Australian forces, as well as by their American, British and New Zealand counterparts, has emerged repeatedly in recent years.

In 2015, information surfaced that an SAS soldier had amputated the hands of three alleged insurgents whom his unit had killed in 2013. The special forces claimed they had been advised by the Australian Defence Force Investigative Service that such mutilations were acceptable in order to secure fingerprints. The story was prominently reported in part because one of the SAS officers, Andrew Hastie, had just entered the federal parliament as a rising star of the right-wing faction of the governing Liberal Party.

In response to swirling rumours of even more serious incidents, the Special Forces Command initiated an internal review. The allegations were reportedly so serious that the then Chief of Army instructed the Inspector General of the Australian Defence Forces (IGADF) to initiate a formal investigation, which began in May 2016.

While the military inquiry took place behind closed doors, and Afghan veterans like Roberts-Smith were

being lauded as heroes during the centenary commemorations of World War I, former and serving soldiers turned to the media to bring to the light of day the nature of operations they had witnessed in Afghanistan.

In October 2016, army commando Kevin Frost went public to the Australian Broadcasting Corporation with an allegation that he had witnessed and taken part in covering up the murder of an Afghan prisoner. Frost had testified to the military inquiry weeks earlier.

In July 2017, Australian Broadcasting Corporation (ABC) reported allegations—which its journalists were able to confirm with Afghan sources—that Australian special forces had shot an unarmed teenage boy named Khan Mohammed in Kandahar province in 2012.

The same month, the ABC went to air with a seven-part investigative series, titled the Afghan Files, which was based on leaked Australian Defence Force documents. The leaks contained internal reports of at least 10 occasions between 2005 and in 2013 in which special forces personnel were accused of killing unarmed civilians. These included the murder of Bismillah Azadi and his son Sadiqullah while they were asleep in Uruzgan in September 2013. It also included extensive details of the hand amputation incident and the bitter recriminations within the military over which branch was responsible.

The political and military establishment was furious about the leaks, launching a major investigation seeking to prosecute Dan Oakes, one of the journalists responsible for the ABC exposure. This culminated in unprecedented raids on the Sydney offices of the ABC in June this year, in which federal police seized up to 100 computer files relating to the Afghan Files. The day before, police raided the private home of News Corp journalist Annika Smethurst over a separate leak that had revealed intelligence agency plans to increase surveillance of Australian citizens.

More than three-and-a-half years after the launch of the Inspector General investigation, it has not produced a public report. The two police inquiries into Ben Roberts-Smith are the only known moves toward any prosecutions.

Last week, Kevin Frost was found dead from an apparent suicide. The incident he went public over in 2016 is among those shrouded in doubt as to whether anyone will ever be held to account.

Glenn Kolomeitz, a lawyer who has represented former soldiers who have testified to the IGADF investigation, stated on December 19 that the protracted delay in any findings was taking a toll on their mental health.

“None of the blokes I’ve assisted have had any sort of follow-up enquiries and quite frankly Defence and indeed the IGADF are fully aware that some of these guys are struggling,” he told the ABC. “It’s undoubtedly a very complex inquiry.... The allegations arise in an operational setting overseas which is still a war zone. But three years is a long time in anyone’s books.”



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