

Labor governments presided over most confirmed Australian war crimes in Afghanistan

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Labor Party leaders, like the political and media establishment as a whole, have responded to last week's Brereton report, which found "credible information" that Australian special forces soldiers murdered 39 Afghan civilians and prisoners, with utterly hypocritical handwringing about a "dark day for the nation" and proclamations of their "shock" and "horror."

This has gone hand in hand with an insistence that the war crimes were an aberration committed by a small minority of special forces troops who had essentially "gone rogue."

Shortly before the release of the report, Labor leader Anthony Albanese told the media: "These crimes were committed by personnel wearing our uniform, but this doesn't represent who Australia is." In July, he insisted: "Overwhelmingly our men and women in uniform do this nation proud."

These assertions, like the Brereton report itself, are aimed at absolving successive governments, and the military high command, of any direct responsibility for the war crimes, buttressed by the utterly implausible claim that nobody above the level of patrol command knew of the killings.

The span of the report, however, which examined alleged incidents from 2005 to 2016, undercuts these claims. So does the fact that every nation involved in the 19-year neo-colonial occupation has been accused of perpetrating war crimes, from the US and Britain, to their minor imperialist partners such as New Zealand, Poland and the Netherlands.

Underscoring the bipartisan responsibility for the violations of international law, the period examined by the report saw five Australian governments, three of them headed by the Liberal-National Coalition, and two of them by Labor.

The Brereton report, the product of a secretive four-year investigation initiated by the military, is heavily-redacted. From what has been publicly released, however, it appears that the majority of the murders for which "credible information" was found, and potentially all of them, occurred between 2009 and 2013. At least 17 of the killings were committed in 2012.

Significantly, this was the period when the 2007–2013 Labor governments of prime ministers Kevin Rudd and Julia Gillard were in office. The escalating killings, moreover, coincided with Labor's expansion of the Australian commitment to the occupation, demonstrating that the war crimes flowed from the prosecution of a predatory war directed against a hostile and oppressed population.

Rudd came to power after the Coalition government of John Howard suffered a sweeping defeat in the November 2007 federal election.

The widespread hostility to Howard was in large measure a result of his government's unwavering commitment to the US-led wars in Iraq and Afghanistan.

In office, Labor immediately made clear that it would continue the wars, which it had supported while in opposition. In April, 2009, Rudd announced that Australia's troop presence in the southern province of Uruzgan would be increased from 1,100 to 1,550, in line with the Obama administration's "surge" in Afghanistan, which doubled the number of US soldiers from 30,000 to 60,000.

There were already reports of Australian abuses and potential war crimes from Afghan human rights organisations and local civilians. Between 2001 and 2009, Australian authorities had given \$120,000 to Afghan citizens in paltry compensation payments for killings and injuries.

One example of a clear war crime that was publicly exposed shortly after it was carried out was the February 2009 killing of five children by Australian special forces soldiers in Uruzgan's Sorkh Morghab village.

During a firefight, the soldiers threw several grenades into a small room occupied by civilians. In response to media exposures and widespread anger, court martial proceedings were initiated, but they were shrouded in secrecy and manslaughter charges were "withdrawn" in 2011. Documents subsequently leaked to the media made clear that the soldiers knew children were present when they threw the grenades.

WikiLeaks cables, published in 2010, revealed that between 2008 and 2010, Rudd and his senior ministers expressed misgivings about the occupation to US officials, and resisted calls for Australian troops to be deployed outside of Uruzgan. This was not the result of any opposition to the predatory war, but reflected concerns that the occupation was "unwinnable," and that mounting casualties would further inflame popular opposition in Australia.

On June 23, 2010, Labor Defence Minister John Faulkner announced that Australian troops would be withdrawn from Afghanistan within two to four years. Despite its vague character, the announcement was met with intense hostility in Washington.

Within days, Rudd was ousted in a factional coup, and replaced by Gillard. WikiLeaks cables later established that the Labor and union instigators of Rudd's removal were "protected sources" of the US embassy. In addition to their anger over Rudd's waverings on Afghanistan, the US military-intelligence apparatus was hostile to his calls for an American accommodation to China's growing influence in the Asia-Pacific, amid the Obama administration's preparations for

a massive military build-up directed against Beijing.

In her first speech as prime minister, Gillard declared her commitment to the Afghan occupation, and shortly after stated that Australian troops would remain for at least another decade.

Over the following months, Gillard would stress Australia's alignment with the US surge, and repeatedly battered down calls for a withdrawal. In an October 2010 speech to parliament, she declared: "The new international strategy and the surge in international troops responded to a deteriorating security situation. This means more fighting, more violence, it risks more casualties, there will be many hard days ahead."

One of the practical applications of this "strategy" was the ever-greater involvement of Australian special forces in "capture and kill operations," presided over by US forces. These were in effect death squads.

A September 2011 article in the *Sydney Morning Herald* (SMH), entitled "The Secret Soldiers," reported: "In 2009 NATO soldiers, including Australians, went on 675 recorded missions with 306 'adversaries' killed or captured. This year NATO-led forces have already been on three times as many raids—1,879 missions with 916 'targets' killed or captured, according to official figures."

The article added: "Australia's secret soldiers are mounting more of these raids and have captured or killed insurgents at least 30 times since December, according to Defence Department figures. Just a year ago Australian commanders were talking publicly about targeting a third of that number." Australian involvement had escalated as Dutch troops were withdrawn from Uruzgan in late 2010.

The "targets" were selected from a US-operated "Joint Prioritized Effects List" (JPEL) of supposed Taliban and Al-Qaeda figures. It was revealed last week that a previous 2015 inquiry into Australian war crimes in Afghanistan heard claims of widespread "reverse-engineered killings," with Afghans murdered, and then subsequently placed on the JPEL.

US army war logs, published by WikiLeaks in 2010, showed that a secret US army taskforce group simply assassinated those on the list, without any attempt to capture them.

The SMH article noted that under the JPEL "soldiers are entrusted with extraordinary legal powers to target and if necessary shoot or bomb someone considered to be 'on the battlefield' even if they are in a home or simply driving a car."

Speaking of a soldier's decision whether to capture or kill when a "target" was engaged, then Special Forces Commander Major General Peter Gilmore blithely stated: "At the end of the day it is a very individual thing..."

An August 2011 "Four Corners" program documented three such raids in which civilians were killed. In one 2010 night raid on the village of Chalabi, Australian special forces shot and killed two men. A third was stripped, beaten and mauled by dogs, while eight others were taken away. An Australian Defence Force report subsequently confirmed that all of the men were civilians.

It was in the context of these officially-sanctioned operations, that the 2011 and 2012 murders, documented in the Brereton report, were committed. Details of the incidents, leaked to the press, show that they involved the same types of raids on villages and hunts for "targets," that were publicly-acknowledged at the time.

Contemporaneous documents also expose the fraudulent character of claims that the military command and the Labor government were unaware of the murders. In April 2013, the Chief of the Defence Force, the Chief of Joint Operations and the head of Joint Taskforce

633, which oversaw Australia's operations in Afghanistan and the Middle East, all issued directives warning against illegal killings.

While the directives upheld the doctrine under which Afghans could be declared as "directly participating in hostilities" (DPS) even if they were unarmed, they stressed the need for a "high degree of confidence" that the "targets" were not simply civilians.

In one of them, subsequently leaked to the media, current Governor-General and then Chief of the Defence Force General David Hurley, wrote: "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 DPS."

There is no explanation on the public record for the flurry of directives against illegal killings. They were issued immediately after the period, which according to the Brereton report, witnessed the highest number of special forces murders. The only conclusion that can be drawn, is that contrary to their current claims of total ignorance, the military command was aware of what was taking place and trying to absolve itself of responsibility.

One other aspect of the Gillard government's record in Afghanistan should be noted. It cultivated the closest ties with Matiullah Khan, a dominant warlord in Uruzgan province. Australian authorities, especially those heading special forces operations, lobbied for his 2011 installation as police chief of the province, in the face of concerns expressed by other Coalition states. Some of his personal militia were even brought to Perth for military training.

In June 2010, the *New York Times* reported that Matiullah made approximately \$US2.5 million per month from drug trafficking, extortion and highway robbery operations. The Dutch paper *De Pers* claimed that in May, 2010, his militia had broken up a meeting of political rivals in the Shah Wali Kot district of Kandahar province. Five of them were killed by gunfire. The remaining 75 had their throats slashed.

When Matiullah was killed in 2015, a column in NewsCorp summed up the attitude of the Australian ruling elite: "The Australian Defence Force, meanwhile, knew he was corrupt, violent and in need of a decent lawyer if he ever ended up in the Hague for war crimes but they—correctly—saw him as a vital asset against the Taliban."

The Brereton report conceals more than it reveals. But from what is stated, as well as voluminous material on the public record, it is clear that the war crimes in Afghanistan were known, tolerated and covered-up by successive governments and the military command. They were a crucial element of a criminal, neo-colonial occupation that inevitably involved efforts to terrorise and intimidate a hostile population.



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