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Media Release

Ex Service Organisations Demand Fair Treatment for Special Forces Soldiers

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Senior Veteran organisation leaders are calling on the federal government to direct the Chief of the Defence Force (CDF) General Angus Campbell to respect the presumption of innocence for soldiers accused of yet to be proven war crime allegations and to suspend administrative action against soldiers and officers, until legal proceedings have been concluded.

In a joint statement, Australian Special Air Services Association (ASASA) National Chairman Hon Martin Hamilton-Smith and Commando (CDO) Association National Vice President Steve Pilmore, with the support of the Returned and Services League of Australia (RSL) are insistent that any administrative action against veterans not continue until the facts have been established, in accordance with due process.

“Major General Paul Brereton released his report in November 2020. Allegations in the report about possible offences were referred to a Special Investigator and the matter is being dealt with in a thorough legal process. But the way in which the CDF handled the matter at the time in the view of many veterans, created an inference of guilt against those involved before the defendants account of events had been heard, and due process afforded.” Mr Hamilton-Smith said

“The allegations remain untested, and the truth is yet to be established by a court. All soldiers and officers involved have a right to the presumption of innocence. Government should require that all within the ADF chain of command respect this and not preempt the legal process.” Mr Pilmore said

We are concerned first and foremost for each of the individual veterans involved in the incidents reported to the IGADF, particularly former troopers, commandos and noncommissioned officers and their families.

In a new development, the CDF has written to former junior and senior officers demanding that they justify why they should keep awards for distinguished and conspicuous service on warlike operations, a recommendation of the Brereton Inquiry.

An earlier recommendation by General Campbell to take this and other related action against Special Forces veterans, both soldiers and officers, was overruled by ministers in the former government.

Media reports suggest General Campbell may make a renewed recommendation to the current government.

“The suggestion that any soldier or officer not subject to any allegation within the Brereton Report is guilty by association of wrongdoing warranting punishment, is a very dangerous precedent with potential ramifications to the very top of the chain of command. Any punitive administrative action taken to remove awards or to sanction veterans must be fair and considered, and individuals must be afforded due process.” Mr Hamilton-Smith said

Supporting the SAS and Commando veterans Associations, RSL national president Greg Melick said,

“As a general rule we consider it more appropriate the CDF await the result of all investigations and finalisation of the legal process before undertaking the reported course of action. In any event this issue should not detract from the brave and dedicated service of Australia’s Afghanistan War veterans”.

“The way in which this matter has been handled has caused, and continues to cause, significant distress to currently serving soldiers, veterans and their families. Help and support can be accessed through the ASASA and CDO Associations, RSL Branches and Sub-Branched and through the Open Arms counselling and support service”.

The RSL will be keeping a close watch on developments and in the meantime, offers its support for the wellbeing of any veterans affected”. Greg Melick

Thousands of Australian Defence Force veterans served their nation proudly in Afghanistan on multiple tours of duty, facing a ruthless and unprincipled enemy over many years. Much of the heavy fighting fell to Special Forces. The allegations referred by the IGADF for investigation concern a handful of matters involving a few soldiers. The government and the CDF must ensure that these matters are handled proportionately, fairly, and wisely in accordance with the law and due process.

Martin Hamilton-Smith

1 December 2022

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