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AUSTRALIAN DEFENCE HEADQUARTERS
Strategic Operations Division
MINUTE

Noted.
RC 27/f

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13 MAY 2004

CDF 428/04
B307609

Minister for Defence

For Action By: 14 May 04

**ADF INVOLVEMENT IN PW HANDLING IN AFGHANISTAN
RECOMMENDATION**

1. That you note
 - a. that the Sydney Morning Herald journalist, Tom Allard, has posed three questions by telephone to Defence Media Liaison in relation to ADF involvement with prisoners of war (PW) in Afghanistan.
 - b. that ADF elements did not capture or interrogate any suspects in Afghanistan.
 - c. that on two occasions, discrete SAS patrols assisted US Special Forces members to capture and transport a suspect to a detention facility, but in both occasions the suspects were later released.
 - d. that in another activity, an SAS patrol detained two Afghan locals for a short period in order to avoid them compromising a mission on an Al Qaeda training camp.
 - e. that no SAS personnel witnessed David Hicks, but that several SAS personnel observed John Walker, another westerner, from a distance being transported by US authorities, however they were not involved in the activity.
 - f. the ADF assembled a team of specialists, who were placed on stand-by as a contingency in the event of Australian captured suspects, however it did not deploy as the SAS did not capture any suspects.
2. That you agree to the release of the attached talking points as answers to Tom Allard's questions.

OVERVIEW

3. Sydney Morning Herald journalist, Tom Allard, has requested a response to three questions:
4. Was the ADF involved in the capture, detention and interrogation of PWs in Afghanistan in any way?
5. Did anyone in the ADF witness the capture, detention and interrogation of PWs in Afghanistan, especially David Hicks?

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6. Is the ADF satisfied that all procedures conducted in Afghanistan to do with the capture, detention and interrogation of PWs under the norms established by the Geneva Conventions were followed?

7. Australian Special Forces were involved in the campaign in Afghanistan from December 2001 through to December 2002 and did not capture or interrogate any suspects during the period of the deployment. The majority of suspects were captured, detained and interrogated by US forces, as the high value target apprehension unit belonged to US Special Operations Command and the detention facility was operated by a US military police unit.

8. Australian Special Forces were employed to conduct strategic reconnaissance and adopted a policy of avoiding direct physical contact with the enemy; however, occasionally they were requested to assist US Special Forces in detention tasks.

9. Australian Special Forces behaved in a mature and compassionate manner when dealing with locals in Afghanistan. Indeed, the level of cooperation achieved with the local population by the Australians was unprecedented in coalition forces. All individuals encountered, whether combatant or not, were treated with respect and afforded the benefit and conditions available under the Geneva Convention.

DETENTION INCIDENTS

10. Assistance with detention and transportation tasks was provided twice, initially during US led OP ANACONDA in March 2002, and secondly on a routine patrol near Khowst in October 2002. On both occasions, SAS personnel assisted a US member detain and transport an Al Qaeda suspect to a detention facility. Both these suspects were subsequently released and returned to their place of residence, in less than a week, as being individuals of no interest.

11. During the preparation for a squadron task onto an Al Qaeda training camp during OP ANACONDA, two Afghan locals, a man and a boy, walked upon one of the patrols conducting strategic reconnaissance. The Australian only patrol detained the two in their location temporarily so as not to potentially compromise the patrol and squadron task. As a result, the task was brought forward 24 hours and the two locals were released once the Squadron had inserted. The two locals were held over one night, for approximately 10 hours, and were provided with water, food and sleeping bags (patrol members went without).

WITNESSES TO PW OR DAVID HICKS

12. No members of the Special Forces Task Group observed David Hicks, although a number of Special Forces Task Group personnel observed John Walker from a distance being transported in US custody when he was brought to, and detained within, Camp Rhino at Kandahar. No one spoke to him or in any way communicated with him.

13. A number of Special Forces Task Group members visited the detention facilities in Kandahar and Bagram as part of an US-hosted camp tour and as a result some Australian Special Forces personnel would have seen detainees, but they did not witness any interrogation or untoward activity.

INFORMATION LIAISON OFFICERS

14. The Special Forces Task Group employed three ADF Intelligence Corps personnel to liaise with the US authorities who were conducting interrogations at the detention facility in Bagram. None of these ADF personnel witnessed or took part in interrogations, as they were a conduit for the flow of information that would assist the tactical planning of future operations

in Afghanistan. These three individuals witnessed detainees on their visits to the detention facility, but they have stated that the relationship between guards and detainees was very professional.

AUSTRALIAN CAPTURED PW CONTINGENCY TEAM

15. In order for Australia to comply with the Geneva Conventions, the ADF assembled a team of specialists who were placed on stand-by, and would have deployed from Australia in the event of SAS capturing any suspects. An area within the Bagram detention facility was earmarked for potential Australian captured suspects and Military Police, Tactical Questioners and Legal Officers were placed on stand-by and maintained at short notices to move in the event that suspects were captured. This contingency was not activated as no suspects were captured by the SAS.

AUSTRALIAN INTELLIGENCE COMMUNITY INVOLVEMENT

16. Other agencies in the Australian Intelligence Community have been contacted in relation to these matters. Both agencies contacted have stated that they did not get involved in PW activities, as suggested in Tom Allard's questions, or in any other activities that could be attributed to ADF personnel. More details on these activities will be forwarded in a separate MINSUB when available.

Sensitivity. Yes, recent global media exposure of Iraqi PW treatment has created a negative environment and any realisation of further information regarding PW/detainee involvement by Australia would escalate the situation. Matters in relation to other intelligence agencies are very sensitive and are not for public record.

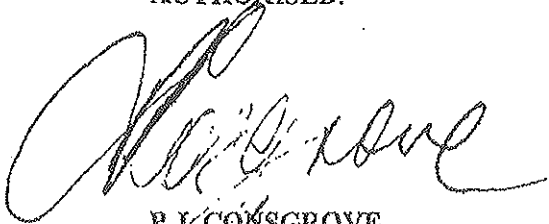
Talking points. Talking points are in attachment A.

Consultation. SOD, SIP, DLS, SOCOMD, PAOP, Int Community members

AUTHORISED:

NOTED

AGREED



P.J. CONSGROVE
GEN
CDF

Robert Hill

*I think para 1 & 4
of the talking points
are adequate.*

16/05/04

13 May 04

Contact Officer:

I think paras 1 & 4 of the talking points are adequate.

Copies: ~~627~~, SEC, CJOPS, CA, DCJOPS, DEPSEC S, FASIP, FASMSPA, SOCAUST, DOPAOP

TALKING POINTS:

- Australian Special Forces did not capture or interrogate any terrorist suspects in Afghanistan during the deployment from late 2001 through to late 2002. Australian Special Forces were employed to conduct strategic reconnaissance and adopted a policy of avoiding contact with the enemy; however, occasionally they were requested to assist US Special Forces in detention tasks but at all times the suspects remained in US custody.
- Australian forces are trained to ensure they treat all captives humanely and in compliance with the Laws Of Armed Conflict. Australian personnel receive specific training appropriate to the operations they are undertaking.
- The ADF in itself did not capture any suspects during operations in Afghanistan and was therefore not a detaining power. Australia's obligations under the Geneva Convention were therefore not engaged.
- During their operational tour in Afghanistan, no Special Forces Task Group personnel observed or came into contact with David Hicks.