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Witnesses at war crimes inquiry subject to 'mafia style' threats

By Nick McKenzie & Chris Masters

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The Defence Force is scrambling to deal with a suspected "mafia style" plot by a small number of special forces soldiers to threaten and intimidate witnesses assisting an inquiry into war crimes.

Defence sources have confirmed that a key inquiry witness and member of the Special Air Service Regiment was sent a letter earlier this week threatening retaliation if he did not recant his testimony to an inquiry led by NSW Supreme Court judge Paul Brereton.



Australian special forces in Afghanistan. AUSTRALIAN DEFENCE FORCE

He is the second witness subject to suspected efforts to frighten them into silence.

Former SASR officer turned Liberal MP Andrew Hastie, who has served in Afghanistan, described the threats as "disgraceful" and "deeply concerning" efforts apparently designed to undermine the most important military inquiry in decades.

"The inquiry process must not be undermined," Mr Hastie said. "As chair of the Coalition's backbench committee on defence and veterans issues, I will be seeking an assurance from the Defence Minister that the Brereton inquiry has the resources and protection that allows it to continue unhindered."



Andrew Hastie: "The inquiry process must not be undermined." TREVOR COLLENS

Sources familiar with the contents of the letter said it included detailed references to the activities of 2 Squadron SASR and was designed to scare the witness, an experienced soldier, into covering up information relating to the alleged execution of an Afghan detainee.

It was sent to the witness just days after he was summoned to testify before Justice Brereton.

In an apparent blackmail attempt sources likened to that carried out by the mafia or a bikie club, the letter states that adverse allegations about the witness will be aired if he exposes wrongdoing.

The contents of the letter and the fact it was sent to a soldier whose identity is protected under national security laws indicated it was "without doubt" prepared at the behest or in conjunction with a serving or former regiment member with likely inside knowledge of the numbers, home addresses and movements of potential regiment witnesses.

While the identity of witnesses to the Brereton inquiry are meant to be secret, the act of calling witnesses via the chain of command – often meaning they are removed suddenly and conspicuously from a training course or other regiment activity – means SASR insiders can infer which of their colleagues have been called.

The threat, sent by a person who identified as "a friend of the regiment", involves a breach of criminal laws prohibiting efforts to interfere with a Defence inquiry.

Two serving SASR members said some of their colleagues were worried about their personal safety, given the training and capability of the two key suspects behind the threat, one of whom is a serving regiment member and the second a former member.

"There is talk about whether physical harm is a possibility," said a regiment member.

The letter was seized earlier this week by the current SASR commanding officer, who alerted Chief of Defence Force Mark Biskin. Defence is understood to have launched a major inquiry.

In a statement released on Thursday night, a Defence spokesperson confirmed that "a member of the Special Forces received a threatening letter in the mail, relating to his giving evidence to the IGADF Afghanistan Inquiry."

"Making such a threat is a criminal offence and Defence has referred the matter to the police," the spokesperson said.

"Witnesses are protected by law from intimidation and from liability for what they tell the Inquiry."

It is the second time a witness to the Brereton inquiry has been the subject of clandestine efforts to undermine or attack their credibility.

On 13 October 2017, a person using a false email address emailed then federal politician Nick Xenophon falsely alleging that the witness – a serving SASR member who had earlier testified before Justice Brereton – was mentally unstable and at risk of performing a repeat of the "Los [sic] Vegas Massacre", a reference to a US incident on October 1 in which a gunman killed 58 people.

The letter urged Mr Xenophon to get the federal police to act as a matter of "urgent public safety".

Well-placed Defence and law enforcement sources said the message to Mr Xenophon was designed to force police to launch an urgent raid without assessing the accuracy of the allegation. The details in the letter confirmed it was sent by a serving or former regiment insider.

The "massacre" warning included a detailed description of how the witness had, in September 2012, brought a non-Defence-issued weapon on a deployment to Afghanistan. Defence sources said the inclusion of the 2012 weapon allegation appeared designed to give the false massacre allegation credibility.

Security sources in Canberra confirmed the complaint forced border force and WA police to conduct a raid, which located no weapons.

The revelations place pressure on Defence Minister Marise Payne and the Defence Force to ensure the Brereton inquiry is capable of investigating the most serious and high-profile allegations to ever face Australia's special forces.

SASR insiders have privately complained that Justice Brereton began working full time on the inquiry only in April, two years after it began.

On Monday, Fairfax Media revealed that former spy chief David Irvine has been commissioned to investigate the Defence Force's handling of the war crimes allegations.

Fairfax Media has confirmed the Irvine inquiry was commissioned by army chiefs earlier this year amid concerns raised in leaked Defence reports of an [entrenched culture of impunity](#) within the nation's Special Operations Task Group.

It is the third investigation into the special forces to be launched in two years.

Senior Defence sources said one of the central questions Mr Irvine is examining is why so few soldiers or officers have been held accountable for a [litany of suspected problems from 2001 to 2016](#), ranging from skylarking, excessive drinking or drug abuse and bullying to alleged war crimes.

The alleged war crimes occurred in Afghanistan between 2006 and 2013, but other instances of less grave suspected misconduct have occurred in Australia or other locations overseas over a longer time frame.

Mr Irvine's appointment by army chief Angus Campbell comes as Fairfax Media, as part of a six-month investigation, uncovers the first corroborated claims that a small number of members from a rogue Australian Special Air Service Regiment patrol were [involved in the summary execution of unarmed detainees in Afghanistan](#).

Fairfax Media has also seen leaked Defence reports from 2016 that describe a culture of impunity and concealment in the special forces. The main combat elements of Australian special forces are the Special Air Service Regiment and the Commandos.

The Defence Force previously [commissioned consultant Samantha Cromptoets to interview SASR and Commandos insiders](#) to gather accounts of wrongdoing. That report prompted the ongoing inquiry by the

inspector-general of the Australian Defence Force, led by Justice Brereton.

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