

Daniel Arzani is a teenager set to make World Cup history

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Weekend

20-year-old Julia Cooney buys Sydney home for \$8.7m

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EXCLUSIVE
A porn king, a right-wing poster boy and a drug bust
ANDREW HORNER
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INDEPENDENT. ALWAYS.

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HERALD INVESTIGATION SAS's DAY OF SHAME

War crime allegations: bound detainee kicked off cliff and executed

EXCLUSIVE

Nick McKenzie
Chris Masters

An Australian special forces soldier kicked a handcuffed Afghan detainee off a cliff before endorsing his summary execution, according to allegations made by direct witnesses.

The case is one of two alleged executions involving a single Special Air Service Regiment soldier in late 2012, and which have been described in detailed testimony of first-hand witnesses.

Yesterday, the *Herald* published

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leaked details of a Defence Force inquiry from 2016 that described "unsanctioned and illegal application of violence on operations" and a "complete lack of accountability" involving some of Australia's elite special forces.

Federal Defence Minister Marise Payne has said the allegations of war crimes in Afghanistan are being "thoroughly examined", while Labor has demanded a confidential report containing the claims be made public.

The revelations are the first

EXCLUSIVE
\$50m FOR GREAT NSW WALKS
NEWS, PAGE 2

EXCLUSIVE
NEWS REVIEW PAGE 21

EXCLUSIVE
Albo: People's Choice to lead

Friends say Anthony Albanese stands ready to lead as Bill Shorten fails to inspire people with Labor trailing in a number of seats for upcoming by-elections.

NEWS PAGE 9

EXCLUSIVE
Get Real? Champs eye off Sydney

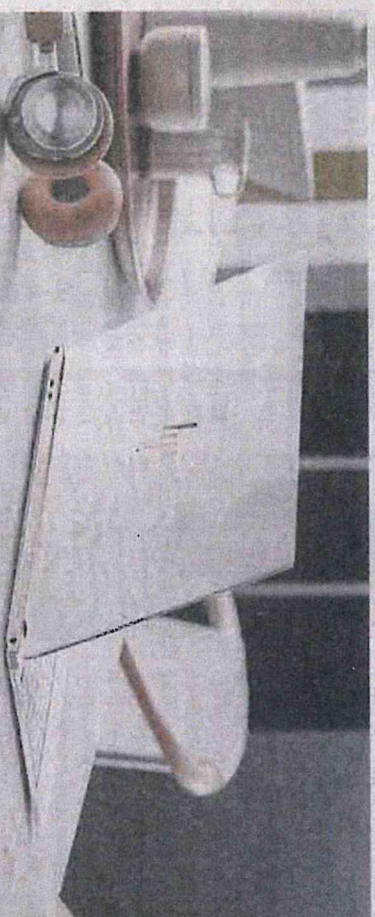
Champions League winners Real Madrid are eyeing off an opportunity to play in Sydney next year, but a major promoter says the NSW government has taken a "hiatus" from attracting major international sporting teams.

EXCLUSIVE
NGA's ambitious new director

Nick Mitzevich says he wants to change everything in Australian art. Artist Bill Henson photographed the incoming director of the National Gallery of Australia for the cover of today's magazine.

GOOD WEEKEND + NEWS PAGE 17

An Australian Special Operations Task Group soldier in Afghanistan.
Photo: Australian Department of Defence



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HERALD INVESTIGATION

Troops kept 'kill board': SAS's day of shame

One kick is raising serious questions about the culture and command structure of Australia's most trusted fighting force, write Nick McKenzie and Chris Masters.

The Australian special forces soldier led his prisoner towards a ridge above a dry creek bed near the Afghan village of Darwan. The prisoner's fate lay in the hands of the man leading him to the edge. His own hands were bound.

It was September 11, 2012 – 11 years to the day after planes piloted by al-Qaeda plunged into the World Trade Centre, leading Australia to enter what would become the nation's longest war.

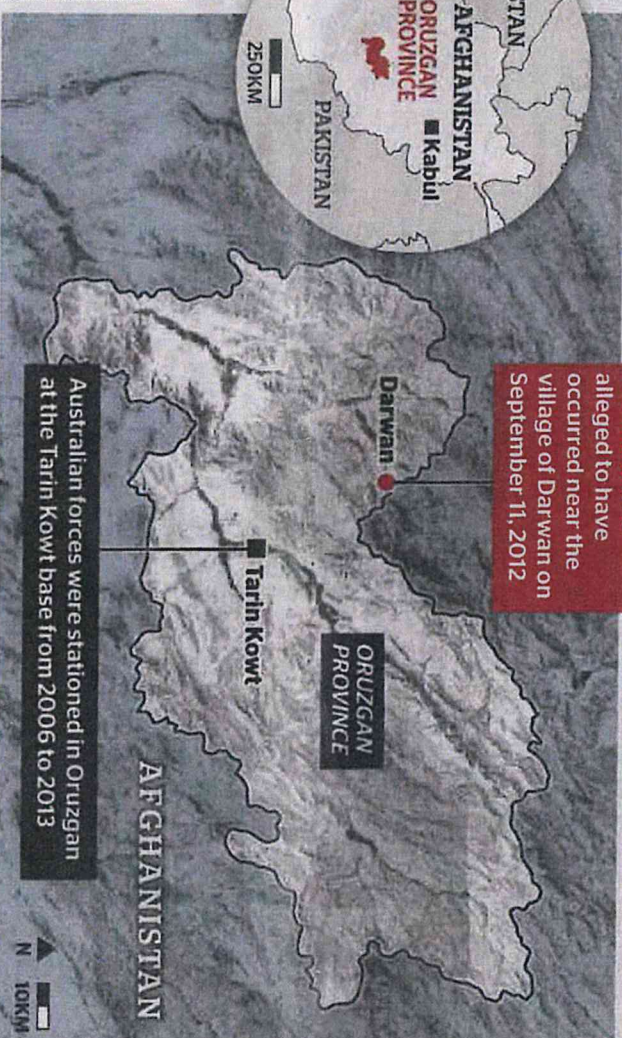
The handcuffed detainee was Ali Jan, a shepherd in his late 30s from a village three hours walk from Darwan, where his wife's family owned a plot of land. The day before, he'd travelled by donkey to Darwan to get flour. He'd left his pregnant wife, Bibi, and seven young children behind, telling them he'd be back soon.

After arriving in Darwan, Ali Jan had dinner and settled in for the night at a relative's home, a mud house brightened with carpets and the chatter of children. He planned to return home the next morning.

But when the sun rose on what was to be the last day of Ali Jan's life, it revealed a group of heavily armed Australian soldiers sweeping through Darwan on a manhunt.



The incident is alleged to have occurred near the village of Darwan on September 11, 2012



Australian forces were stationed in Oruzgan at the Tarin Kowt base from 2006 to 2013

They were searching for a rogue Afghan National Army sergeant called Hekmatullah who, days earlier, shot dead three unarmed and unsuspecting diggers and injured two others as they played cards at a coalition patrol base. By the time the Australian special forces soldiers arrived in Darwan, the wanted man had vanished. Hoping to trace his whereabouts, they began arresting dozens of local men for

questioning. At some point, Ali Jan was also detained.

Most of the men were released, but Ali Jan never arrived home. Soon, word reached his wife that something terrible had happened at Darwan.

Since then, speculation about what happened in that village in the hills of Afghanistan's central Oruzgan province has only intensified, travelling across continents and time zones. In the

Perth barracks of Australia's most elite fighting unit, the Special Air Services Regiment, the incident is discussed in hushed tones. In central Afghanistan it evokes grief.

Now, five years after Ali Jan was walked towards the cliff edge, rumour has hardened into allegations, and then into evidence. The *Herald* has spent months looking into Ali Jan's fate as part of a broader investigation into the

War crime allegations: bound detainee kicked off cliff

From Page 1

corroborated accounts of alleged war crimes involving the Special Air Service Regiment in Afghanistan. They are the most serious to face the Australian military in years, not only due to the gravity of the alleged conduct but also because they allegedly involve a small number of the nation's most elite soldiers.

The alleged breaches of the Geneva Convention – international laws which are meant to protect civilians and detainees in war zones – also raise serious questions about a command failure to oversee SASR soldiers during Australia's

longest war, with evidence suggesting one small team of soldiers went rogue over several years.

Ms Payne said it was well known that special operations soldiers – made up primarily of the SAS and commandos – operated in “a complex, chaotic and very dangerous environment to defend our freedoms”.

But she said allegations that “unsanctioned and illegal application of violence on operations”, as well as claims of a lack of accountability to the military chain of command, were being investigated.

“As Australians would expect, these allegations must be – and are being – thoroughly examined, independently from the chain of

“These allegations must be thoroughly examined.”

Defence Minister Marise Payne

command.” She said an inquiry by the Inspector General of the Australian Defence Force had been going on since May 2016.

Minister for Foreign Affairs Julie Bishop said they were “very serious allegations”.

“I regard the soldiers of the SAS as some of our finest. These are men who are prepared to put their life on the line in conflict situations

to defend us and to defend our freedoms,” she said.

Labor defence spokesman Richard Marles labelled the reports “deeply concerning” and said the opposition would seek a briefing from Ms Payne.

“We will also be seeking, subject to national security considerations, as much of this report as possible be brought to the public domain,” Mr Marles said in a statement.

The International Criminal Court is also deciding whether to launch an investigation into atrocities committed by all sides in the Afghanistan conflict. The alleged war crimes have

been exposed by SASR whistleblowers who have been backed by certain high-ranking officers, including now former major-general Jeff Sengelman and incoming Defence Force chief Angus Campbell.

The prisoner of war was allegedly detained by an SASR soldier in the Afghan village of Darwan, on September 11, 2012, and allegedly kicked off a cliff, badly injuring his face, two Defence Force insiders who witnessed the event said.

As the detainee lay injured, hands still bound, the two witnesses say SASR soldier “Leonidas” was party to the decision among soldiers to “get him out of his misery”. **additional reporting David Wroe**





The prisoner's fate lay in the hands of the man leading him to the edge. His own hands were bound.

Illustration: Matt Davidson

RECREATION OF ALLEGED ATTACK

Historian Charles Bean describes Australia's "big" discovery in WWI - the "character of men" - as forged by the Anzacs who "pushed the hills at Gallipoli and held out there during the long afternoon and night".

The SASR's character and place in Australia is shaped by its own stories. Most recently, certain battles in Afghanistan have helped define the regiment: the courageous fight at Tizak in 2010, which involved many SASR soldiers displaying extraordinary heroism under fire; and the bravery displayed during a fierce firefight with the Taliban in 2008 at Khas Oruzgan. Both battles led to multiple awards being presented to SASR members, including two Victoria Crosses, the Commonwealth's highest honour.

But in spite of this fierce pride and the taboo about breaking ranks, members began writing to Sengelman after he issued his memo. Over time, serving and former regiment members have also briefed reporters working on this story. They speak of an untold story from Afghanistan involving a small number of regiment members who began to confuse secrecy with impunity; men whose actions exist in the shadowy margins of proper behaviour in combat.

Editorial: Behind the lines, not beyond the law NEWS REVIEW PAGE 28

withdrawn from Australia's longest war. During 18 years on the battleground in Afghanistan, the SASR had sent 23 rotations involving thousands of men and hundreds of missions. Many of the 41 Australians killed in Afghanistan served with these two elite forces.

Major General Jeff Sengelman, an intense and cerebral officer known for speaking his mind, began his report by describing three concerning incidents: an SASR member had been caught stealing explosives, another had been arrested for armed robbery, and a third had lost weapons. Sources say a fourth incident, which involved an SASR soldier drawing a pistol on an Australian spy in Afghanistan, had also deeply troubled Sengelman. These incidents, wrote the new commander, were symptoms of something deeper and more worrying: a "gradual erosion of leadership and accountability across the full span of command responsibilities".

Then he switched to plainer language. He was worried, he said, that the nation's most revered group of soldiers was "no longer holding itself to account".

Sengelman urged SASR members to write to him personally about their concerns. It was a bold move.

Tracing its beginnings back to the top-secret Australian Z Special Unit

behaviour of SASR forces in Afghanistan. The investigation involved interviews with dozens of current and former soldiers and senior officials, and unearthed highly confidential documents and briefings. The *Herald* also hired an Afghan journalist to find Darwan villagers and Ali Jan's family to tell their story.

Among the special forces soldiers risking their careers to brief *Herald* reporters are those who have also been summoned to give evidence to a special inquiry now being held into the actions of Australians in Afghanistan. This inquiry is run by a Supreme Court judge with the backing of top military officials. Behind closed doors, the words "war crimes" are being used. Not only specific incidents, but the entire culture and command structure of Australia's most renowned and trusted fighting force is now under scrutiny in a manner unprecedented in Australian military history.

SOTTO VOICE: THE QUIET VOICE

In May 2015, a newly minted Special Operations Commander issued a memo. It had been 18 months since the Special Operations Task Group, comprised principally of the SAS Regiment and its younger special forces siblings, the Sydney-headquartered Commandos, had

What happened at Darwan and elsewhere isn't right?

leaked defence report charting the special forces' culture, "and the government loves it. And everybody loves it."

It wasn't just this culture that Sengelman was challenging, but also a bond of brotherhood, forged at its deepest in blood and bravery.

Continued Page 12

SAS's day of shame



Australian Special Forces Task Group soldier during a training activity in Afghanistan. Photo: Australian Department of Defence.

From Page 11

As one highly decorated Afghanistan SASR veteran puts it: "I'm all for dropping the hammer [shooting people] when the time comes. But that doesn't mean killing civilians or getting up your 'kill count' when you can take a prisoner instead."

Says another who fought at Tizak: "I've got no problem with taking out bad fellas. But what happened at Darwin and elsewhere isn't right."

As the letter count grew, Sengelman called his boss, then Chief of Army Angus Campbell, himself a former SASR officer. Together, they commissioned a defence consultant, Dr Samantha Crompvoets, to dig further. Crompvoets was given free rein. She spoke to people from the Chief of Defence Force downwards in preparing her highly confidential 2016 report, which the *Herald* has seen. Crompvoets wrote of SASR "insiders" initially disclosing information "softly" or in the quiet voice. Over time, she wrote, these insiders got "much louder... and difficult to ignore".

At their most serious, Crompvoets wrote, their accounts concerned the "unsanctioned and illegal application of violence on operations, disregard for human life and dignity, and the perception of a complete lack of accountability".

Her report reinforced a fear held by some in Perth that the SASR's character had been compromised by a small group inside the regiment. Crompvoets, Sengelman and Campbell all declined to be interviewed. But by the end of 2016, all three were acutely aware that one SASR soldier was being whispered about more than most. He had deployed repeatedly to Afghanistan and formed impeccable connections up the chain of command.

One SASR officer, to himself, called this man "Leonidas", after a fearsome warrior of ancient Sparta. Leonidas was part of the sweep through Darwin on September 11, 2012. And it was Leonidas who had allegedly led Ali Jan to the edge.

SPARTA AND HOLLYWOOD

Questions inside the regiment about Leonidas, who the *Herald* unsuccessfully sought to interview and who cannot be named for legal reasons, began to be asked in 2009. At the time, he was part of an SASR patrol that was increasingly dividing the regiment. A warrior culture was being embraced by some special forces troops but loathed by others. It involved tattoos and a devotion to the Hollywood movie *300*, which glorifies the fighting prowess of the ancient Spartans, and whose climactic moment involves an enemy soldier being kicked off a ridge. Several former SASR officers say this rock-star ethos emboldened certain soldiers to test the elasticity of the rules of engagement – rules that govern when a soldier can take a life. "The regiment over time prided itself on being an organisation that broke the rules but not the law," explains one former officer.

What happened, though, was during the Afghan campaign, there was a group of individuals who believed they were immune from the law."

A specialist embedded with the SASR noted two distinct personalities emerging as one four-month rotation blurred into the next, and the regiment

honed its ability to kill or capture militants, men placed on the coalition's Joint Priority Effects List, the modern version of a wanted poster.

The specialist says some soldiers sought redeployment in Afghanistan because they loved the hunt. Others came to feel uneasy as an escalating enemy body count was not matched by progress in achieving the US-led NATO mission.

Former SASR captain Andrew Hastie, who served in Afghanistan in 2013 and is now a Liberal MP, recalls the latter group of soldiers "grasping for operational clarity in a fog of strategic ambiguity".

The patrol Leonidas belonged to appeared unburdened by such introspection. In this group, sources say, junior members were pushed to kill rather than detain.

In time, members of this patrol tackled a "kill board" to the wall of their patrol room. Members of another patrol heard Leonidas urging his fellow patrol members on – "only two more to go, boys" – a suspected reference to reaching a desired kill count.

Sources say the patrol fused a warrior ethos with the regiment's secretive culture. Its aggressive approach drew some admirers, including officers who believed it was needed on Afghanistan's asymmetrical battlefield. Leonidas, too, had his fierce backers, including regiment members who believed his assertive soldiering was setting an example for others.

Those bagging Leonidas, they said, were jealous of his courage and resolve.

Less aggressive patrols risked unofficial sidelining. One patrol commander was regarded by his peers as overly cautious after he told his soldiers they had to be comfortable with everything they did in battle.

"He told us we needed to be able to get to sleep at night when we were grandparents," says a patrol member. Subsequently, this member says the patrol started being overlooked for missions.

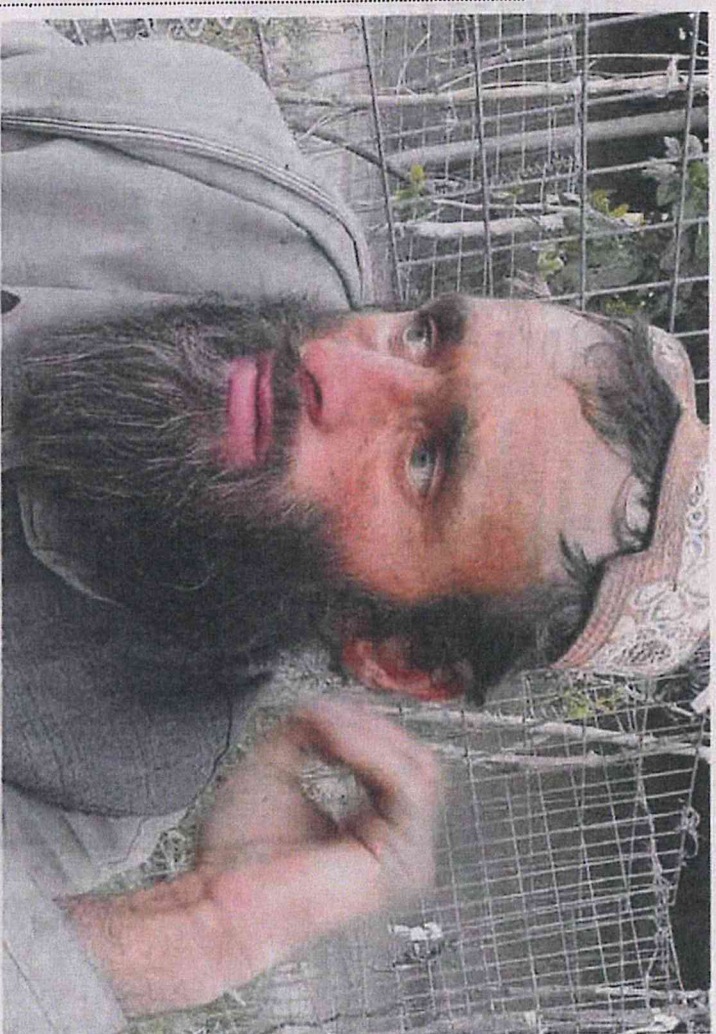
RUMBLINGS AND DISCONTENT

By 2010, there were disparate rumblings about incidents involving Leonidas' patrol. A prisoner of war was found dead in suspicious circumstances by a member of another patrol; an SASR soldier discovered the bodies of two farmers in a field without weapons; one of Leonidas' colleagues was quietly complaining about another shooting on patrol.

In each case, Leonidas' patrol had failed to conduct a proper "site sensitive exploration". This is supposed to involve scouring for items that can be exploited for intelligence, such as radios, but it also helps document the circumstances of a killing, such as whether a person was armed.

But it was not until two years later, in 2012, that witnesses began emerging with vivid, first-hand testimony about what Samantha Crompvoets later described as "unsanctioned and illegal application of violence".

By the second-last year of Australia's deployment, the coalition's Afghanistan strategy was on life-support. Soldiers and diplomats viewed Afghanistan's criminal justice system as a revolving door for militants. According to a former SASR officer, small, combat-fatigued cliques inside the regiment were embracing "special warrior" rules



of combat. They were enabled, he says, by willfully blind colleagues and an embattled command system.

On August 29, 2012, Afghan sergeant Hekmatullah shot dead three Australian soldiers. The murdered trio were meant to be Hekmatullah's comrades, but he killed them in cold blood and fled. One defence insider embedded with the SASR as it began the hunt for Hekmatullah describes a "change of attitude, a change of eyes". Some soldiers, he says, were out for blood.

When satellites intercepting phone calls gathered intelligence that placed Hekmatullah near Darwan, the Australians moved fast. For them, he was the most wanted man in Afghanistan.

'ONE SPOTTER K-I-A'

The radio message cracked into the earpieces of the special forces soldiers: "Three minutes till wheels up". The Darwan mission was ending. The helicopters were about to take the Australians and a small number of villagers for additional questioning back to the district capital, Tarin Kowt. Soon after, the 50 or so detainees crammed into a compound at Darwan received their own blunt warning. "If you come outside before the helicopters are gone, you'll be shot," an SASR patrol commander barked.

The Afghans waited, some with heads bowed, listening for the whirr of rotor blades that would signal the end of their ordeal. Then the radio crackled again, this time relaying a message from Leonidas: "One spotter K-I-A [killed in action]," he said.

One of the SASR members on the ground, a respected and experienced operator, describes feeling a distinct pang of suspicion. "I thought to myself, something's not right."

The SASR had already spent hours searching compounds and rounding up dozens of men, designated "PUCs" (Persons Under Confinement) so they could be interrogated.

The soldier who felt something was awry was a member of a six-man patrol with a clear line of sight up the dry creek bed, but at a distance of about 50 metres from detainees being guarded by a patrol that included Leonidas. If a spotter - an enemy surveillance operative who reports coalition soldiers' movements to militants - had emerged, the soldier reckoned he would have seen him. It also made little sense, the soldier thought, for an active spotter to approach the Australians so late into their Darwan mission.

"We didn't require any spotting - we had come in like an elephant and made our presence well known," the SASR soldier recalls. As his helicopter lifted off, he remembers glancing down from a helicopter, seeing what looked like a body at the bottom of a cliff and asking himself: if it wasn't a spotter who was K-I-A, who was it?

A short time later, an SASR soldier responsible for securing the Darwan detainees separately approached two senior regiment members with an answer. The junior soldier described a scene he'd witnessed which was haunting him. It involved an irate and frustrated Leonidas grabbing one of the handcuffed PUCs and walking him to the edge of a cliff perhaps 10 metres high.

Leonidas gave himself a short run-up then kicked the detainee. As he plunged, his face smashed into rocks. Then the injured man was executed, the junior soldier told his superiors. A second witness serving with the

SASR during the Darwan mission has corroborated that story. He says he saw Leonidas kicking "the hell" out of an Afghan detainee. "This witness says this incident mirrored the climactic "kick" scene from the Spartan movie, 300. As the PUC lay injured, hands still bound, this second witness says Leonidas conferred with a small number of soldiers, explaining the injured prisoner "was acting suspicious". Then the man, says this witness, was executed in some scrub out of the view of the other detainees and most of the other soldiers.

Stories differ about the precise sequence of events, although both witnesses say Leonidas was party to the decision to "get him [the PUC] out of his misery".

Villagers tracked down by an Afghan journalist working with the *Herald* provide further corroboration.

Darwan's village elders claim that several innocent residents were slain when the SASR swept through on September 11, 2012. Among their tally of the dead were two men killed in a compound filled with almonds. These two deaths match reports filed by SASR members save for a critical difference: the soldiers say the two men were armed, the villagers say they were not.

The villagers also describe a detainee who was forced over a cliff by an Australian soldier and then executed. When the soldiers had flown away, the villagers recognised the dead man as Ali Jan, a shepherd from a nearby village. They dispatched a young boy to run to a village three hours away with the news. Expecting her husband to return home with flour and gossip, Ali Jan's pregnant wife, Bibi, instead received word that he was dead.

Ali Jan's brother, Abdul Ahmad, recalls reeling in disbelief that "a person who went to get flour" could somehow end up dead. When the news sunk in, it brought despair. "Then the screams started," Ahmad says. "Ali Jan's mother was crying day and night for a week. His two elder daughters were screaming and running after their grandmother" in a state of bewilderment, pleading to be told their father was alive.

A SECRET HEARING

In late 2017, an SASR soldier who had been at Darwan received an unexpected call from a defence investigator working for NSW Supreme Court judge Paul Brereton. Justice Brereton, the investigator explained, wanted the soldier to attend a secret hearing.

Several weeks later, another SASR member was summoned. This year,



Abdul Ahmed, top, the brother of Ali Jan; Hekmatullah shot dead three Australian soldiers in 2012, above left; Army chief Angus Campbell, above right; Samantha Crompvoets, below left; Major-General Jeff Sengelman, below right.



many more have been grilled.

In 2016, and partly as a result of the Crompvoets inquiry, Justice Brereton was commissioned by the then Chief of Army, Angus Campbell, to investigate what the defence department described as "rumours" of special forces' misconduct in Afghanistan.

Brereton refuses to be interviewed by the media, but those who know the 60-year-old judge describe him as determined and fiercely independent. He also has military credibility, having enjoyed a decorated career as an army reservist. His father, NSW judge Russell Brereton, prosecuted Japanese soldiers for war crimes after WWII.

Two soldiers who have been interviewed by Brereton say many of his questions were directed to events at Darwan. "I was blown away by the detail he had," says one interviewee.

Yet both soldiers, and several others who've been interviewed, say they are unsure if Brereton has the power and backing not only to breach the SASR code of silence but expose all that he finds. Some senior defence officials insist Brereton's inquiry, which operates under the aegis of the secretive watchdog, the Inspector General of Defence, is limited to a "scoping" exercise and that any credible evidence of war crimes will need to be referred to the Australian Federal Police.

In a statement, the defence force said the Brereton inquiry would make "recommendations" about how to deal

The bloodling of young SAS recruits

THE SUN-HERALD
TOMORROW

with any substantiated allegations of war crimes. "The ICADF Afghanistan Inquiry has, for some time, been aware of allegations of significant issues involving the Special Operations Task Group in Afghanistan, which are within the scope of the inquiry," the statement said.

Senior federal police privately say they are wary of inheriting from Brereton a politically sensitive probe involving a cold evidence trail on a foreign battlefield.

And yet evidence is mounting, extending beyond Leonidas and his collaborators, to a small number of other SASR members. This evidence points to other summary executions or attempts to cover up civilian deaths. While the allegations involve a tiny minority, they also raise questions about the blindness and competency of some of their commanders.

The commands - the other major component of Australian special forces - do not appear to be facing as serious allegations as those in SASR.

In her confidential report, Crompvoets warned the issues she had uncovered should not be dismissed as soldiers "blowing off steam". Rather, she wrote, they involved "problems deeply embedded in the culture" of the special forces, which would resist "simple or cosmetic solutions".

Crompvoets also warned of "a deep impediment to change because of the extent to which leaders with SOP [special operation forces] backgrounds, highly placed throughout the ADO [defence] and beyond, were compromised by their own participation or complicity in problematic behaviours of the past".

Yet it is also clear that some of those who are fighting behind the scenes for transparency are serving or former SASR members. Angus Campbell, who in April was selected to become the next Chief of the Defence Force, appears to be among them.

One of his last moves as Chief of Army has been to restrict soldiers from wearing clothing adorned with controversial symbols. It was met with howls of resistance from many in Defence and some in the media.

Those inside the SASR pushing for greater accountability say the public must be told how a small group of soldiers could act with apparent impunity even as those in command were ostensibly overseeing them.

Such a public reckoning, they say, could also consider the damage wreaked by those few soldiers who allegedly cared more for adding to their tally of dead than the Afghans they'd been sent overseas to protect.

By many accounts, the coalition's mission in Afghanistan failed. The Taliban now controls over 10 of Afghanistan's 407 districts, including the village of Darwan.

The freelance reporter who tracked down Ali Jan's family for the *Herald* worked under the constant threat that the Taliban might uncover his activities. Using a network of tribal elders, the freelancer arranged for Ali Jan's brother, Abdul Ahmad, to travel to a safe house to tell their story. Ahmad said Ali Jan's death had left his wife, Bibi, struggling to put food on the table. They can no longer afford meat or to send the children to school.

But the family had been blessed, he said. Three months after Ali Jan's death, Bibi gave birth to a baby girl. Ali Jan's youngest daughter, Razia, is five. Reporting in Afghanistan by Sharif Khormam.