HOUSE OF REPRESENTATIVES
MINISTERIAL STATEMENTS
Afghanistan
SPEECH
Thursday, 16 August 2012

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES
Mr STEPHEN SMITH (Perth—Minister for Defence and Deputy Leader of the House) (09:01): by leave—The government is committed to providing regular reports and updates on Afghanistan, including to the parliament. This year, I have reported to the parliament on three previous occasions. In February, I provided an update to parliament on progress in Afghanistan. In May, I reported to parliament twice, once on Australia's detainee management arrangements and, on my return from Chicago, on the outcomes of the NATO/International Security Assistance Force (ISAF) Leaders' Summit, which I attended with the Prime Minister.

Since my last statement, there have been three significant developments in relation to Australia’s mission in Afghanistan. On 17 July, transition formally commenced in Uruzgan province, where the majority of Australian forces are based. This follows the province's inclusion in the third tranche of provinces and districts to enter the transition process, as announced by President Karzai on 16 May.

The start of transition in Uruzgan reflects the progress made by Australia and ISAF in training and mentoring the Afghan National Security Forces (ANSF) and strengthening security and development. It is a welcome sign that transition in Uruzgan is on track for completion over the next 12 to 18 months. The commencement of transition in Uruzgan is in line with the strategy agreed by the international community at Lisbon, and reaffirmed at Chicago, namely to transition the security lead from ISAF to the Afghan National Security Forces by the end of December 2014.

On 31 May, I announced that Australia will take on the leadership role of Combined Team-Uruzgan (CT-U) later this year. Combined Team-Uruzgan was established in August 2010 under United States command following the withdrawal of the Dutch, with the role of commanding ISAF operations in Uruzgan province. The United States has had the leadership of Combined Team-Uruzgan since that time. Australia sees leadership of the Combined Team-Uruzgan as part of the transition process through which security responsibility will be transferred from ISAF to the Afghan National Security Forces.

Australia sees this as the appropriate time to take the leadership role in Uruzgan province, to help ensure that transition in Uruzgan is effected in a seamless way. The United States has committed to continuing to provide enabling support in the province, which it has done since August 2010. Assuming leadership of Combined Team-Uruzgan will not require an increase in the overall average size of Australia's presence in Uruzgan. Australia looks forward to continuing to work with our Combined Team-Uruzgan partners—the United States, Singapore and Slovakia—to progress transition in Uruzgan to the Afghan authorities.

Following the 4 August vote of no confidence by the Afghan parliament in the Afghan Defence Minister Wardak and Interior Minister, Bismullah Mohammadi Khan, Minister Wardak announced his resignation on 7 August. I congratulate Minister Wardak on his successes as defence minister. I have worked closely with him and wish him well in his new role as Senior Presidential Adviser to President Karzai on army reform. Deputy Defence Minister Nazari has been appointed Acting Defence Minister.

The appointment of Afghan ministers is of course a matter for the Afghan government and I am committed to working with my new Afghan counterpart when appointed to ensure the transition process in Uruzgan is effected seamlessly.

Australian casualties

Tragically, since my last Ministerial Statement, Australia has also lost another soldier in Afghanistan. Sergeant Blaine Diddams from the Special Air Service Regiment, the SAS, was killed on 2 July during a small arms engagement with insurgents. The Prime Minister, the Leader of the Opposition, the Shadow Minister for Defence Science and I all spoke on the condolence motion for Sergeant Diddams on Tuesday. I again offer my condolences to the family, friends and mates of Sergeant Diddams.
High profile attacks

Despite progress being made, Afghanistan remains a dangerous environment, as evidenced by the recent series of bombings in Nimroz and Kunduz provinces earlier this week on 14 August. Nearly 50 people were killed and more than 130 wounded as a result of these appalling attacks, with Afghan civilians the majority of victims. These attacks are aimed at achieving a propaganda effect and undermining Afghan and international confidence in the progress that is being made on transition.

Green on blue incidents

Members are only too well aware of the dangers our personnel face in Afghanistan and the potential for so called ‘green on blue’ incidents or ‘insider attacks’. The causes are complex and range from Taliban infiltrators to real or perceived grievances affecting Afghan soldiers, policemen or locally engaged staff.

There are more numerous so-called ‘green on green’ incidents, involving members of the Afghan National Security Forces carrying out attacks against their fellow ANSF colleagues. There have been no ‘green on blue’ incidents involving ADF personnel this year, but there has been an unfortunate rise in the number of these incidents involving our international partners. Earlier this month, ISAF implemented force protection enhancements across Afghanistan as a result of an increase in these insider incidents. Australian force protection measures are robust and were already in line with these adjusted ISAF measures.

Our overall relationship with our Afghan partners is positive and productive, with its members equally horrified by such incidents as we are. We should not judge an entire organisation based on the terrible actions of a few and it is vital that we, along with our ISAF colleagues, continue to partner the ANSF closely in the field.

Detainee management update

In keeping with my commitment to provide regular updates to the Australian people on detainee management, and to be open and transparent on these matters, I now update on detainee management issues in Afghanistan. Australia approaches its responsibility for ensuring detainees are treated with dignity and respect with the utmost seriousness and is committed to conducting its detention operations in accordance with our domestic and international legal obligations.

Australia's detainee management framework for operations in Afghanistan has two priorities: first, removing insurgents from the battlefield, where they endanger Australian, ISAF and Afghan lives; and, second, ensuring humane treatment of detainees, consistent with Australian values and our domestic and international legal obligations.

Since the introduction of Australia's detainee management framework in Afghanistan on 1 August 2010, following the Dutch withdrawal from Uruzgan, three comprehensive audits of the detainee management framework have been undertaken, with one more comprehensive audit planned for this year. The last comprehensive audit undertaken in May this year included a review of the interrogation capability, which commenced in February this year; a review of the CCTV systems at the ADF's Initial Screening Area in Tarin Kowt; and consideration of practices and processes at the point of capture. The audit found that all detention activities conducted at the ADF Initial Screening Area over the period of the audit were in full compliance with Australian policy, Australia's international and domestic legal obligations and ISAF requirements. These audits are essential to verify that a strong governance framework remains in place and that we are able to address any issues that might arise.

Monitoring

As part of our detainee management framework, Australian officials monitor the welfare of all detainees transferred from ADF custody to Afghan or US custody. This is to ensure that detainees continue to be treated humanely following transfer from Australian custody. Australia's monitoring regime includes a Detainee Monitoring Team, led by the Department of Foreign Affairs and Trade. The Detainee Monitoring Team visits each detainee shortly after transfer and approximately every four weeks after the initial visit. We continue to monitor detainees up until they are sentenced, after a criminal prosecution or released. This reflects the practice of our ISAF partners.
Between August 2010 and 11 August 2012, the monitoring team conducted 106 monitoring visits. This included 51 visits to the National Directorate of Security facility in Tarin Kowt, 16 visits to the Tarin Kowt Central Prison and 39 visits to the detention facility in Parwan. These visits are an essential mechanism to ensure detainees apprehended by the ADF are treated appropriately.

To date, our monitoring of ADF-apprehended detainees in Uruzgan and Parwan has not identified serious issues of concern that would warrant consideration of the suspension of transfers to these facilities. Separate from and in addition to the comprehensive audits of the detainee management framework, the first audit of Australia's detainee monitoring processes is currently underway. An audit team of officials from the Department of Defence and from the Department of Foreign Affairs and Trade is reviewing Australia's detainee monitoring regime in Afghanistan. The audit team will report on the adequacy of current training provided to personnel involved in detainee monitoring and on the effectiveness of current practices and procedures and will, where necessary, make recommendations on possible improvements. I will provide an update to the House on the findings of this audit in due course.

Capture/recapture

Over the period between August 2010 and 11 August this year the ADF has detained 1,653 suspected insurgents. Of these, 115 detainees have been transferred to the Afghan authorities at the National Directorate of Security in Tarin Kowt and 83 detainees have been transferred to US authorities at the detention facility in Parwan.

Between August 2010 and 11 August this year the ADF captured 12 people who were subsequently released then recaptured. Six of the individuals in question were released as there was insufficient evidence to warrant their continued detention. Of the remaining six detainees, there was sufficient evidence to warrant their transfer and prosecution. Three were subsequently transferred to US custody at the detention facility in Parwan, and three were transferred to Afghan custody at the National Directorate of Security detention facility in Uruzgan.

Interrogation

In February this year, I announced the deployment of trained ADF interrogators to Afghanistan to question detainees apprehended by the ADF. Interrogation expands the ADF's ability to obtain information of operational and tactical value to help protect Australian personnel, the ANSF and the local Afghan population. Interrogation is conducted by ADF personnel who are qualified in interrogation—that is, only those personnel who have received specialised training undertake interrogation activities.

In February I also advised that the government had agreed to extend the time selected detainees could be held in Australian custody at the initial screening area, prior to their release or transfer, for the purpose of comprehensive screening. Any interrogation is undertaken during the approved period of extension for comprehensive screening. Comprehensive screening enables the ADF to determine whether a detainee has knowledge which could assist in the force protection of the ADF, ISAF and our Afghan partners.

As at 11 August this year approximately 28 per cent of detainees apprehended by the ADF while on operations in Afghanistan have undergone interrogation within the initial screening area since interrogation operations commenced in February. The length of time for which detainees can be held in the initial screening area may be extended beyond the standard 96 hours, or four days, for an additional three days, and a possible further extension of three days. Since the introduction of interrogation in February, on the advice of the Chief of Defence Force, I have authorised the extension of detention for one detainee for a further period of 20 days. That detainee was assessed as having valuable information that would directly assist the force protection of Australian, ISAF and Afghan personnel. The detainee was treated humanely and with dignity and respect at all times while in Australian custody. A review of the detention was conducted after every five-day period to ascertain a continuing requirement to detain for interrogation. The CDF and I were advised of the outcomes of each review, including the detainee's fitness for further detention. ISAF, Afghan authorities and Afghan human rights organisations were advised of the extension of detention. At the end of the further extension of detention, the detainee was transferred from ADF custody. The detainee was assessed on transfer as being in a fit and sound state.

Incidents and allegations

Allegations of mistreatment
Australia takes all allegations of detainee mistreatment seriously. I have provided regular updates on complaints and allegations of mistreatment the ADF has received since August 2010. During the period August 2010 to 11 August 2012, there have been 141 allegations of mistreatment against Australian forces. Of these, 125 relate to treatment or an incident at the point of capture. To date, 123 of these allegations have been considered and have been assessed as unsubstantiated, while 18 allegations remain under investigation. In Australia’s detention operations, the term ‘allegation of mistreatment’ is used to describe any perceived or alleged incident involving an individual who is in Australian custody. When a detainee is brought into our initial screening area, each detainee is specifically asked if they have any complaints about their treatment. Any complaint is treated as an allegation.

This terminology does not imply any wrongdoing on the part of the ADF or its personnel but simply that a person has made a complaint or an allegation about the treatment they, or another individual, has received or witnessed during the course of their interaction with the ADF or the Afghan National Security Forces.

Every allegation of detainee mistreatment received or observed by the ADF is required to be reported through the Australian military chain of command. Once reported, such allegations are promptly assessed or investigated. This process may include taking witness statements, examining any medical evidence as well as reviewing records and CCTV footage. Allegations and the outcomes of any assessments are reported to ISAF and key human rights and humanitarian organisations.

**Treatment of detainees by ANSF**

Not only is Australia committed to holding our own personnel to the highest standards on detainee management, but, if ADF personnel become aware of concerns regarding the treatment of detainees by our ISAF or Afghan partners, this is treated with the same utmost seriousness. If a detainee consents, the specific allegation is brought to the attention of the Afghan authorities for investigation.

During the period August 2010 to 11 August this year, 46 allegations of detainee mistreatment have been made against the ANSF at the point of capture. These allegations have been referred to the ANSF for investigation.

During operations with the ANSF in Uruzgan, Australian forces promote adherence to human rights standards and other international legal obligations relevant to the treatment of detainees and the protection of the local civilian population. As part of the ADF’s role in training and mentoring the ANSF, Australia provides human rights training to Afghan personnel and advises Afghan personnel on the correct procedures for handling detainees under applicable international law.

As well as the training provided by Australia to the ANSF, the ANSF in Uruzgan receives specific human rights training which covers detention operations from the Afghan Independent Human Rights Commission. The ADF also provides Afghan personnel practical advice on these issues in the field.

**Allegations of procedural misconduct**

On occasion, issues arise with respect to the implementation of our detainee operations. I now update the House on those issues.

In February 2011 I advised the House that in late January 2011 the ADF Investigative Service (ADFIS) initiated an investigation into allegations made by a Defence member that previous members of the Detention Management Team in Afghanistan, responsible for managing the ADF Initial Screening Area at Tarin Kowt, may not have complied with procedures relating to the management and administrative processing of detainees. In my last statement to the House in May, I provided an update on these allegations, noting that three members of the previous Detainee Management Team had been charged with disciplinary offences relating to falsification of service documents.

I can now advise the House that in June this year, a fourth member of the previous Detainee Management Team was also charged. I also advise the House that the first of the hearings for these disciplinary offences occurred on 27 July this year. The accused ADF member was initially charged with ‘falsification of a service document’ but this charge was substituted at trial with a charge of ‘prejudicial conduct’. The accused entered a plea of guilty to the charge and received a ‘severe reprimand’. Further hearings are expected to occur later this year.
There continue to be no allegations or evidence to suggest that any detainees were mistreated by the Detainee Management Team. As this matter is subject to continuing disciplinary proceedings, I do not propose to comment further but will provide the House a further update as appropriate when these proceedings are complete.

Review of questioning techniques

In May this year I advised the House that the ADF is conducting a review into aspects of the questioning techniques used during the initial screening of detainees in Afghanistan during 2010 and 2011.

During 2010 and 2011, the ADF was limited to conducting the tactical questioning, intelligence interviewing and debriefing of detainees apprehended in Afghanistan. The Chief of Defence Force has advised that a review of records from this period found potential irregularities in written reports stemming from initial questioning of detainees. This review is still underway and I will provide a further update to the House in due course. Again, none of the issues suggests any alleged physical mistreatment of detainees in the Initial Screening Area by ADF personnel.

Civilian casualties

Australia remains committed to transparency and providing information on civilian casualties in Afghanistan. The ADF takes the question of civilian casualties very seriously. The ADF operates under strict rules of engagement intended to minimise civilian casualties and deeply regrets any loss of innocent life.

In my 24 May statement to parliament I provided information on inquiries into four suspected civilian casualty incidents. Defence has finalised consideration of the inquiry into a possible civilian casualty incident during a partnered mentoring task force and Afghan National Army patrol in the Baluchi Valley region of Uruzgan province on 2 November 2010. Defence expects to be able to make public shortly the findings of the inquiry officer report following consultation with Afghan and ISAF partners.

The inquiries into the incident on 27 March 2011, when a small Afghan boy and an Afghan man were killed, and the incident on 29 October 2011, when Australian soldiers engaged and killed a man who approached their site at speed and failed to adhere to directions to stop, remain under consideration. I will advise the House of the outcomes of this consideration in due course.

An inquiry is also underway in relation to an incident on 1 May this year, when an Afghan boy was injured during an engagement between insurgents and Australian Special Forces and elements of the Afghan National Security Forces undertaking a partnered security operation. When complete, the inquiry will be considered, and I will advise of the outcome in due course.

Defence has acknowledged the delay in the public release of such reports of inquiries into civilian casualty incidents, and the Chief of the Defence Force (CDF) has instituted improved governance arrangements for the future management of such inquiries comparable to those instituted in relation to combat fatality reports.

I will continue to update the House on these issues and Afghanistan more broadly as appropriate. I table a paper in conjunction with my ministerial statement and ask leave of the House to move a motion to enable the honourable member for Fadden to speak for a period of 19 minutes.

Leave granted.