

The Royal Australian Regiment Association Comments on the Decision to Prosecute Soldiers of the Special Operations Task Group (SOTG)

“The Royal Australian Regiment Association supports all members of the ADF in their operations within the legal compliance regime”, says the National President, Major General ‘Hori’ Howard AO MC ESM (Retd).

Three former members of SOTG have been charged with various service offences, including manslaughter, dangerous conduct, failing to comply with a lawful general order and prejudicial conduct arising out of a compound clearance operation conducted on 12 February 2009 in Afghanistan, in which six Afghanistan’s died and up to four sustained injuries.

The decision to prosecute was made by the Director of Military Prosecutions, an independent prosecutorial authority of the ADF, after a number of investigations, including two by the Australian Defence Force Investigative Service, and consideration of the available evidence.

“That decision has caused indignation amongst the defence community, speculation within the media and legal commentary that challenges the decision to prosecute”

“The indignation arises from the publicly available evidence that the deaths were accidental rather than deliberate and recognition of the difficult and dangerous conditions of applying military force in combat, especially during counter-insurgency wars where split-second decision-making by soldiers is required” said Hori Howard.

“The due legal processes involving a courts martial will now occur where the charges, and the facts will be aired, answered and dealt with.” he added

The Chief of Defence Force, Air Chief Marshal Angus Houston, has said. “Consistent with the presumption of innocence, these members will receive the full support of the Australian Defence

Force.” Those support services include but are not limited to legal, medical, psychological, chaplaincy and welfare.

“The Association will be monitoring proceedings”, said Hori Howard

The matter is a complex one that requires an understanding of the operational, legal and moral principles and procedures involved.

Visit the Australian Defence Association's website at <http://www.ada.asn.au/Recent.Comment.htm> for a commentary on those matters (not endorsed by RARA).

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