

How the 'good war' went bad: elite soldiers from Australia, UK and US face a reckoning

As coalition troops prepare to withdraw from Afghanistan after 20 years, former soldiers, key officers and the public are asking what went wrong with some special forces



Special Operations Task Group soldiers make their way to a waiting UH-60 Blackhawk helicopter in Sha Wali Kot, Afghanistan

by Ben Doherty
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“Whatever we do ... ,” one Australian special forces soldier said of his service in Afghanistan, “I can tell you the Brits and the US are far, far worse.

“I’ve watched our young guys stand by and hero worship what they were doing, salivating at how the US were torturing people. You just stand there and roll your eyes and wait for it to end.”

As the post-9/11 Afghanistan conflict dragged deep into its second decade, with persistent rumours alleging impropriety, brutality, and even possible war crimes swirling among Australia’s tight-knit defence community, Dr Samantha Crompvoets, a civilian sociologist, was commissioned to investigate alleged cultural failings within its special forces.

She would conduct hundreds of hours of interviews over a period of two years with serving and former defence force members including the one above.

“These things don’t happen in isolation,” she told Guardian Australia. “They don’t happen coincidentally.”

Justice Paul Brereton, the defence force inspector general, argued similarly, writing of the country’s longest war: “Most of Australia’s coalition partners in Afghanistan have had to deal with allegations of war crimes.”

Those allegations, of war crimes reportedly committed by Australians in Afghanistan, face a very public reckoning this month, when a defamation action brought by the Victoria Cross winner Ben Roberts-Smith begins.

Roberts-Smith, a former SAS corporal, is suing the Age, the Sydney Morning Herald, and the Canberra Times over a series of 2018 articles he claims defamed him because they portrayed him as committing war crimes while on deployment in Afghanistan. He strenuously denies all allegations and has previously rejected them as malicious and deeply troubling.



Former special forces soldier Ben Roberts-Smith.

An eight-week trial amid ferocious public attention is expected to see his former comrades subpoenaed to give evidence about what they saw and did. The court is also set to hear from Roberts-Smith’s estranged wife, and from Afghan civilians whose family members were killed in special forces raids. The case will offer grim insight into Afghanistan’s arcane war.

And while police investigations into alleged Australian war crimes continue, the story is far broader than one high-profile soldier, one platoon, one regiment, or even one military.

The Brereton report found there was credible evidence to support allegations that 39 Afghan civilians were murdered, with 25 Australian soldiers identified as perpetrators, either principals or accessories. In one alleged incident, reported to Crompvoets, two 14-year-old boys – stopped by SAS soldiers who decided they might be Taliban sympathisers – had their throats slit and their bodies thrown into a river.

Australia's allies stand accused too.

US soldiers were convicted over the deaths of two unarmed Afghan civilians on Bagram airbase in 2002. Two soldiers from a self-declared “kill team” pleaded guilty to murder while deployed, while Staff Sergeant Robert Bales pleaded guilty to the murder of 16 Afghan civilians during a shooting spree in Kandahar province in 2012. Members of the storied Seal Team 6 have been accused of war crimes, including beheading and mutilating slain enemies.

In 2019 the then US president, Donald Trump, intervened in the military justice system to pardon, acquit and in some cases promote US special forces soldiers implicated in war crimes, drawing the condemnation of veterans [and the UN](#).

British soldiers, too, have been accused of murdering unarmed civilians. In one instance, detailed in a Panorama investigation, three brothers woken up in a family compound in Helmand province by an SAS night raid in 2012 were shot in front of family members.

The SAS claims the three men had simultaneously reached for concealed weapons and were lawfully killed.

Their mother insists they were unarmed, posed no threat, and were shot as they held their empty hands in the air. The Ministry of Defence later paid the family £3,000 in “assistance payments” for the three deaths, insisting the money was not compensation.

Video footage of what happened, which exists, has never been released, but a royal military police investigation into allegations rogue SAS units had killed Afghan civilians concluded without prosecutions because it had found insufficient evidence.

Troops from Canada, New Zealand, the Netherlands and Denmark also faced allegations of breaches of international humanitarian law, the laws of war.

These were soldiers from the militaries of liberal democracies, avowedly promoting the rule of law and seeking to bring peace and stability to a country that has known little but conflict for generations. Yet some have been accused of the most serious crimes imaginable, of targeting civilians, of torturing captives, of slaughtering children.



An Australian soldier conducts a search while on patrol in Oruzgan province, southern Afghanistan.

As coalition troops prepare to finally withdraw from Afghanistan after 20 long years of wearing, wearying fighting – with the Taliban re-ascendant and with a seat at the table for peace talks – former soldiers, key officers and the publics on whose behalf those soldiers fought are asking how the “good” war went bad, how “elite” soldiers came to commit heinous acts of wrong, who knew, and they weren’t stopped.

‘Well-crafted reports’

The reports from the raids kept coming back bearing striking, uncanny similarities.

In her 45-page report sent to Australian defence force chiefs, Cromptvoets wrote of the “well-crafted reports” of special forces operations that offered legal justification for the actions of soldiers.

Those killed were “squirters”, the reports said, who had fled the incoming helicopters carrying heavily armed troops. Later, on the slain corpses of those squirters, were found weapons or radios – evidence of enemy action or intent.

“The special forces open fire killing many of these men and boys (and sometimes women and children), shooting them in the back while running away,” Cromptvoets wrote. “Explanation: they were running away from us to their weapons caches. The question was often later asked: ‘How many caches did you find?’ They always found something or had very plausible excuses why they didn’t find anything.”

More accurately, Cromptvoets wrote, these were described to her as “sanctioned massacres”. The weapons and radios found and photographed on the bodies were “throwdowns”, carried by the advancing soldiers and placed on the bodies of victims as a post-facto justification for their killing.

Reports – some with identical language – came not just from Australian troops but from across the coalition.

During Major Chris Green’s deployment with the UK’s Grenadier Guards in Helmand province in 2012, he became increasingly concerned that special forces tactics were undermining the coalition’s broader counterinsurgency mission.

Speaking to the Guardian, he argued that a problematic US special forces culture had leached into other special forces national units operating in Afghanistan under the dominance of US command. A desire by smaller militaries, such as the UK and Australian forces, for “interoperability” with the US meant not only shared intelligence and weapons systems, but also a merging of TTPs – tactics, techniques and procedures – in the field, of reporting structures and cultures.

“Not only did coalition special forces adopt questionable US culture, tactics and emblems but they even used the same ‘the dog ate my homework’ falsifications in their after-action reports,” he says. “Some of these cut-and-paste reports ... barely stand up to even the most basic scrutiny.

“It’s reasonable to assume that far more effort and energy would have been invested if so-called ‘rogue troopers’ had felt the need to convincingly cover their tracks. They had been culturally conditioned to believe the end justifies the means.”

In the Australian context, Brereton found that manipulated reports “became so routine that operational reporting had a ‘boilerplate’ flavour, and was routinely embellished, and sometimes outright fabricated”.



Soldiers after an improvised explosive device attack in the Karmisan Valley, Uruzgan province, in 2011.

“An understanding of how to describe an engagement to satisfy reporting expectations ... created a sense of impunity among operators,” he wrote.

Green says “history teaches us that soldiers who commit war crimes often very sincerely believe what they are doing is right”.

He says those soldiers can remain in denial about their offences long after the fog of war has lifted, blinded by a focus on achieving their mission’s aims and a rationalisation that the ends – a successful mission – justifies whatever means used. A morality of results.

But there was institutional failing too, he says.

“People knew laws were being broken, people understood the modus operandi of the night raids. But every time an operator reported back from these raids and didn’t find themselves in front of a tribunal that just further convinced them they were doing the right thing, that the laws didn’t apply to them.”

The practical culture of special forces operations – small autonomous teams of four to six highly trained troops conducting secretive raids seeking insurgents – contributed to a sense of secrecy, impunity and unaccountability.

This was compounded by a long, grinding war, an overarching objective that grew less clear as the conflict wore on, and an enemy that melted into the hills and villages when challenged, only to re-emerge each “fighting season” in spring.

Some special forces soldiers sent repeatedly to the very apex of the fighting grew disconnected from the rest of their militaries, and from moral and legal codes they had grown up with and in which they had been trained.

“War is dynamic and imperfect and the freedom and autonomy in special forces is a double-edged sword,” one SAS member told Cromptvoets.

Another said: “A lot of these soldiers have never done anything except soldiering. The rules they learn are the rules. Executing bad guys is OK, no matter what.”

Cromptvoets argues that the connections across militaries between the “elite” special forces were hugely influential.

“Those links are really significant,” she said. “I think that shared ‘culture’ – for want of a better word – of those elite special forces among coalition forces is more significant than looking at the culture of the Australian defence force.

“A lot of people are looking ... at the broader culture of the Australian army but I think more significant are those networks between special forces, formal and informal, and how influence and power works between special forces.

“Talking about ‘culture’ ... diffuses accountability and prevents you from looking more closely at systems and structures. Instead we need to look at networks of power and influence. Within the SAS platoons, it was all about power and influence.”

‘Culture of impunity’

Frank Ledwidge, a barrister and former military officer who served in the Balkans, Iraq and Afghanistan, argues that over the course of the Afghan war, a culture developed among coalition special forces that celebrated violence, prioritised kill statistics and dehumanised those they fought.

“It is the difference between a warrior culture and a professional culture: the profession of arms. One says, ‘Our job is to kill enemies,’ the other, as a professional military officer, believes, ‘Our job is to control violence to a strategic end.’

“Much more deeply, there is a culture of impunity, particularly at the higher end of these militaries, that the laws that apply to other soldiers don’t apply to special forces – that they are somehow special, somehow above the law. The laws of war don’t work that way.”

This “warrior culture” may have been enabled, in part, by shared structural elements, in particular, the joint prioritised effects list, or JPEL, described in Crompvoet’s report as “a sanctioned kill list” and one that was allegedly “reverse-engineered” to retrospectively permit “a large number of illegal killings”.

The JPEL was a list of “kill or capture” objectives – targets that were considered combatants and could be lawfully killed. It was a dynamic document, with names being added or subtracted as intelligence came in. Allegedly this dynamism was exploited.

“The implication was that names of people killed were added to the JPEL after they were killed,” Brereton wrote.

Ledwidge argues that two lines of argument are often prosecuted in explaining, if not defending, the commission of war crimes. The first argues civilians can never understand the pressures and exigencies of war.

“This is entirely specious,” Ledwidge says. “The overwhelming majority of ... soldiers manage to fight professionally without giving in to the temptation to shoot prisoners, slit the throats of unarmed boys, or casually kill farm workers, all of which are alleged in the Brereton report. Brereton is very specific and clear: none of these crimes were committed in the heat of battle. Murders took place after raids or shootouts. The victims were all unarmed.”

The second argument is that such brutalities are a necessary fact of winning war, a point, Ledwidge says, that “rather misses the reality” that the US and its allies were defeated.

“One reason for this was that the central narrative of the overall Nato mission – ‘We’re here to protect you’ – was rather undermined by armed men smashing their way into people’s houses and slaughtering the innocent.”

Why were we here?

In the aftermath of the Brereton report's shocking public release, Admiral Chris Barrie wrote that Australia needed to "set its moral compass right" after the failures of Afghanistan.

Barrie, chief of the Australian defence force between 1998 and 2002, told the Guardian the coalition mission became unclear as the conflict wore on, leading troops to question why they were there, and what they were doing.

Australia's initial involvement, between 2001 and 2002, was focused on combating al-Qaida: "We weren't trying to seize and hold ground. It was a mission entirely appropriate for our special forces."

The second phase of Australia's Operation Slipper, from 2005 – and, Barrie argues, its goals – were unsuited to special forces operations.

"The fundamental question is, 'What did we think we were doing there?' Did we think we could go in and turn Afghanistan into a liberal democracy? We didn't learn much from the Soviet's experience trying to reshape that country."

Repeated deployments of special forces soldiers, relied upon to do the bulk of the fighting, created a corrosive, toxic environment within them, isolated from the rest of the Australian military.

"The multiple rotations of people into Afghanistan particularly, some operators went there 12 times. That must affect their mental health ... or impact the way they went about their operations. Certainly it would impact upon the judgment questions about why they are there.

"I've heard it said people who already had mental health issues were redeployed; some people who didn't want to go back were told to go back ... Up to 12 rotations. I think that's unconscionable."

Three key factors drive compliance

In 2004 the International Committee of the Red Cross published a study, *Roots of Behaviour in War: Understanding and Preventing International Humanitarian Law Violations*, examining the past 70 years of conflict around the world.

Prof Ben Saul, Challis chair of international law at the University of Sydney, says: "The report is complex, but to simplify, there are three key factors which drive compliance with international humanitarian law.

"One, training: good, repetitive training, of what is expected of soldiers on the battlefield.

"Two, strong leadership and command: commanders following the rules, and instilling in those they command that they have to follow rules.

“Three, the threat of credible sanctions – and this is a factor that even influences non-state armed groups, terror groups, rebel groups – if there are sanctions, not just on paper, but real sanctions that lead to convictions.”

Saul argues there are drivers, too, of non-compliance with international humanitarian law. Moral disengagement emerges from combatants finding justifications for violations, and from a dehumanisation of the enemy.

“There is a lot of dehumanisation that goes on in war, regarding the enemy as inferior or subhuman. It’s a moral distancing that treats them as undeserving of the respect of the law.”



An Australian special operations task group soldier during the Shah Wali Kot offensive in 2013.

But the laws of war are neither arcane nor theoretical constructs, divorced from the realities of the battlefield. Soldiers are trained in international humanitarian law and drilled in rules of engagement.

There is no appeal to ignorance.

When Sergeant Alexander Blackman of the Royal Marines shot a wounded, unarmed insurgent at point-blank range in the chest in Helmand in September 2011, he turned to his comrades and said: “Obviously this doesn’t go anywhere, fellas. I’ve just broke the Geneva convention.”

Saul says countries like the US and UK, so instrumental in creating modern IHL and in enforcing it through Nuremberg and Japan trials after the second world war, and tribunals prosecuting crimes committed in Yugoslavia and Rwanda since, have been far more reticent to apply the same standards to their own forces.

“It does smack of hypocrisy and selectivity when the shoe is on the other foot,” says Saul.

He says the Australian military’s response in investigating allegations has been commendable, but fears translating recommendations for prosecutions into actual prosecutions may prove difficult.

“There are significant barriers: there’s the question of who? Brereton gave immunities to some people for testimony. How many people are they going to prosecute? Will it only be a few key people, or everybody? Will they pursue some version of command responsibility?”

“Then there’s just the time factor: memories fail, people die. It’s already 10 years since the first allegations, and this could still go on for some time.”

Crompvoets said militaries all over the world, along with human rights organisations and the families of those harmed, will be watching the final outcome of Australia’s investigations, potential prosecutions and reform of the special forces.

“It will have a much broader impact than the individual soldiers impacted, or even the Australian army,” she says. “Australia is the most progressive in pursuing these allegations, so if there are consequences it will force a closer look at what happened with the US or UK special forces.

“If there’s no structural change that challenges those power dynamics within special forces, there won’t be enduring changes.”

Within the excoriating detail of his 531-page report, Brereton warns against any conflation of seeking to understand why war crimes happen with an attempt to excuse them. Any “muddle up”, he says, “must not happen”.

“Ultimately there is an important difference between pulling a trigger and getting it wrong, and taking a prisoner and executing them in cold blood. Anyone who does not recognise this distinction, or is prepared to ignore it, does not deserve to belong in any professional military.”