

Media release

For immediate release 12 July 2017

ALHR comment on reports of ADF killing of civilians

Australian Lawyers for Human Rights (**ALHR**) is seriously concerned about reports of alleged breaches of international humanitarian law (IHL) by members of the Australian Defence Force (ADF) operating in Afghanistan.

ALHR International Humanitarian Law spokesperson, Hector Sharp said, “the reports published yesterday by the ABC are deeply shocking. Allegations that reckless and negligent behavior of Australian Soldiers has caused the deaths of large numbers of innocent civilians are extremely serious and, if proven, would constitute grave breaches of IHL.

The reported circumstances surrounding the shooting of a teenage Afghan boy, Khan Mohammed, by members of the ADF in 2012, is particularly disturbing. ALHR supports an investigation into this and similar incidents currently being considered by the Australian Federal Police.

At the heart of IHL is the principle of distinction, which requires civilians and civilian objects to be distinguished from military targets. There is no ‘flexible’ approach to the application of key IHL principles. The use of force is unlawful if directed specifically against civilians, employed indiscriminately without distinction between civilians and military targets, or targeted at military targets but causing disproportionate civilian casualties. Intentionally directing attacks against civilians may constitute a war crime.

ALHR commends the Special Forces whistleblower for speaking out against such conduct.

We urge the Inspector-General of the Australian Defence Force to consider and fully investigate the evidence contained in the ABC report as it conducts an inquiry into Special Forces operations in Afghanistan.

ALHR condemns any alleged culture within the ADF, however small or contained within a minority of soldiers, that has no regard for the value of human life on the battlefield. ALHR hopes the Minister for Defence, Marise Payne, takes the reports of this ‘insidious and infectious’ culture very seriously and makes concrete efforts to address it.

ALHR is aware of further documentary evidence relating to ADF Special Forces operations in Afghanistan released by the ABC this morning. We will be releasing a further press release on these latest revelations in due course.”

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ALHR was established in 1993 and is a national organisation of Australian solicitors, barristers, academics, judicial officers and law students who practise and promote international human rights law in Australia. ALHR has active and engaged National, State and Territory committees and specialised thematic subcommittees. Through advocacy, media engagement, education, networking, research and training, ALHR promotes, practices and protects universally accepted standards of human rights throughout Australia and overseas.