

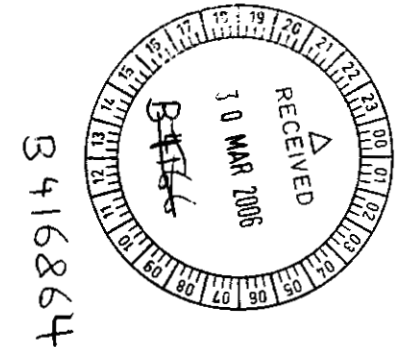
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NATURE OF SERVICE RELATED ANOMALIES

A LIST OF PERCEIVED ANOMALIES

FOR CONSIDERATION BY COSC

20 OCT 04



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Table 1 – Nature of Service Declaration Anomalies

No:	Operation/ Dates/Personnel Affected	Circumstances	Basis of Anomaly	Recommendation
1.	<p>OP Tamar Aug 94 to Aug 95 Rwanda</p> <p>ADF Medical Support Force of 293 personnel consisting of HQ and 3 companies:</p> <ul style="list-style-type: none"> • Medical Coy • Logistic Coy • Rifle Coy <p>9 pers allocated to HQ UNAMIR II</p> <p>1st contingent (6 mths) Adv Party dep AS 6 Aug 94 with main body dep AS 21 Aug 94.</p> <p>2nd contingent (also 6 mths) completed its tour in Aug 95.</p> <p>More than 600 ADF personnel served in UNAMIR II</p>	<p>Service on OP TAMAR conducted under the auspices of the UN and was classified as Hazardous (non-warlike). Under the definitions agreed by Cabinet in May 1993, OP TAMAR could be classified as warlike. Warlike operations are defined as those military activities where the application of force is authorised to pursue specific military objectives and there is an expectation of casualties. Normally but not necessarily (this type of operation) will be conducted under Chapter VII of the UN Charter. The 1993 Cabinet decision included a model for the consideration of threat. The three factors to be considered were: military, armed or related threat; threat from environment hazard; and threat from stress. It follows that casualties can arise from all three forms of threat.</p> <p>After deployment, it should have been clear that psychological casualties would result from the level of violence with which the deployed forces were required to deal with especially following the Kibeho massacre.</p> <p>The lack of a review mechanism at the time meant that the initial pre-deployment assessment of non-warlike service applied throughout the Operation.</p> <p>It appears that the contingent deployed with ROE that permitted the use of lethal force. In September 1994 however, this ROE was changed to restrict ADF personnel to "...Warn aggressor of intent to use force and demonstrate resolve by appropriate means without opening fire." Additional information relating to the nature and level of threat faced by UNAMIR II is attached at Annex A.</p> <p>A submission to the Clarke Review sought recognition of all peacekeeping operations identified in schedule 3 of the VEA to be classified as warlike. Service in Rwanda was declared Hazardous under section 120 (7)(b) of the VEA and so does not appear in schedule 3 of the VEA. Clarke recommended no change be made to the eligibility provisions of the VEA for peacekeeping service.</p> <p>It may have been the intention of the submission for Operation TAMAR to be included under the auspice of 'all peacekeeping operations' but it does not appear to have been considered in that way by Clarke.</p> <p>OP TAMAR was declared 'hazardous' and was not subject to the current definitions of warlike or non-warlike service. In effect, Clarke does not appear to have made a recommendation in relation to OP TAMAR. This has been confirmed by DVA.</p>	<p>OP TAMAR was classified Hazardous (non-warlike) prior to deployment. Following deployment, the actual threat levels were sufficient to warrant consideration of a warlike classification.</p> <p>The nature of the task, the threat levels and the subsequent numbers of psychological casualties suggests that a warlike classification may be warranted.</p> <p>Failure to review the initial classification resulted in the non-warlike classification applying for the 12 months of the deployment.</p>	<p>Recommend to MINDEF that OP TAMAR be re-classified as Warlike service.</p> <p>DVA will not oppose the reclassification of OP TAMAR if it is put to MINDEF for a decision.</p>

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Annex A to
Anomalies List
20 Oct 04

**RWANDA - ADDITIONAL INFORMATION
RELATING TO THE NATURE AND LEVEL OF THREAT FACED BY ADF PERSONNEL
DEPLOYED ON OP TAMAR AUG 94 TO AUG 94**

There are a number of additional factors that support a warlike classification for OP TAMAR. These include:

- UNAMIR II forces frequently served in dangerous conditions being fired on by both sides of the warring forces and were subjected to classic insurgency attacks including land mine warfare.
- Elements of both contingents came under fire from Rwandan Government Forces.
- Elements of both contingents took part in active operations to clear refugee camps of armed militia.
- Elements of both contingents were exposed to attack by armed militia and Rwanda government forces while operating in refugee camps and remote localities.
- There were numerous incidents of the Rwandan Government forces holding Australian Soldiers hostage, or preventing Australians from conducting activities through the overt threat of arms.
- There were numerous attacks on UNAMIR strongholds in Rwanda. 10 Belgian paratroopers serving in UNAMIR were among the first UN personnel killed in the Rwandan massacres. After surrendering their weapons to the RGF, The RGF presidential guard then used their 'bush knives' to murder the unarmed peacekeepers as part of a strategy to coerce the withdrawal of Belgian forces from UNAMIR.
- The Rwandan Governments publicly threatened to treat UNAMIR soldiers as the enemy if they 'got in the way' of their activities.
- The continuation of combat between Rwandan forces despite having signed and overtly agreed to a cease-fire.
- UNAMIR was tasked to provide the same level of security to Rwandan civilians that was previously provided by French forces acting with a Chapter VII UN mandate.
- The real dangers involved in operations in Rwanda being demonstrated by a total of 27 UNAMIR fatalities over a three-year period.
- The significant incidence of psychological trauma amongst veterans attributed to service in Rwanda.

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DEPARTMENT OF DEFENCE
Chiefs of Service Committee

OUTCOME



Copy No:

Secretary
VCDF
CN
CA
CAF
DEPSEC S
HDPE
DGNOSR

NATURE OF SERVICE ANOMALIES AND DECISION SUPPORT TOOL (AGENDUM 40/04)

Reference:

A. COSC SECNOTE 50/2004 dated 25 Oct 04 (covering NOSR 294/04 dated 20 Oct 04)

1. COSC made the following decisions in respect to the Nature of Service Declaration Anomalies at table 1 to the ref.

- a. Srl 1 OP TAMAR: Noting the Clarke Review did not specifically address OP TAMAR, COSC was inclined, with some dissenting members, that OP TAMAR be reclassified as warlike. CDF directed DGNOSR to provide fuller justification.

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3. **CDF directed DGNOSR** to carry out further work on those aspects of the anomaly lists for which COSC have yet to make a decision, and to circulate that information out-of-session to COSC members for comment and coordination prior to submission to CDF and forwarding to MINDEF by 9 Dec 04.

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Secretary COSC

14 Dec 04

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ATTENDANCE LIST

Chairman:

General P.J. Cosgrove, AC, MC

Chief of the Defence Force

Members:

Mr R.C. Smith, AO

Secretary of Defence

Vice Admiral R.E. Shalders, AO, CSC, RAN

Vice Chief of the Defence Force

Rear Admiral R. M. Hancock, RAN

Deputy Chief of Navy

Lieutenant General P.F. Leahy, AO

Chief of Army

Air Marshal A.G. Houston, AO, AFC

Chief of Air Force

Permanently Invited Officers:

Mr Shane Carmody

Deputy Secretary Strategy

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