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Feeney/MC13-700046

Reference: B2603027



Australian Government  
Department of Defence

## MINISTERIAL SUBMISSION

Routine

Date Dept Approved:

2 JUN 2013

Date Rec in Office:

Date Dec:

26 JUN 2013

For Action: Senator Feeney

Through: VCDF  
s22 1/6

Copies to: Secretary, CDF, HMSC, FASMECC

**Subject: Recognition of Qualifying Service - Headquarters ADF Strategic Reconnaissance Team  
Visit to Rwanda 6 to 8 July 1994**

**Purpose:**

To obtain your signature on a letter to s47F advising that his request for reclassification of service with the strategic reconnaissance team (SRT) to Rwanda during the period 6 to 8 July 1994, can not be supported.

**Key Points:**

- On 1 March 2013, s47F wrote to you and to the Honourable Warren Snowdon seeking qualifying service under Determination S79, dated 23 May 2006, for the SRT visit to Rwanda during the period 6-8 July 1994. In particular, s47F contends that the threat encountered by the SRT was identical to that encountered by the first ADF contingent on Operation TAMAR. The SRT deployment is classified as peacetime service.
- Operation TAMAR was Australia's contribution of the ADF Medical Support Force (MSF) to the United Nations Assistance Mission in Rwanda (UNAMIR) between July 1994 and January 1996. It consisted of two contingents, each with approximately 300 personnel, comprising a medical company, an infantry company and integrated logistic support.
- Determination S79, dated 23 May 2006, provides eligibility for the Australian Active Service Medal (AASM) for service in Rwanda on Operation TAMAR as part of UNAMIR between 25 July 1994 and 8 March 1996. This determination did not provide qualifying service for Operation TAMAR. Qualifying service was provided by the earlier and separate 'Veterans' Entitlement Act (VEA) - Determination of Warlike Service' signed by the then Minister for Veterans' Affairs, the Honourable Bruce Billson on 26 March 2006 (Attachment A). Warlike operations are defined as those military activities where the use of force is authorized to pursue specific military objectives and there is an expectation of casualties.
- Nature of Service Branch has examined records regarding the SRT deployment, including documentation held by the Defence Intelligence Organisation, Defence Archives, National Archives and the Australian War Memorial, to determine if the SRT deployment could be considered to be part of the ADF commitment to UNAMIR, known as Operation TAMAR. Consideration was also given to the nature of service of the SRT deployment in order to determine if reclassification to warlike service was appropriate.
- Nature of Service classifications take into account not only threat, but also the mission, tasks and rules of engagement of an operation or activity. The Defence review of the circumstances of both the SRT and Operation TAMAR (Attachment B) found significant differences in the mission, tasks, rules of engagement and threat for the two deployments. The review found that the SRT mission was undertaken to gather information in support of the decision making process by Defence and Government for any ADF commitment to UNAMIR. It preceded the 25 July 1994 decision by the Australian Government to commit the ADF MSF, in support of UNAMIR II. As such, the SRT

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6. Members deployed on Operation TAMAR were armed, and although not tasked to separate warring factions, contingent members were authorised to use reasonable force in defence of contingent members, property and tasks, as well as to protect the Rwandan people under threat from the warring factions. ADF forces took part in armed operations to clear 'internally displaced persons' camps of armed militia.
7. Service on Operation TAMAR was retrospectively re classified from hazardous to warlike in 2006 in recognition of the sustained exposure to the risk of harm, particularly psychological injury, as a result of witnessing the effects of the massacres, killings and other violence, and the authorised use of force.
8. This was in stark contrast to the service of the SRT, which was unarmed on the three day reconnaissance visit to the Rwandan capital city, Kigali. The SRT was escorted at all times by UNAMIR personnel and the visit was conducted with the agreement of the Rwandan Patriotic Front (RPF), which was by then in control of the capital. The SRT was not authorised to use force, and, although exposed to some of the aftermath of inter-tribal violence during their visit, they did not witness any acts of violence, nor were they threatened by individuals or tribal factions.
9. On 4 July 1994, the Defence Intelligence Organisation produced a Military Threat Assessment (MTA) specifically for the strategic reconnaissance activity. <sup>s7</sup>

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S7 On 5 July 1994, the SRT was advised by UNAMIR staff in Nairobi that Kigali was in RPF control, which accounts for the relative freedom of movement enjoyed by the SRT in the capital. The SRT's own post-reconnaissance report assessed the threat in Kigali as LOW, and HIGH in other areas outside the capital.

10. The Defence review of the mission, tasks, rules of engagement and threat situation confirms that the SRT deployed to Rwanda on an information gathering task for the Australian Government and, therefore, cannot be considered as a part the ADF commitment to UNAMIR known as Operation TAMAR. Examination of the records, including the situation reports submitted by the SRT while in Rwanda and immediately after their visit, confirms that the conditions they experienced were not identical to those faced by the first ADF contingent on Operation TAMAR. The records also confirm that the service of members of the SRT deployment to Rwanda during 6 to 8 July 1994 does not meet the criteria for a warlike service classification, and is appropriately classified as peacetime service.

11. A draft letter to s47F [REDACTED] at Attachment C.

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Feeney, MC13-700046

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**Recommendation:**

That you:

- i. **Sign** the attached letter in response to s47F [REDACTED]  
 Signed / Not Signed.

Approved By

**Paul Kinghorne**  
 Commodore RAN  
 Director General Nature of Service  
 7 May 13

s22 [REDACTED]

Contact Officer: Penelope Knees

Phone: 02 62 s22 [REDACTED]

s22 [REDACTED]

Primary Addressee

David Feeney

18/6/13

Information Addressee

Noted / Please Discuss

Stephen Smith

Warren Snowdon

**Resources:**

12. N/A.

**Consultation**

13. N/A.

**Attachments:**

- A. Instrument - Determination of Warlike service Operation TAMAR  
 B. Defence Review - ADF Service in Rwanda: Strategic Reconnaissance Team and Operation TAMAR  
 C. Draft letter to s47F [REDACTED]

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## **ADF SERVICE IN RWANDA: STRATEGIC RECONNAISSANCE TEAM AND OPERATION TAMAR**

### **Purpose**

This report provides the outcome of a Defence review of the service of the Strategic Reconnaissance Team (SRT) in Rwanda during the period 6-8 July 1994 in response to a claim from s47F that the SRT served under conditions identical to those experienced by ADF members on Operation TAMAR. Specifically, s47F contends that the two deployments were exposed to the same threat. s47F is seeking to have the service of the SRT reclassified from peacetime to warlike in order to gain eligibility for the Australian Active Service Medal (AASM).

### **Background**

UNAMIR was established by UN Security Council Resolution (UNSCR) 872 on 5 October 1993, to monitor observance of a ceasefire between the Rwandan Government forces and the rebel Rwanda Patriotic Front (RPF).

As UNAMIR forces came under increasing attacks, a number of nations withdrew their contingents. As a consequence, UNSCR 912 of 21 April 1994 reduced UNAMIR's strength from 2,548 to 270. In response to the ongoing violence and the numerous killing of civilians, UNSCR 918 dated 17 May 1994 imposed an arms embargo against Rwanda and increased UNAMIR's strength to 5,500. The mandate was expanded to include the provision of security and protection of displaced persons, refugees and civilians at risk in Rwanda, and support for the provision of humanitarian relief. This expanded assistance mission to Rwanda now became known as UNAMIR II.

On 14 May 1994, just prior to UNSCR 918, the UN formally requested that Australian indicate if it would be willing to provide assistance to an expanded role for UNAMIR.

In his 17 June 1994 submission to the then Minister for Defence, the CDF provided options for an ADF contribution and highlighted that, before a firm commitment could be made, critical additional information was required. On 22 June 1994, following consultation between the Prime Minister, Minister for Defence, Minister for Foreign Affairs and Minister for Finance, it was announced that a strategic reconnaissance would be conducted.

The sole purpose of the SRT visit to Rwanda was to gain additional information which would inform the Government's decision on an appropriate ADF commitment to UNAMIR. The SRT, therefore, as a separate activity cannot be considered as a part the Australian Government's commitment to UNAMIR known as Operation TAMAR.

### **Strategic Reconnaissance Team (6-8 July 1994)**

The Strategic Reconnaissance Team (SRT) consisted of five members who travelled to the Rwandan capital city, Kigali, by road convoy from the Ugandan border. The team was considered to be guests of UNAMIR, with UN-issued ID cards reflecting this fact. As the SRT were not authorised by the UN to carry weapons, they were

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escorted and protected by UNAMIR, similarly to the Canadian reconnaissance team whose visit had immediately preceded that of the Australian SRT.

### **Strategic Reconnaissance Team Situation Reports**

**5 July 1994 - Nairobi.** SRT Situation Report No 1 records that the UNAMIR civilian staff advised the SRT that UNAMIR had a good relationship with the RPF, who were now in control in Kigali, and that the RPF were aware of the planned SRT visit. The SRT also met with the Canadian Defence Force reconnaissance team who assessed the situation threat in Kigali, since the fall of the city to the RPF, as LOW-MEDIUM, rising to MEDIUM outside Kigali.

**6 July 1994 - Kigali.** SRT Situation Report No 2 from UNAMIR HQ in Kigali notes that the SRT moved by road from Uganda to Kigali without incident and confirms that the SRT was unarmed. The SRT notes that the RPF appeared to be well disciplined and to have a good relationship with UNAMIR personnel. No problems were encountered by the SRT at the border crossing or at roadblocks along the route to Kigali. The SRT received briefings at HQ UNAMIR in Kigali where they were advised that the situation in Rwanda had changed drastically with the real prospect of an unconditional ceasefire. The SRT report notes that Kigali infrastructure appeared to be relatively undamaged. The SRT planned to have more briefings on 7 July and then to depart Kigali for Nairobi on the morning of 8 July 1994.

**7 July 1994 - Kigali.** SRT Situation Report No 3 from Kigali records that the SRT visited three hospitals and the airport, and noted that the reconnaissance was a sobering experience. Although the RPF was in strength throughout the Kigali, no firing had been heard and that the RPF were clearly in control of Kigali. The SRT encounters with the RPF confirmed the good relationship between UNAMIR and the RPF. Again the behaviour of the RPF reflected a good level of discipline. The SRT assessed that the current threat from the RPF as LOW, although they noted that the potential for incidents to occur once the initial of RPF euphoria of victory subsides, but that it was likely that the RPF would reduce numbers in Kigali to avoid such an occurrence.

### **Strategic Reconnaissance Team Post Reconnaissance Report**

The post reconnaissance report notes that the security situation changed significantly with the fall of Kigali whilst the SRT was enroute. They noted that the RPF were well disciplined and the UN vehicles that they travelled in during the reconnaissance were not stopped at roadblocks in the city and that the RPF soldiers smiled as they passed.

The SRT, deployed unarmed, and were therefore not issued with any rules of engagement. They were escorted at all times, and as they noted in their post reconnaissance report dated 21 July 1994 'the recon team enjoyed a freedom of movement in Kigali which had not been available to UNAMIR since the war began in April. The team was able to move into parts of Kigali ... with little perceived risk. ... relations between UNAMIR and the RPF were very good.'

### **Military Threat Assessments**

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On 4 July 1994, immediately prior to the deployment of the SRT into Rwanda. s7

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The SRT also produced, as part of their post reconnaissance report to the Minister for Defence and CDF on 21 July 1994, a threat assessment based on their first-hand experience. The environmental threat they assessed as MEDIUM while they assessed the situational threat as LOW-MEDIUM in Kigali and HIGH in other areas. Noting that ADF medical teams would almost certainly be operating outside of Kigali, they assessed the situational threat in this case as HIGH based on likely guerrilla activity and the mine/boobytrap threat. The overall threat was assessed as HIGH based on the proposed disposition of the ADF medical support facility outside Kigali.

### **Operation TAMAR (UNAMIR II)**

Operation TAMAR was conducted during one of the worst humanitarian disasters of the twentieth century in which it is estimated that over 800,000 people were killed as a result of inter-tribal violence in Rwanda.

On 25 July 1994 the Australian Government approved the deployment of the ADF Medical Support Force (MSF), of approximately 300 personnel comprising a medical company, an infantry company and integrated logistic support, to Rwanda in support of UNAMIR II. In addition the ADF also filled a number of positions on HQ UNAMIR II, including the Senior Medical Adviser to Force Commander UNAMIR. The ADF contribution to UNAMIR II was known as Operation TAMAR. Approximately 600 ADF personnel served in UNAMIR during Operation TAMAR in two six-month deployments between July 1994 and January 1996.

Members deployed with Operation TAMAR were armed, and although not tasked to separate warring factions, contingent members were authorised to use reasonable force in defence of contingent members, property and tasks, as well as in the protection of Rwandan people under threat from the warring factions. The UNAMIR II Rules of Engagement (ROE) reflected this position, spelling out degrees of force (including lethal force) that could be used by ADF contingent members, without warning, if faced by 'hostile intent'. There was considerable confusion regarding the ROE resulting from a disparity between the requirements of the mission and the restrictions placed upon those responsible for achieving it.

The Operation TAMAR mission included the requirement to 'protect all those under threat'. As a result, ADF forces took part in armed operations to clear internally displaced persons (IDP) camps of armed militia. The use of force was an integral part of achieving this objective. During the clearing of IDP camps, ADF personnel came under fire on a number of occasions and were exposed to attack by armed militia and

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Rwandan Government forces. The ADF also provided the ready reaction force for Kigali during the early part of the first contingent.

During Operation TAMAR the environmental hazard was assessed as HIGH. The disease and squalor evident in the IDP camps is well documented. Australian troops continuously operated within these camps. There was also the constant threat of mines and booby traps set up in schools and public places. Treating local casualties included the risk of needle stick injuries and AIDS.

The ADF contingent to the operation suffered psychological casualties on a similar scale to other *warlike* operations such as the Vietnam War. It should have been clear after deployment, that psychological casualties would result from the level of violence with which the deployed forces were required to deal - especially following the Kibeho massacre where the magnitude of the carnage received world-wide media coverage. Four Australian personnel were awarded the Medal for Gallantry for their service at Kibeho.

Operation TAMAR was initially classified as *hazardous* on 5 August 1994. *Hazardous* service is a subset of *non-warlike* service in accordance with the 1993 Cabinet definitions. On 26 March 2006 Operation TAMAR was re-classified as *warlike* during the period 25 July 1994 to 16 January 1996 in recognition of the sustained exposure to the risk of harm, particularly psychological injury, as a result of actually witnessing massacres, killings and other extreme violence.

In writing to the then Prime Minister, the Minister for Defence noted that while he was not in favour of retrospectively changing the decisions of his predecessors, Rwanda was 'an exceptional case'. In his view the nature of the mission, the tasks, the threat levels and the subsequent numbers of psychological and other casualties suffered provided strong justification for the classification of *warlike*.

## Conclusion

The sole purpose of the SRT visit to Rwanda was to gain additional information which would inform both Defence and the Government's decision on an appropriate ADF commitment to UNAMIR. The SRT, with a significantly different role, mission and rules of engagement, cannot be considered as a part the Australian Government's commitment to UNAMIR known as Operation TAMAR.

The Defence review of service on both deployments did not find evidence to support the claim that the SRT was subject to the same sustained exposure to the risk of harm, particularly psychological injury, as a result of witnessing the effects of the massacres, killings and other violence as the ADF contingents on Operation TAMAR. Close examination of available records and other information, including the situation reports submitted by the SRT during the conduct of the reconnaissance and the team's subsequent post reconnaissance report, confirms that this activity is appropriately classified as *peacetime*.

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Senator the Hon David Feeney  
Parliamentary Secretary for Defence

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s47F

18 JUN 2013

s47F

Dear

Thank you for your letter of 1 March 2013 in which you seek qualifying service under Determination S79, dated 23 May 2006, for service with the Strategic Reconnaissance Team (SRT), which deployed to Rwanda during the period 6 to 8 July 1994. I note your claim that the SRT served in conditions identical to those experienced by the first Australian Defence Force (ADF) contingent on Operation TAMAR, Australia's contribution to the United Nations Assistance Mission in Rwanda (UNAMIR).

Determination S79, dated 23 May 2006, provides eligibility for the Australian Active Service Medal (AASM) for service in Rwanda on Operation TAMAR as part of UNAMIR between 25 July 1994 and 8 March 1996. This determination did not provide qualifying service. Qualifying service was provided under the separate *'Veterans' Entitlement Act (VEA), Determination of Warlike Service'* signed by the then Minister for Veterans' Affairs, the Hon Bruce Billson MP, on 26 March 2006.

The SRT deployment is classified as peacetime service. I understand that, in your request for 'one days qualifying service', you are in fact seeking reclassification of the nature of service of the SRT deployment to Rwanda so that it is recognised, in the same way as Operation TAMAR, as qualifying service under *the Veterans' Entitlements Act 1986 (VEA)*. This could be achieved by either assigning members of the SRT to Operation TAMAR, with amendments to the operational dates, should that be considered appropriate, or by a separate reclassification of the nature of service for the SRT deployment.

Nature of Service Branch has examined records regarding the SRT deployment, including documentation held by the Defence Intelligence Organisation, Defence Archives, National Archives and the Australian War Memorial, to determine if the SRT deployment could be considered to be part of the ADF commitment to UNAMIR, known as Operation TAMAR.

Consideration was also given to the nature of service of the SRT deployment in order to determine if reclassification from peacetime service was appropriate.

Nature of service classifications take into account not only the threat, but also the mission, tasks and rules of engagement of an operation or activity. The Defence review of the circumstances of both the SRT and Operation TAMAR has found significant differences in the mission, tasks, rules of engagement and threat between the two deployments.



Service on Operation TAMAR, the ADF Medical Support Force (MSF) which served in Rwanda during the period July 1994 to January 1996, was retrospectively re-classified from hazardous (under Section 120 sub paragraph 7 of the VEA) to warlike service in 2006. This reclassification was specifically in recognition of the sustained exposure to the risk of harm, particularly psychological injury, as a result of witnessing the effects of the massacres, killings and other acts of violence and the authorised use of force.

In writing to the then Prime Minister regarding the reclassification of service on Operation TAMAR, the then Minister for Defence noted that while he was not in favour of retrospectively changing the decisions of his predecessors, Rwanda was 'an exceptional case'. In his view the nature of the mission, the tasks, the threat levels and the subsequent numbers of psychological and other casualties suffered provided strong justification for the classification of warlike.

Members deployed with Operation TAMAR were armed and although not tasked to separate warring factions, contingent members were authorised to use reasonable force in defence of contingent members, property and tasks, as well as in protection of Rwandan people under threat from the warring factions. ADF forces did take part in armed operations to clear internally displaced persons camps of armed militia.

This service is in stark contrast to the service of the SRT which conducted a three day visit to the Rwandan capital city, Kigali, with the agreement of the Rwandan Patriotic Front who were by then in control of the city. The SRT were escorted at all times by UNAMIR personnel. Unlike the MSF, the SRT was not authorised to use force, and, although exposed to some of the aftermath of inter-tribal violence during their three day visit to Rwanda, they did not witness any acts of violence, nor were the SRT threatened by individuals or tribal factions.

Defence's comprehensive review confirms that the sole reason for the SRT deployment to Rwanda was to gather information for the Australian Government. As such, the SRT cannot be considered as a part of the Australian Government's commitment to UNAMIR. The SRT had a significantly different role, mission and rules of engagement to the ADF MSF assigned to Operation TAMAR.

The Defence review did not find any evidence to support the claim that the SRT was subject to the same sustained exposure to the risk of harm, particularly psychological injury as a result of witnessing the effects of the massacres, killings and other violence, as the ADF contingents on Operation TAMAR. The documents examined, including the situation reports submitted by the SRT during the conduct of the reconnaissance and the team's subsequent post-reconnaissance report, confirm that it is not appropriate to reclassify this service as qualifying service under the VEA. Therefore, the SRT deployment to Rwanda during the period 6 to 8 July 1994 remains classified as peacetime service.

Thank you for bringing your concerns to my attention. While I understand that this is not the outcome you were hoping for, I take this opportunity to thank you and the other members of the SRT for your service to the nation.

Yours sincerely

s47F



**DAVID FEENEY** s47F  
Encl





## *Veterans' Entitlements Act 1986*

### **Determination of Warlike Service OPERATION TAMAR**

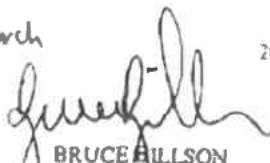
I, Bruce Billson, Minister for Veterans' Affairs, for the Minister for Defence

- a. revoke the determination made under paragraph 120(7) of the *Veterans' Entitlements Act 1986* (the Act) on 5 August 1994 in relation to service as part of the United Nations Assistance Mission for Rwanda as hazardous service, and
- b. determine that:
  - (i) service rendered as a member of the Australian Defence Force assigned for service on Operation TAMAR during the period 25 July 1994 to 16 January 1996 in the area of operations specified in subparagraph (ii) is warlike service for the purposes of the definition of "warlike service" in subsection 5C(1) of the Act; and
  - (ii) the area of operations comprises Rwanda and the areas in Uganda, Zaire (now known as the Democratic Republic of the Congo), Burundi and Tanzania that are not more than 50 kilometres from the border with Rwanda.
- c. this Determination is taken to have commenced on 13 February 2006

Dated

26<sup>th</sup> March

2006

  
BRUCE BILLSON  
Minister for Veterans' Affairs  
for the Minister for Defence