

On deployment to Afghanistan

James Renwick SC writes, in a personal capacity, about his tour of duty in Afghanistan

The 2002 *Bar News* records that Slattery QC (as His Honour then was) had recently deployed on active service with the Australian Defence Force to the Gulf of Arabia. In 2013, having succeeded to his Honour's role as head of the NSW Navy Reserve Legal Panel (founded by Sir Laurence Street nearly fifty years ago), I deployed to Afghanistan for a short time in April this year. I am not the first member of the New South Wales Bar to deploy to that country: Lieutenant-Colonel David McLure of 7 Wentworth deployed for six months with the Special Operations Task Group in 2010. This note sets out some brief details of the deployment.

Getting ready to deploy

Nothing fully prepares you for the experience, but the Defence Force leaves little to chance. Before leaving Australia, there is a week-long course, and at the Middle East staging point in the United Arab Emirates, there is further preparation. Some is definitely targeted at the twenty-somethings who make up the bulk of those on active service. The message to not overdo body-building substances was probably wasted on me, and when I asked, only half joking 'What's Facebook?' the response was 'Sir, I just noticed - you've got gray hair - you can sit this session out.'

But other sessions were deadly serious. Although arming lawyers seems to me - in my capacity as a barrister - to be asking for trouble, no-one except the Padre is exempt from bearing arms on deployment to Afghanistan. In my case this meant being sufficiently competent to use a Steyr rifle and a Browning pistol. We also had sobering but invaluable briefings on the types of threats we might face including rocket attacks and the threat of 'green on blue' insider attacks, lessons on how to recognise improvised explosive devices, a hands-on practical on how to treat catastrophic injuries in the field while under simulated attack, as well as sessions on how to try to cope with being taken hostage.

I had spoken to everyone I could about the experience of being an ADF lawyer on operations. I also did some general reading and in particular read William Dalrymple's *Return of a King: The Battle for Afghanistan, 1839-42* about the First Afghan War, which he contends has much to say about current



events, and Chris Masters' *Uncommon Soldier: The Story of the Making of Today's Diggers* which is certainly about current events in Afghanistan.

The ADF has detained a number of Taliban insurgents and others suspected of offences against Afghan law since 2001. My role was to assist in the periodic audit of all aspects of that detention against the requirements of the Australian Government, which were explained by the defence minister to parliament on 7 February this year as follows:

Australia approaches its responsibility for treating detainees with dignity and respect with the utmost seriousness and is committed to conducting detention operations in accordance with our domestic and international legal obligations. Australia's detainee management framework for operations in Afghanistan has two priorities: firstly, removing insurgents from the battlefield, where they endanger Australian, ISAF and Afghan lives; and secondly, to ensure the humane treatment of detainees, consistent with Australia's domestic and international legal obligations.

The audit team had disparate specialities, but all made me, as a reservist deploying for the first time, very welcome.

Deployment

After all of this preparation, it was a relief to finally board the RAAF Hercules aircraft and fly to Tarin Kowt where the main Australian force is presently located. Kevlar helmet, body armour and ammunition



The Australian Special Operations Task Group (SOTG) commemorated ANZAC Day with a solemn dawn service held at The Memorial, Camp Russell, Tarin Kowt. Photo: Australian Government Department of Defence.

weighing all up about twenty-five kilos, are worn on the flight, and weapons are carried. The pilots were kind enough to invite me up to the flight deck, and from there you appreciate, as you fly past Iran and then over Pakistan into Afghanistan, that you are in a particularly volatile part of the world.

Our presence in Afghanistan dates back, intermittently, to 2001. But the stated legal basis for our presence there has changed over time. It will be recalled that the United States treated the events of 11 September 2001 as an armed attack upon it justifying invocation both of the inherent right of self-defence enshrined in Article 51 of the United Nations Charter and for the first time, the ANZUS Treaty.

That marked the start of Operation Enduring Freedom for the USA and Operation Slipper for the Australian Defence Force. Both operations continue but in about 2003 NATO control of the mission emerged, and Security Council Resolution 1510 under Chapter VII of the United Nations Charter authorised the use of force for the maintenance of security and supporting security and stability, initially in Kabul,

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and then later throughout the country to maintain that security so that reconstruction and humanitarian efforts could continue. The resolutions have been renewed as necessary.

The flight into Tarin Kowt is spectacular. It sits at the base of the Hindu Kush, which extends from there north for about 800 kilometres to the Himalayas. Tarin Kowt itself is in a river valley with snow-covered mountains, with much greenery around the river. Afghanistan itself appears to have ample water supply and, at least in the river plains, fertile soil and healthy crops.

In Tarin Kowt itself there are mainly Australian and United States troops and the Australian forces are concentrated on Camp Holland, the general base, from where Combined Team – Uruzgan, and an Infantry battalion operate, and Camp Russell, the special forces base from which the Special Operations Task Group conducts operations to disrupt insurgent operations and supply routes. There is a large airfield and much aerial activity.

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and worked in reinforced shipping containers which occasionally, although fortunately not in my case, are hit by rockets fired in by the Taliban. The work ethic is impressive, particularly given how young most soldiers are. Everyone works seven days a week. There is no alcohol. Relaxation takes the form of going to the gym, where as you would expect there are some very fit people: a colleague suggested a special forces soldier come for a run, he declined as he had already been on the treadmill for two hours that day!

Everywhere there is dust, and the extremes in temperature go from snow in the winter to considerable heat at the height of summer. Local life is very different from our own life: one local prosecutor with whom we had a 'shura' or consultation, said that the Taliban had tried to blow him up three times that month.

From Tarin Kowt we flew to Kabul, where there are about 6,000 NATO and other troops on the base adjacent to the Kabul International Airport. Kabul is about 1,800 metres above sea level and there was much more snow visible on the mountains. There is a kaleidoscope of uniforms, some very stylish.

Inevitably there were gripes: given the cuisine his country is famous for I asked one French officer, while waiting in line at the canteen, what he thought of the deep fried and double deep fried food, to which he replied 'for ze first evening it was quite amusing, but ze next five months were not amusing at all!'

I returned home early on ANZAC morning. It took about 10 days to get over not carrying a firearm all the time, and to get used again to privacy rather than barracks life, and not worrying about threats or the unexpected. What remains, though, is enormous pride in the professional work being done by the ADF in difficult conditions and in having played a brief, small, part in that undertaking.

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