

**Letter to the ABC and reporters**  
**Mark Willacy, Alexandra Blucher and Dan Oakes.**  
**- on behalf of November Platoon, 2012 -**

1. We call for an independent review of the ABC story published on October 20, 2020.
2. We call for the ABC to publish a full correction to this story including an unqualified, genuine apology to the members of November Platoon.
3. We request a written apology from the ABC and the reporters to the men and families of November Platoon.

One year ago you published an article based on the account of a US Marine who alleged that November Platoon of the 2nd Commando Regiment had executed a “prisoner” in Afghanistan in “mid-2012”.

In this story, the ABC stated that, “A United States Marine Corps (USMC) helicopter crew chief says Australian special forces shot and killed a bound Afghan prisoner after being told he would not fit on the US aircraft coming to pick them up.” [1]

This is an appalling and preposterous lie. The ABC carries the responsibility of this gross failing of basic journalistic practice.

The entire story is based on the account of one man who insists on using a pseudonym yet, bizarrely, agrees to have his face shown.

This ‘former Marine’ claims he saw members of November Platoon “tackle and hogtie” seven prisoners then, upon being told that a US helicopter only had room for six prisoners, “And you just heard this silence and then we heard a pop. And then they said, ‘OK, we have six prisoners’. So it was pretty apparent to everybody involved in that mission that they had just killed a prisoner that we had just watched them catch and hogtie.”

The impact of this story has been immense, particularly given that it was published on the evening of October 20, 2020, dominating the news cycle on the following day.

That day, 21 October 2020, was the eighth anniversary of the death of Corporal Scott Smith, who was a member of the November Platoon Group, and therefore one of the accused in your article. On the evening of 21 October 2020, members of November Platoon gathered at the North Bondi RSL to join the mother of Scott Smith to commemorate his sacrifice, an event that is conducted each year. At the gathering that night, the impact of the allegation in your article was seen and felt in the emotions of all of us who were there and knew it to be false and feared the impact on the memory of our service and those who made the ultimate sacrifice in service to our country.

This story was based on the unsubstantiated claims of one US Marine whose account cannot form the basis for the assertions made by the ABC. In the following 12 months there has been no follow up or correction to the published story.

We write to the ABC and the contributing journalists responsible for the article, Mark Willacy, Alexandra Blucher and Dan Oakes to ask the following:

1. Why did you publish the allegation that members of November Platoon summarily executed a 'prisoner' based on the word of one US Marine "eyewitness"?
2. What research did you do to establish the authenticity of this US Marine's claim about what he allegedly "heard" over a push-to-talk radio communication?
3. What expert advice did you base your story upon, in particular with regard to the tactical facts of the mission?
4. Why were no members of November Platoon interviewed before, or subsequent to, the publishing of this significant and defamatory article? This is a particularly egregious omission given the journalists named above have directly engaged with members of November Platoon. Both Dan Oakes and Mark Willacy have tracked down and messaged members of November Platoon via personal social media, including public posts referencing members, or through other military commendations. Additionally, another key ABC contributor to Defence reporting, Chris Masters, was supported by the November Platoon Commander, Heston Russell, in the development, and post release, of his book "No Front Line". Masters would have been able to provide immediate advice and contact details to allow a proper examination of the claims in this story at the time and in the year since it was published without follow up.
5. Do you accept this article breached the MEAA Journalist Code of Ethics? [2]
6. The MEAA Journalist Code of Ethics does not include, worryingly, a requirement for 'balanced' reporting. However it does require journalists to exercise 'Fairness'.

Can you explain how this article provides a "fair" account of the specific allegation given it only included the version of the "eyewitness" whilst ignoring over 40 Australian Veterans implicated through the article's generic reference to November Platoon, 2012?

7. Why is the only follow up to this disgraceful story an online post to the "Correcting the Record" section of the ABC Media Centre issued by ABC 'Communications Lead' Sally Jackson? [3]

In this article, Ms Jackson defends the reporters mentioned above but does not provide any evidence that can independently confirm the serious allegation of murder. This article further states of Heston Russell that, "We have no knowledge that he was even on the raid in question."

Why have the reporters not since contacted Heston Russell to ascertain where he was at the time?

8. The article further states that the US Marine discussed the incident with his crewmates, alleging, "This was the first time we saw something we couldn't morally justify, because we knew somebody was already cuffed up, ready to go, taken prisoner and we just witnessed them kill a prisoner."

Who are the "crewmates" the Marine spoke with and what were their accounts of this alleged incident? Why were these not mentioned in the story?

9. The article further states that an unnamed Commando from Oscar Platoon said that the US Drug Enforcement Agency refused to work with November Platoon, stating, "I remember talking to [DEA agent] afterwards, and he said, 'We're not going out with those f\*\*\*ing guys ever again'. Every DEA team that went through there loved working with us and had no problem, but November platoon was the first platoon that the DEA said they wouldn't work with," the former commando said. "Something obviously went down."

Given the DEA did work extensively with November Platoon before and after this alleged incident, why did the ABC publish this falsehood without challenge?

10. Will the reporters publish a follow up story with corrections to the article published on 20 October 2020 so that our families, our children, are not further impacted by this grotesque misinformation?

### **The Facts.**

We jointly write to provide you with the information that you would have easily been able to access should you have sought to do so before publishing your article, or in the year since.

Below are the facts of how impossible, let alone implausible, the accusation made by your US Marine “eyewitness” is. This information could have easily been confirmed by any Veteran with on the ground experience, while others could easily be confirmed by records and reporting held by the Australian Department of Defence, before publication.

1. “A United States Marine Corps (USMC) helicopter crew chief says Australian special forces **shot and killed a bound Afghan prisoner** after being told he would not fit on the US aircraft coming to pick them up.” - from ABC article 20 October 2020  
“He has told ABC Investigations he was a door gunner providing aerial covering fire for the Australian soldiers of the 2nd Commando Regiment during a **night** raid in Afghanistan's Helmand Province in mid-2012.”  
“We had done the drug raid, the Aussies actually did a pretty impressive job, wrangling all the prisoners up,” ‘Josh’ (quoted US Marine) said.  
“We just watched them tackle and hogtie these guys and we knew their hands were tied behind their backs.” ‘Josh’ said.

In a direct conversation with reporter Mark Willacy on 28 September 2021, he stated that these quotes from ‘Josh’ were made with regards to a previous mission, not this particular night mission! Mark Willacy made this statement after being questioned by Heston Russell on the plausibility, let alone possibility of someone being able to “see” “wrangling all the prisoners up” under night vision goggles from several thousand feet in the air, flying at night in Helmand province, let alone “watched them tackle and hogtie” with their hands “tied behind their backs”.

2. In response to a Daily Telegraph article by Jonathan Moran questioning the accuracy of the ABC report, the ABC Response on 28 October [3] stated that, “The ABC stands by the story. The ABC is aware former Commando Heston Russell has disputed the allegation in the report. However, we have no information he was there at the time. As we have reported, the US Marine heard the shot over the radio communications in which he and his Marine crew on the Huey UH-1Y helicopter were included. They also heard the conversations between the US pilots and the Australians on the ground before and after the shot. **Prior to this the Huey crew was providing close aerial gun support to the Australians and saw prisoners being rounded up and bound.**” [3]

The above directly infers that ‘Josh’ SAW all of these actions conducted, at night, under night vision goggles, from a moving Huey thousands of feet above a Commando night raid with the DEA in Helmand. When Heston Russell spoke with Mark Willacy on 28 September 2021, a conversation that was witnessed by at least one other person in the Avid Reader Bookstore, West End, Brisbane, Mark Willacy indicated that ‘Josh’s’ comments relating to actually “seeing” Australian soldiers

tackling and “hog” tying up prisoners were actually from a previous daytime mission. This followed Mark Willacy acknowledging the impossibility of ‘Josh’ being able to physically see this during the night time alleged incident.

3. ‘Josh’ is further quoted saying the Australian Commandos then called up the US aircraft to pick them and about seven prisoners up.
  - a. He says the Americans only had room on the aircraft for six.
  - b. "And the pilot said, 'That's too many people, we can't carry that many passengers.' And you just heard this silence and then we **heard a pop**. And then they said, 'OK, we have six prisoners'."

“Heard a pop” over the radio. All Australian Special forces members operated push-to-talk radios. This requires the radio microphone to be manually depressed in order to transmit by any individual person.

- i. During all nighttime operations, Commandos operated with suppressors attached to our weapon systems in order to reduce flash and sound, collectively called the ‘signature’ of weapons firing, so as to reduce the ability to be detected and targeted by the enemy.
- ii. The statement by ‘Josh’ means that the person transmitting over the radio would have needed to be standing next to, or very close to, the alleged person firing a weapon, and depressing their microphone in order to deliberately or accidentally capture the sound of a shot being fired. Furthermore, If ‘Josh’ did indeed hear “a pop”, this does not prove that he heard the sound of a suppressed “crack” of an M4 or 417 rifle being fired, as carried by us on these missions. It could have been a variety of sounds including radio static, or the sounds of a smoke grenade being used to mark the helicopter extraction site. Regardless, this sound would have been captured on the radio transmission recordings.
- iii. The only people that would have been speaking by radio communications to the aviation assets on the ‘air net’ - which is a frequency completely separate to the ‘Platoon internal net’ - would have been the Platoon JTAC (Joint Terminal Attack Controller), using the individual callsign of November Juliette, or the Platoon Signaler, using the callsign November Charlie.
- iv. Both November Juliette and November Charlie are positioned alongside and within the tactical team of the Platoon Commander, callsign November Alpha. Given this group of three is responsible for a large amount of sensitive tactical and operational conversations and communications, they are never positioned with, or permitted to linger around, any detainees (we don’t call them prisoners) as a matter of

training and standard operating procedure, so as to avoiding the potential for any Tactics, Techniques or Procedures (TTPs) from being overheard by any detainees.

- v. Should any of these Platoon Headquarters members find themselves near a detainee, or group of detainees, they would move away before conducting any such transmissions, or the detainees would be relocated away from the November Alpha, Charlie and Juliette as a matter of standard procedure to allow such communications to occur.

Therefore, there is no way that the “pop” that ‘Josh’ claims to have heard could possibly have been a gunshot from a member of November Platoon shooting a detainee.

4. "So it was pretty apparent to everybody involved in that mission that they had just killed a prisoner that we had just watched them catch and hogtie," he (‘Josh’) said.
5. ‘Josh’ says neither he nor any of his crew spoke about what had just happened.
  - i. Was ‘Josh’ asked why he had decided to only now speak of this incident, eight years after the deployment?
  - ii. Did ‘Josh’ approach the ABC or was he approached by the ABC?
  - iii. What support is currently being offered to ‘Josh’ given at least one other ABC sourced whistleblower has been lost to suicide during the conduct of the Afghanistan Inquiry?
  - iv. Were any of ‘Josh’s’ crew interviewed by the ABC and if so, why are their statements not included?
  - v. Has ‘Josh’ provided his allegations as evidence to the IGADF, AFP or OSI so as to substantiate these meeting the rules of evidence?
6. "We were all being recorded on our comms," he (‘Josh’) said.

Have you requested access to these from the Department of Defence including the submission of a FOI? (Every mission’s communications were indeed recorded).

7. "All of us were pretty aware of what we just witnessed, and kind of didn't want to be involved in whatever came next." (‘Josh’)
  - i. Who else “witnessed” the hearing of “a pop”?
  - ii. How many of these other “witnesses” did you speak with?
  - iii. Why are these multiple witnesses not included in the report?
8. "This was the first time we **saw** something we couldn't morally justify, because we knew somebody was already cuffed up, ready to go, taken prisoner and we just witnessed them kill a prisoner," he (‘Josh’) said.

This states that multiple people “saw” an execution.

Why did you publish this claim based on what one person claims he “heard” but did not “see”?

9. "This isn't like a heat of the moment call where you're trying to make a decision. It was a very deliberate decision to break the rules of war." ('Josh')

Is this claim also based solely on 'Josh' claiming he heard a “pop” on the radio?

10. "I think that was the first thing that happened that didn't quite sit right with us, where we were like, 'OK, there's no excuse, there's no ambiguity, there's no going around this one'." ('Josh')

Why was this not reported per the multiple incident reporting options available to 'Josh' through the USMC, Australian SOTG, ISAF SOF chain, or direct to NATO ISAF Command?

11. “Josh says he later discussed the incident with his crewmates after returning to Camp Bastion.”
- i. Why was this not reported per the multiple incident reporting options available to Josh through the USMC, Australian SOTG, ISAF SOF chain, or direct to NATO ISAF Command? –
  - ii. Where is the testimony from the others who heard the “pop” or “witnessed” the alleged incident?

12. **'Lots of fire and bodies were often left in their wake'**

- i. This sentence is highlighted in bold in the article.
- ii. Does the ABC understand the nature of the counter narcotics direct action counter insurgency operations conducted by the Commando Force Elements within the Australian Special Operations Task Groups, given they included the destruction of Drug labs providing billions of dollars of financial assistance to known insurgent and terrorist organisations around the world and as such were defended by trained and armed fighters?

13. “It was part of a wider joint Australian special forces-US Drug Enforcement Administration (DEA) campaign targeting illicit drug operations that were financing the Taliban insurgency.”

- i. Why were members of the US DEA (FAST) element not interviewed in this report?

- ii. Many of the US DEA FAST members from the 2012 deployment are still in social communications with members of November Platoon - and they have confirmed they were not interviewed by the ABC.

14. Why was the Afghan Security Partner Force, who were on the ground with November Platoon and all Commando Elements on every mission, not interviewed for their account of this story?

Over the course of this last year the members of November Platoon have patiently waited for the truth about this story to be told.

We assumed the national broadcaster would show the responsibility and decency that is required in its charter to report the impossibilities of the statements and circumstances published, and to publish a full, honest correction.

By tarring all members of November Platoon with this terrible brush, the ABC has defamed an entire Platoon Callsign and cast aspersions against all those identifiable within our Special Forces communities, and our families and friends.

Family members and friends have asked questions like, "Did you murder someone dad?", "Why did you shoot him?" and "How could you murder someone like that?" and many, many more.

One of the freedoms we fought for in Afghanistan is the freedom of the press to investigate and report matters in the public interest, a freedom all members of November Platoon support. However, as the MEAA Journalist Code of Ethics says of journalists, "*They scrutinise power, but also exercise it, and should be responsible and accountable.*"

A group of November Platoon members has met with legal representatives to pursue legal action against the ABC and the specific journalists responsible for the article, Dan Oaks, Alexandra Blucher and Mark Willacy. However, we were advised that the members participating in the legal action would likely be required to have their identities made public and therefore likely to be published by the ABC and other media.

While we are willing to stand by this call for accountability and accuracy, the real-world risks of being identified carry the potential for horrific impacts upon our families, friends and employment, including the potential threat of being targeted by those extremists who we fought against and who have now returned to power in Afghanistan.



We are willing to put ourselves in harm's way, but we cannot put our families and friends in jeopardy, despite the immense damage done by the ABC in publishing this absurd, disgraceful and unsubstantiated slur against our entire Platoon.

A slur made even worse as it was published on the anniversary of the death of one of our own.

The ABC has a responsibility to report in the interest of the Australian public. However, this article was published on the accusations of one non-Australian citizen, without attempting to contact the 40 Australian Veterans it directly impacts.

We call for an independent review of this ABC story. This review can access material to ascertain the truth and may include consulting the Department of Defence, which might provide:

- The recorded radio transmissions
- Confirmation of SOPs
- Mission Summary reporting including numbers of detainees taken off target by November Platoon on all missions
- The authority for taking and handling of Detainees from Helmand Province (Partner Force)
- Confirmation of those on the ground
- Confirmation that November Platoon never actually conducted a mission in Helmand where they took six detainees (not prisoners) off target
- Confirmation that all detainees (not prisoners) taken off target were done so by either the Afghan Special Police Partner Force, or the US DEA
- Confirmation that then Captain Heston Russell was the Platoon Commander, Callsign November Alpha, for every mission into Helmand Province conducted by November Platoon in 2012.

Point of contact:

Heston Russell

(November Platoon Commander October 2010 - December 2012)

[Heston.Russell@gmail.com](mailto:Heston.Russell@gmail.com)

## References

- [1] A. B. D. O. Mark Willacy, "US marine says Australian special forces soldiers made 'deliberate decision to break the rules of war'," ABC, 20 October 2020. [Online]. Available: <https://www.abc.net.au/news/2020-10-21/soldiers-killed-man-who-could-not-fit-on-aircraft-says-marine/12782756>. [Accessed 2 October 2021].
- [2] M. E. a. A. Alliance, "Journalist Code of Ethics," MEAA, 2021. [Online]. Available: <https://www.meaa.org/meaa-media/code-of-ethics/>. [Accessed 2 October 2021].
- [3] S. Jackson, "Response to today's story by Jonathon Moran in News Corporation titles," ABC, October 2020. [Online]. Available: <https://about.abc.net.au/correcting-the-record/response-to-jonathon-moran-and-news-corporation/>. [Accessed 2 October 2021].