

Veterans' Legislation Reform

Operational Service

Prisoner of War

In Mar 2014 ex Minister of Defence, Joel Fitzgibbon whilst being interviewed on Sky News, responded to being asked why he has been doing so many interviews after the recent death-in-Service of his son Jack:

“It’s another opportunity to honour Jack and ensure that people understood who he was and what he did.”

The takeaway from this statement is that Veterans' Legislation MUST “honour” and “ensure that people understand” who our Veterans are and what they did.

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Aim

The aim of this brief is to ensure ALL Veterans interned by enemy forces receive the “**honour**,” recognition, access to support and services that POWs are due. Only through recognition can we “**ensure the people understand**.”

Background

After reviewing the proposed Veterans’ legislation, it is evident that Prisoners of War are exclusive to three **Operational Areas** which concluded with the Korea War, 19 Apr 56. Historical oversight has meant Operational Service post 19 Apr 56 is not legislatively enabled.

DVA is responsible for implementing Veterans’ legislation. DVA limited commentary on their May 2023 blog on Prisoners of War to the “**two world wars and Korean war**”. The DVA ANZAC Portal profiled a UNTAC Veteran and recorded the group was “**attacked by the Khmer Rouge forces and held captive by the Khmer Rouge for 8 hours**”, which is consistent with being interned per the legislation and has not likely bestowed Prisoner of War recognition.

This Brief is supported by evidence from the 2023 declassification and publishing of [Commanders Diaries for UNTAC Cambodia](#) (Diary / Diaries) by the Australian War Memorial (AWM). While Veterans can function without medallic recognition; without recognition for the nature of service DVA cannot qualify Veterans who have been **Interned** (detained) by **Relevant Military Forces** (enemy forces) with the appropriate support and services Prisoners of War (POW) are entitled.

Prisoner Of War

Australians have the upmost respect and sympathy for those who have been interned by enemy forces. The pain and suffering they endured and continue to endure resulting from their period/s of internment as a POW cannot be fathomed. Legislation must ensure ALL POWs receive the appropriate support and services they are due.

To be accepted as interned by a Relevant Military Force and therefore classified as a POW, legislation requires that internment must have occurred within one of the three periods below. This limits recognition of internment (POW) to WW2 and Korea War. There is no capacity in the legislation for recognition of a person who has been subject to internment as a POW during Operational Service post Korea War, 19 Apr 56.

Chapter 5AA—Compensation relating to prisoners of war

Part 1—Preliminary

268AF Simplified outline of this Chapter

This Chapter provides compensation in respect of former members and civilians who have been prisoners of war.

Part 2 provides compensation payments in respect of former members and civilians interned by certain military forces during designated war periods.

Under Part 3, a prisoner of war recognition supplement is payable to former members and civilians who were interned by certain military forces during designated war periods.

POW Legislation – Part 1 (until 19 Apr 56)

For a person to be recognised as a POW they need to meet set criteria. Part 1, Section 268AJ (alive claimant), Sub-paragraph (1)(b) are the operational criteria's specific to POWs.

Section 268AJ	
268AJ Compensation in respect of former members and civilians interned by certain military forces	
<i>Former members</i>	
(1) The Commonwealth is liable to pay compensation to a person if:	
(a) the person is a former member; and	
(b) the person was interned by relevant military forces at any time during the designated war period for the relevant military forces; and	
(c) the person was alive on the compensation eligibility date for the relevant military forces and designated war period; and	
(d) a claim for compensation in respect of the person has been made under section 319.	

Section 268AJ require the claimant is:

A. Interned as defined in the legislation.

<i>interned</i> means:
(a) confined in a camp, building, prison, cave or other place (including a vehicle); or
(b) restricted to residing within specified limits.

B. Relevant Military Force as defined in Section 268AI.

Section 268AI			
(c) the date that is the <i>compensation eligibility date</i> in respect of those relevant military forces and that designated war period.			
Relevant military forces, designated war period and compensation eligibility date			
Item	Column 1 Relevant military forces	Column 2 Designated war period	Column 3 Compensation eligibility date
1	Military forces of an enemy State	the period starting on 3 September 1939 and ending at the end of 11 May 1945	1 January 2007
2	Military forces of North Korea	the period starting on 27 June 1950 and ending at the end of 19 April 1956	1 January 2003

As recent as May 2023 the Australian War Memorial published [Blog - the complex story of Australian prisoners of war](#) affirms this assessment, with the Blog limiting POWs to the two World wars and the Korean war. There is no indication of internment post Korean war.

The horror of hellships, death marches, and starvation, and the drama of great escapes, has shaped the public perception of Australian prisoners of war. But there is a more complex story, and the thousands held in captivity during the two world wars and the Korean war cannot define their internment only by these experiences.

Leading historians, veterans, and family members will present new research on what it was like to be an Australian prisoner of war at a conference to be held in Canberra next week.

Operational Areas – Part 3 (World Wars)

Part 3 – Service that is operational service legislates Operational Service for service in World Wars.

Part 3—Service that is operational service

Division 1—Operational service

444 Operational service—world wars [VEA 6A]

- (1) Subject to subsection (3), a person referred to in an item of the following table is taken to have been rendering *operational service* during any period during which the person was rendering service of a kind referred to in the item.

Operational Service – Part 3 (Post World Wars)

Section 446 specifically legislates having undertaken continuous full-time operational service in an Operational Area is Operational Service (qualifying service).

446 Operational service—post - World War 2 service in operational areas [VEA 6C]

- (1) Subject to this section, a member of the Defence Force who has rendered continuous full-time operational service in an operational area as:
- (a) a member who was allotted for duty in that area; or
 - (b) a member of a unit of the Defence Force that was allotted for duty in that area;
- is taken to have been rendering *operational service* in the operational area while the member was so rendering continuous full-time operational service.

Operational Areas – Part 3 (Post World Wars)

Division 2 specifies the locations and timings for Operational Areas.

Division 2—Operational areas

451 Meaning of operational area

An area described in an item of the following table was an *operational area* during the period specified in that item.

War Or Warlike Service

“War” service is exclusive to World War 1, World War 2 and the Korean War.

“Warlike” is the highest classification available for Operational Service and precludes Veterans interned by enemy forced from being recognised as Prisoners of War. Vietnam (Southern Zone), known as the Vietnam War, demonstrates “warlike” is the nature of operations.

Section 451		
Operational areas		
Item	Area	Period
3	The area comprising the territories of the countries then known as the Federation of Malaya and the Colony of Singapore, respectively.	The period from and including 1 September 1957 to and including 31 July 1960
4	Ubon in Thailand.	The period from and including 31 May 1962 to and including 27 July 1962
5	North East Thailand (including Ubon)	The period from and including 25 June 1965 to and including 31 August 1968
6	Vietnam (Southern Zone)	The period from and including 31 July 1962 to and including 11 January 1973

Application of this Act to operational service Chapter 12 Service that is operational service Part 3 Operational areas Division 2		
Section 451		
Operational areas		
Item	Area	Period
14	The area comprising Cambodia and the areas in Laos and Thailand that are not more than 50 kilometres from the border with Cambodia	The period from and including 20 October 1991 to and including 7 October 1993
15	The area comprising the former Yugoslavia	The period from and including 12 January 1992 to and including 24 January 1997
16	The area comprising Somalia	The period from and including 20 October 1992 to and including 30 November 1994
17	The area of the Red Sea north of the parallel 20°N.	The period from and including 13 January 1993 to and including 19 January 1993

UMANIC and UNTAC Operations

In March 2023, The Commanders' Diaries for ASC UNAMIC and ASC FCU UNTAC (FCU) were declassified and published on the Australian War Memorial (AWM) internet portal [Collection AWM399](#) (Diaries). Unless otherwise specified, extracts from these Diaries have been used to provide evidence enabling the compilation of this brief.

FCU Operational Area

DVA's webpage [Australians in the UN missions to Cambodia 1991 to 1993](#) provides a briefing of UNAMIC and UNTAC missions, which will collectively be referred to as UNTAC through the brief. There were over 1200 Australian (Army, Navy, and Air Force) and New Zealand Defence Force (NZDF) Veterans in the Operational Area. NZDF Veterans were under command of the Commanding Officer FCU (Australia). [AWM Blog – Helping to make a new future](#) provides the following overview of the nature of operations.

UNAMIC was primarily a civilian advisor mission tasked with maintaining the ceasefire and training Cambodians in mine detection and clearance training. Australia provided signallers for UNAMIC, committing 65 personnel in October 1991. In March 1992 UNAMIC was absorbed by UNTAC, an armed multi-national peacekeeping force established to supervise the ceasefire and a general election. Several hundred Australian military personnel and federal police officers served with UNTAC between 1992 and 1993.

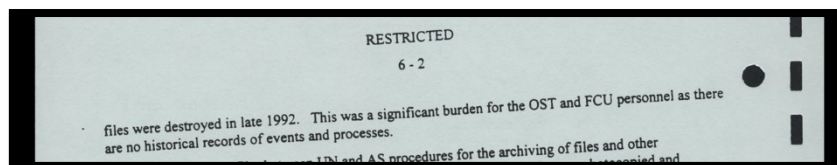
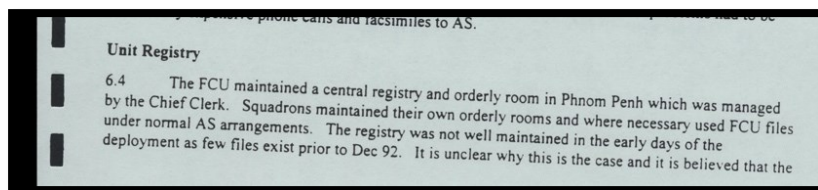
The Australian UNTAC contingent provided assistance with policing, weapons control and disarming factions, and helped create a reliable nation-wide communications network. After the election, the mission helped the newly-elected democratic government become established and manage Cambodia without the ongoing need for external assistance.

Section 451, Item 14 legislates the operational area for UNAMIC (Operation Goodwill) and UNTAC (Operation Gemini) from 20 Oct 91 through to and including 07 Oct 93 as an Operational Area, and therefore is considered Operational Service.

Application of this Act to operational service Chapter 12 Service that is operational service Part 3 Operational areas Division 2		
Section 451		
Operational areas		
Item	Area	Period
14	The area comprising Cambodia and the areas in Laos and Thailand that are not more than 50 kilometres from the border with Cambodia	The period from and including 20 October 1991 to and including 7 October 1993
15	The area comprising the former Yugoslavia	The period from and including 12 January 1992 to and including 24 January 1997
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Historical Records

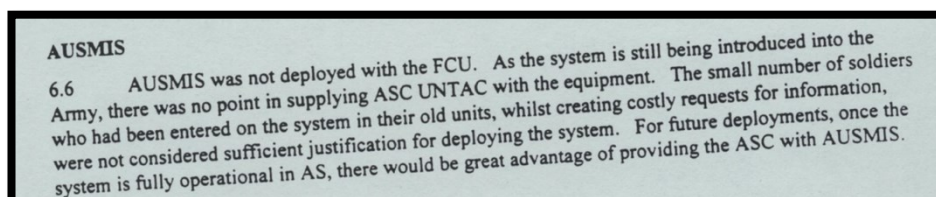
[AWM277 517/2 - \[Records of the Royal Australian Corps of Signals \(RA Sigs\):\] United Nations Australian Contingent Cambodia: Post Operational Report for ADF Participation in UN Operations in Cambodia - Operation GOODWILL - Operation GEMINI](#) reported the FCU Unit “**Register was not well maintained in the early days of the deployment as few files exist prior to Dec 92**” and “**it is believed that the files were destroyed in late 1992. This was a significant burden for the OST and FCU Veterans for there are no historical records of events and processes**”. The operational Area for Cambodia was from 20 Oct 91 – 07 OCT 92. By admission, Defence has “**destroyed**” more than the first half (60% by days) of the deployment's operational records. For UNAMIC that integrated into UNTAC and departed in 1992 this could have been all their records, and for the FCU advanced party at least 2/3 of their records. This leaves Veterans relying upon the entries recorded in the Diaries as the only tangible form of evidence provided by Defence.



Defence was reasonably able to confirm and determine the nature of service until Circa 2000, for key Defence personnel with knowledge of the deployment and the ability to make determinations were still within Defence. Post 2000, seven years after deployment, a lack of key personnel in Defence with the knowledge to verify the nature of service. This is evident with the deterioration in recognition of service when determining entitlement to the Infantry Combat Badge and Army Combat Badge.

AUSMIS Not Utilised, No PmKeys Records of Service

[AWM277 517/2 - \[Records of the Royal Australian Corps of Signals \(RA Sigs\):\] United Nations Australian Contingent Cambodia: Post Operational Report for ADF Participation in UN Operations in Cambodia - Operation GOODWILL - Operation GEMINI](#) provides evidence that Defence elected not to utilise the available AUSMIS electronic records system with FCU “**as the system is still being introduced into the Army, there was no point in supplying ASC UNTAC with the equipment**”. It is also recorded that “**there would be great advantage of providing the ASC with AUSMIS**”.



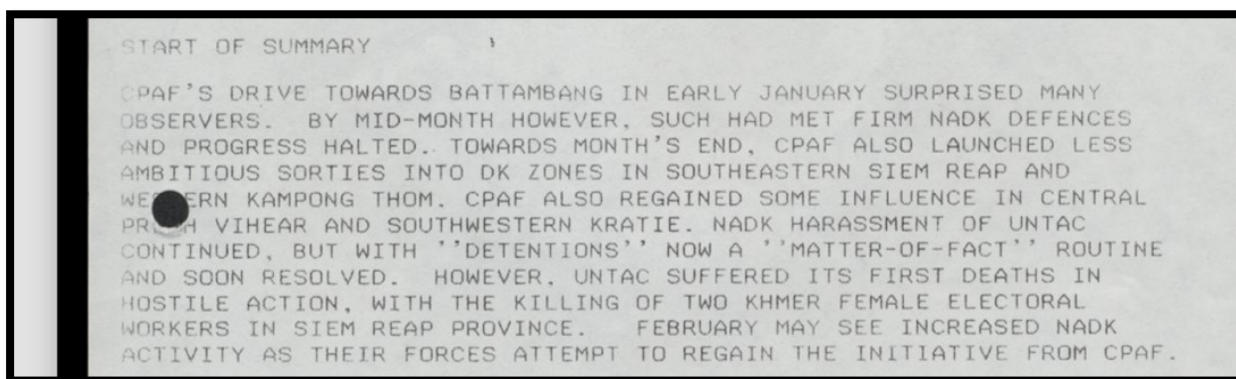
The Veteran should not be held at fault for Defence's negligence in appropriately documenting records of events, nor be the reason Veterans they do not obtain recognition for their service. During the development of this briefing sufficient evidence has been liberated to enable FCU to receive the recognition, support and services previously declined, and should be lawfully and legislatively afforded.

Internment of UNTAC Veterans

Intern, for the purpose of determining **Prisoner of War**, is to be confined in a **camp, building, prison, cave, or other place (including a vehicle); or restricted to residing within specified limits.**

Throughout the Diaries there are several references to the internment of FCU Veterans by "**enemy forces.**"

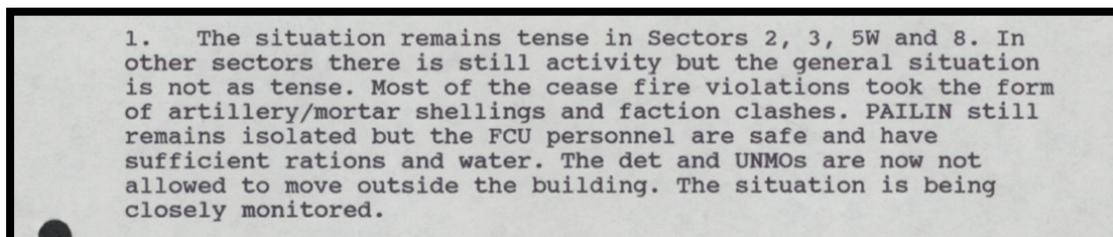
Disturbingly, internment of UNTAC Veterans," "**DETENTIONS**" NOW A "**MATTER-OF-FACT**" "**ROUTINE.**"



The following is a selection of examples extracted from the Diaries, to demonstrate types of "**matter-of-fact routine**" internment of FCU Veterans that are not recorded in records of service by Defence.

Pailin, Khmer Rouge HQ

From early in the deployment FCU Veterans were permanently subject to intense internment. Khmer Rouge (NADK) controlled the North-West quarter of Cambodia. Pailin Sig Troop was renamed Sisophon Sig Troop after the prolonged denial of access to Pailin forced the Dutch Marine Battalion and the embedded Troop's relocation to Sisophon province.



Swapping Out Interned Veterans at Pailin “MATTER-OF-FACT” “ROUTINE”

In the prior extract the wording of “**exchange**,” “**extracted**” and “**inserted**” is indicative of the difficulty in gaining access and the nature of assignment for internment at Pailin.

2. On 17 Feb 93 there was an exchange of personnel in PAILIN. As indicated CPL [REDACTED] (NZ), CPL [REDACTED] and ABSIG [REDACTED] were extracted and CPL [REDACTED] and SIG [REDACTED] were inserted. LCPL [REDACTED] remained. The situation at SOK SAN (CT13) has deteriorated, with the UN suspending flights into the area because they were being shot at. The NADK have indicated they want all UNTAC elements out immediately.

3. Sector 2, SIEM REAP, is still experiencing increased tension with indications that the NADK may strike UNTAC elements in the town in the near future. In other incidents UNTAC elements have

The following photos were taken while gaining access to Pailin. The objective was to exchange POW's. One interned Veteran was covertly swapped out with another Veteran.



NADK Checkpoint on route to Pailin



Another checkpoint in Pailin

Negotiating access and awaiting NADK authority to leave the checkpoint.



NZDF Veteran swapped into internment at Pailin



NADK artillery piece loaded, manned, and aimed at Pailin detachment location. Covert 35mm photo

Sisophon Sig Troop Internment by NADK “MATTER-OF-FACT” “ROUTINE”

Operating in NADK controlled territory, all Sisophon Sig Troop Veterans were subject to periods of internment by the NADK while transiting the sector. This included while attempting to gain pre-approved road access to Pailin for resupply and welfare checks on FCU Veterans under internment. Internment was absolute for those who’s movements included Pailin, with those assigned to Pailin this would be for the weeks or months of their assignment. [AWM277 517 - \[Records of the Royal Australian Corps of Signals \(RA Sigs\):\] United Nations Australian Contingent Cambodia](#) has published a May 1992 roll, and the commemorative port bottle records later 1992 Sisophon Sig Troop Veterans.

06 J SIGNAL TROOP (SISOPHON)					
01 TP COMD	LT	30 00059	1	20/01 135368	
02 OP INFO SYS & RADIO	SGT	30 266-0	1	03/07 134958	
03 MED/NUR ASST	CPL	62 031-0	1	170270	
04 DVR	CPL	30 109-0	1	23/08 135486	
05 OP INFO SYS & RADIO	CPL	30 266-0	1		03/03
06 RIGGER SIGS	CPL	30 346-0	1	135526	
07 SIG	CPL	00 361-0	1	147232	
08 TECH ELEC	CPL	30 405-0	1	08/04 135051	
09 OP INFO SYS & RADIO	SM	NAV266-0	1		RAM
09 OP INFO SYS & RADIO	SM	NAV266-0	1		RAM
10 COOK	PTE	58 084-0	1	10/10 134427	
11 DVR	PTE	00 109-0	1	10/10 102487	
12 LNMM	PTE	00 200-0	1	23/04 147282	
13 SIG	PTE	00 361-0	1	19/02 146915	
13 SIG	PTE	00 361-0	1	23/04 147235	
14 LNMM SIGS	SIG	30 200-0	1	22/05 135537	
15 OP INFO SYS & RADIO	SIG	30 266-0	1	22/08 135451	H 02/17
15 OP INFO SYS & RADIO	SIG	30 266-0	1	019/09 159846	02/13
16 TECH ELEC	SIG	30 405-0	1	135249	02/21
16 TECH ELEC	SIG	30 405-0	1	15/06 135254	
16 TECH ELEC	SIG	30 405-0	1	02/20 137950	



Sisophon Sig Troop and Pailin detachment were not the only Troop and locations with periods of internment. Internment was widespread and frequent as indicated in this one (1) Diary sample.

5. UNTAC PERSONNEL WERE DETAINED BRIEFLY BY NADK ON SEVERAL OCCASIONS IN JANUARY AS FOLLOWS: ON 4 JAN 10 PERSONNEL FOR THREE AND A HALF HOURS AT A CHECKPOINT OUTSIDE PAILIN. ON 10 JAN A MINE-CLEARING ELEMENT FOR ABOUT THREE HOURS 25 KM SOUTHWEST OF SISOPHON. AN OFFICER ON 15/16 JAN IN SIEM REAP PROVINCE. THREE OBSERVERS AND AN INTERPRETER IN WESTERN KAMPONG THOM 17-19 JAN ON THE STOENG SEN RIVER (VV 6304), AND AN OBSERVER TEAM IN FAR WESTERN KAMPONG CHAM (XU 4407) 18-19 JAN. ON 10 JAN. THE INEBRIATED SOC GOVERNOR OF PREAH VIHEAR DETAINED AN UNMO AND AN AUSTRALIAN PRIVATE OVERNIGHT AT CHAOM KHSAN.

6. ON 8 JAN, NADK REFUSED TO PERMIT THE ROUTINE HELICOPTER RESUPPLY OF THE UNTAC DETACHMENT IN PAILIN. AND THE PERSONNEL WERE CONFINED TO THEIR LIVING AND WORK AREAS ON 18 JAN - AN APPARENT NADK REACTION TO THE CPAF ADVANCES ON ROUTES 58 AND 10. HOWEVER, RESTRICTIONS ON THEIR MOVEMENT IN PAILIN TOWN WERE EASED ON 20 JAN - THE BAN ON HELICOPTER RESUPPLY REMAINS.

Veteran Held By Senior Khmer Officers

Internment of UNTAC Veterans was particularly targeted by the most senior leaders when there was distaste by the local faction with UNTAC. With no realistic self-defence capability against any enemy, there was little option than to try and negotiate not being interned and if that failed, comply.

2. There were two incidents of note. The first occurred on 10 Jan 93 at CT1 in PREAH VIHEAR province. It involved the overnight detained of an UNMO and FCU signaller by the drunken Province Governor. They were released unharmed the next morning. UNTAC is investigating the incident further. The signaller, PTE [REDACTED], was reported as remaining very calm under the pressure. The second incident occurred on 12 Jan 93. The residence of UNTAC personnel came under fire from unidentified attackers. This residence was located 12km east of SIEM REAP. The attack left two female Khmer Electoral component workers dead and two CIVPOL officers wounded. An investigation is being conducted.

3. There are an increasing number of incidents where the targets are UNTAC personnel. Nevertheless, UNTAC must endeavour to provide a neutral political environment to allow the process of election campaigning to happen freely and openly. It is still

Naming Of Interned Veterans In Diaries

While all FCU Veterans were at threat of periods of internment whilst transiting Cambodia, few Diary entries recorded names. It is extremely rare for FCU Veterans to be specifically named in Diary records, and in this instance the extracts are from a statement made by the senior Aust Military Police representative of FCU. No other statements have thus far been located amongst the Diaries.

DETENTION OF FCU MP AND INTERPRETER BY KHMER ROUGE ON 7 FEB 93

1. About 0645 hr 7 Feb 93, the following FCU personnel, [redacted] departed Pteah [redacted] Australia, Phnom Penh, enroute to Kampong Cham, to liaise with the [redacted]

with the UNMO was made. After consultation with respect to the known callsigns on the way to Snoul, we departed about 1430 hr.

3. About 1620 hr, about 16 km north of Moimet, we were forced to a stop at gunpoint by two armed soldiers of unknown origin. Those persons then with weapons raised, approached our vehicle from both sides, stopping adjacent to both front doors. Upon sighting our interpreter they became visibly hostile and demanded that he get out of the vehicle. We refused to allow this as there appearance and hostility were without any doubt going to be focussed upon him. One of the soldiers then sighted the two styers on the rear seat of the vehicle, at this time there hostility was turned to both CPL [redacted] and myself and it was apparent that some form of aggressive action towards us would ensue. One of the soldiers, displayed an open aggressiveness towards us which caused an obvious threat to our lives. Further converstaion ensued, during which it was identified that they wanted to converse with our interpreter. In an effort to try and control the situation, we asked our interpreter to leave the safety of the vehicle and try and communicate. He did this reluctantly, though without a doubt it was a necessary move.

4. A period of time ensued, during which [redacted] tried every ploy to get across to the soldiers that we were UN and meant no harm. There was still obvious concern as to our carrying weapons. The aggressive soldier attempted to remove our weapons from the vehicle, though we refused to let him do so. This further aggravated the situation and [redacted] was left in a precarious position outside the vehicle. Efforts to retrieve our weapons and use the vehicles radio were instantly met with weapons pointed and aimed at us and comments made to the effect that we would be shot should we attempt to do so again.

5. Shortly afterwards, one of the soldiers left and walked up the road and we were informed by [redacted], that they were calling in other personnel and there district commander. Subsequently a shot was fired and a wait of about 15 minutes ensued prior to the arrival of several other personnel. It was at this time that the identity of the soldiers was established as NADK. With the arrival of the other soldiers, we were then instructed to follow them. Subsequently, with an armed escort from not only the front and rear but the rear of the vehicle, we were escorted down the road at gunpoint and instructed to turn down a side track. During this we noticed that a civilian vehicle had been halted to our front while obvious action was taken with respect to us.

Interned UNTAC Veterans Witnessing Khmer Murders

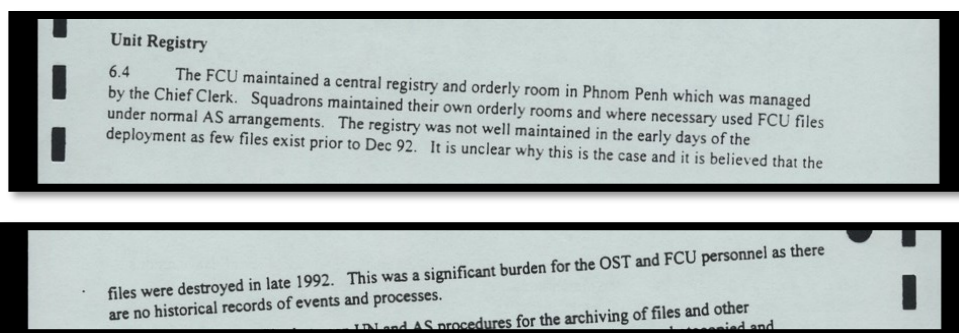
As evident in this Diary entry, there are records of UNTAC Veterans subject to internment who witnessed the murder of Khmer locals. While NADK had at times openly stated they would kill any Khmer persons who were travelling with UNTAC, it is not clear as to whether these were UNTAC or civilian Khmer. What should now be evident is hostile enemy had an agenda to execute against UNTAC.

18/19 Jan 93. In addition in the same sector NADK road blocks were stopping all vehicles. UN vehicles were detained for short periods while locals were shot dead. In sector 3 a UN vehicle was fired at and hit. The general situation is becoming more tense. The FC has issued a directive stating that increased security precautions are to be taken. These include convoys being escorted by battalions, and where necessary this means FCU installation teams will be escorted. These escort vehicles are to mount machine guns front and back of the column. The directive also reiterates that UNTAC personnel may return fire if they feel threatened.

Defence Records Of UNTAC Internment

Outside of the Diaries there were no known Defence records for the presented internments. It is only with the recent declassification and release of the Diaries that documentation demonstrating internment have become evident.

[AWM277 517/2 - \[Records of the Royal Australian Corps of Signals \(RA Sigs\):\] United Nations Australian Contingent Cambodia: Post Operational Report for ADF Participation in UN Operations in Cambodia - Operation GOODWILL - Operation GEMINI](#) reported the FCU Unit “**Register was not well maintained in the early days of the deployment as few files exist prior to Dec 92**” and “**it is believed that the files were destroyed in late 1992**”. “**There are no historical records of events and processes.**” The operational Area for Cambodia was from 20 Oct 91 – 07 OCT 92. By admission, Defence has “**destroyed**” more than the first half (60% by days) of the deployment's operational records. This has left Veterans without records of service and unable to make evidence bases claims.



DVA Knowledge Of UNTAC Internment

On the [ANZAC Portal Australians in the UN missions to Cambodia 1991 to 1993](#) DVA confirmed their knowledge of internment by publishing details of a UNTAC Veteran having been held captive (POW). DVA presented that the Veteran “**was part of a group staffing an observation post the group was attacked by Khmer Rouge forces and held captive by Khmer Rouge for 8 hours**” (internment). This raises the question has DVA provided support and services entitled to a POW for the Veteran.

A radio operator

██████████ was a signaller with the UNTAC in Cambodia. While there, he witnessed human suffering and many dangerous situations.

One time ██████████ found a local truck that had careered out of control over a cliff. He took charge and organised the rescue and evacuation of the severely injured passengers, giving them first aid and going with them to the hospital.

A few months later, ██████████ was part of a group staffing an observation post on the Thai-Cambodian border. The group was attacked by Khmer Rouge forces and held captive by the Khmer Rouge for 8 hours. Finally, the Thai military negotiated their release.

██████████ received the Conspicuous Service Cross for his exceptional devotion to duty in Cambodia.

Interned Veterans Operational Service

Veterans from the most recent Operational Service in Afghanistan have indicated there were Veterans held by enemy and were known as Person Under Capture (PUC). It is probable that Veterans have been interned during other post-Korea Operational Service deployments.

Assessment

The proposed legislation currently does not consider nor include recognition for those interned by a Relevant Military Force (enemy) post Korea, 19 Apr 56. It is alarming that Diary entries confirm Defence had full knowledge of Veterans being subject to “**DETENTION**” by enemy forces. It is nothing short of negligence that internment was accepted as being “**MATTER-OF-FACT**” **ROUTINE**” operations. It is incomprehensible Legislation is not inclusive of POWs for all Operational Service.

Without legislation enabling POWs to receive recognition and support for internment by the enemy, DVA cannot approve a claim for a POW and therefore cannot provide the appropriate services and support POWs. It is evident from the Diaries that several UNTAC Veterans were interned by enemy and are not recognised as being POWs.

Revisiting Joel Fitzgibbon’s response to being asked why he has been doing interviews:

‘It’s another opportunity to honour Jack and ensure that people understood who he was and what he did.’

Veterans’ Legislation MUST “**honour**” and “**ensure people understood**” what our Veterans endured by ensuring no matter the nature of operations that ALL **interned** by **enemy forces** are afforded the recognition, support, and service **Prisoners of War** they are due.

Outcomes

It is recommended that the Veterans’ Legislation enables Veterans who have been interned by enemy forces whilst on Operational Service are afforded recognition as Prisoner of War; and are provided the support and services the Australian public expect.

Once Legislation “**honour**” interned Veterans, DVA must affording the Veterans identified in this brief and the Diaries the overdue support and services they need for the suffering they endured

Note: Redacted names in this document are available to Authorities in the Diaries or from the Author.