

Australian war hero Loses Defamation appeal over war crimes



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Australia's most decorated living soldier, Ben Roberts-Smith, has lost his appeal against a defamation ruling that concluded he committed war crimes during his service in Afghanistan. The Federal Court upheld the 2023 decision, which found Roberts-Smith responsible for the murder of four unarmed Afghan civilians based on the balance of probabilities.

The unanimous decision by Justices Anna Katzmann, Geoffrey Kennett, and Nye Perram marks a significant moment in the seven-year legal battle. The court also ordered Roberts-Smith to cover the respondents' legal costs, which are estimated to exceed \$25 million.

Roberts-Smith, who has consistently denied the allegations, plans to challenge the ruling in the High Court. He alleges judicial misconduct and breaches of legal privilege, claiming that journalists had unauthorized access to privileged legal information before the trial.

The ruling has been hailed as a major victory for investigative journalism, with journalists and media representatives praising the courage of SASR soldiers who testified and acknowledged the Afghan victims. Media executives called the decision a testament to the importance of journalistic integrity and accountability.

While Roberts-Smith has not been criminally charged, the decision potentially paves the way for a criminal investigation by the Australian Federal Police and the Office of the Special Investigator.

The justices noted that there was compelling evidence to support the war crime findings, though full reasons will be disclosed later, pending a national security review.

The case has sparked widespread public interest, underscoring the importance of accountability and transparency in military operations. As the legal proceedings continue, the outcome may have far-reaching implications for both the military and media landscapes in Australia.

