

**Senate Foreign Affairs, Defence and Trade
References Committee**

SUBMISSION COVER SHEET

Inquiry Title: Effectiveness of Australia's Military Justice System

Submission No: P52

Date Received: 18.02.04

Submitter: Mr Hartshorn

Organisation:

Address:

Phone:

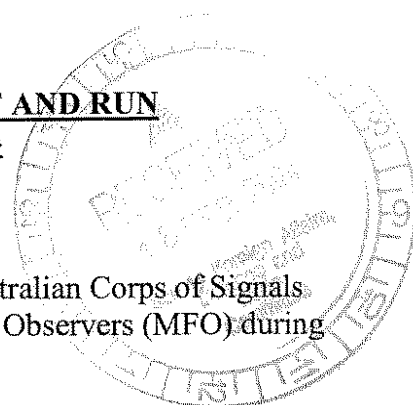
Fax:

Email:

Name/Contact: Mr David Hartshorn

Date Authorised: 13 May

SUMMARY OF AUSTRALIAN ARMY HIT AND RUN
CAIRO EGYPT – AUGUST 1994



I am ex 179829 Staff Sergeant David Hartshorn – Royal Australian Corps of Signals and I served as a peacekeeper in the Multinational Force and Observers (MFO) during the period Jul 94 – Jan 95.

In early August 1994 I traveled on duty to El Alemain to conduct a recon for a subsequent ceremonial event planned for October 1994. I was one of four passengers and our driver was the Regimental Sergeant Major (RSM) of the Australian Contingent to the MFO.

While driving through Cairo the RSM struck a woman who was flung away from the vehicle after being struck. The vehicle continued on without stopping. I was stunned and speechless and said nothing. Someone behind me said, “Sir, do you realise that you just struck that woman?” or words to that effect. I recall the RSM replying with “She’ll be right”.

Nothing further was discussed until the next morning when the RSM ordered myself and all other passengers not to mention the incident again. I interpreted his order as meaning that he as the senior member and driver, would take further action. To the best of my knowledge the matter was never investigated during the remainder of my tenure with the MFO, and I am unaware of any subsequent action taken by the RSM.

In hindsight I feel I should have been more assertive with the RSM for failing to stop and ordering us to remain quiet, but at that time I trusted that he would report the incident himself, and apart from that if an RSM cannot be trusted, who can?

On return to Australia in Jan 1995 I was posted to 7th Signal Regiment (Electronic Warfare) Cabarlah Toowoomba, and during the first part of that year I became progressively more distressed at what had happened and felt guilty at leaving another human being on the side of the road without being able to assist. I had never had any psychological debrief because of the embargo on discussing the issue, and my work suffered.

I submitted a Redress of Grievance (ROG) in late 1995 but was talked out of pursuing it by the appointed investigating officer, who said he was an extremely busy man and that I was wasting the Army’s time. I was posted to Army Aviation Centre in Jan 1996 and resubmitted the ROG but was again talked out of it by an Army Legal Officer, who said I had no legal grounds to pursue the ROG as it did not have anything to do with my service, but my ROG asked the question “why was I ordered to keep quiet about a hit and run?” which most definitely does effect my service.

I approached the Defence Force Ombudsman (DFO) who said I could pursue the incident and for me to resubmit it at unit level. The Army Legal Officer then did an about face and allowed my ROG, but still tried to prevent it proceeding. The ROG eventually reached Army Office and the Deputy Chief of General Staff said the reason why I was ordered to keep quiet about the hit and run was because the RSM

did not believe that he had hurt the woman. This is supposition as the RSM failed to stop and could not know the condition of the woman's health.

I continued to pursue the ROG through to the DFO who eventually made a determination that no further action would be taken. The whole affair was handled inappropriately and the RSM was never charged over the incident. My career suffered due to my guilt and distress and I discharged much earlier than I intended, never reaching the rank of warrant officer class one, which I had always alluded to.

I don't believe justice was done in this case and I will never know if the woman lived or died. I will live with that knowledge for the rest of my life, as well as the guilt of being party to a blatant hit and run which the Army tried desperately to cover up.

The parliamentary enquiry should look at this incident as one in a long list of appalling cover ups for which the Australian Army should hang its head in shame.

Yours Sincerely

David Hartshorn