# High Court condemns UK MoD's handling of Afghan special forces resettlement as a "disaster area"



The recent legal proceedings surrounding the resettlement of former Afghan special forces members highlight profound systemic issues within the UK Ministry of Defence (MoD)'s handling of applications from individuals who served alongside British troops. In a dramatic courtroom session, the High Court described the MoD's previous decision-making process as a “disaster area,” drawing comparisons to a “crime scene.” This grave assessment reflects the urgent scrutiny of an inquiry into potential war crimes allegedly committed by British forces in Afghanistan between 2010 and 2013, during which these Afghan allies fought side by side with UK forces.

Thousands of applications for sanctuary from Afghan personnel linked to elite units CF333 and ATF444, collectively referred to as the Triples, were reportedly rejected without sufficient justification. The MoD is currently reviewing around 2,000 applications, but this process has been sharply limited to those cases where MoD caseworkers actively referred the applicants to UK special forces for further assessment. This limitation raises serious questions about the efficacy and fairness of the review, especially considering the broader allegations of complicity and misconduct surrounding UK special forces.

The court heard compelling arguments from Thomas de la Mare KC, representing a former deputy commander of the Triples, who is spearheading the legal challenge on behalf of those still in Afghanistan. He posited that the MoD’s approach effectively imposed a blanket refusal on nearly all applications, with dire consequences for those affected. “These are life and death decisions,” he asserted, noting that many individuals and their families face significant threats of torture or execution due to their association with British forces.

Concerns also centre on a perceived conflict of interest, given that UK special forces have been heavily involved in the decision-making process regarding the very individuals they may have been implicated in mistreating. Notably, political pressure exerted on MoD officials to expedite the processing of applications may have hindered the quality of decisions, as highlighted during the review. Previous testimonies have been alarming; former veterans’ affairs minister Johnny Mercer voiced apprehensions over the inappropriate role of UK special forces in the decision-making process, branding it as "deeply inappropriate."

Systematic failings within the MoD have been underscored by ongoing investigations into the Afghan Relocations and Assistance Policy (ARAP). Despite initial pledges to facilitate the relocation of those who assisted British armed forces, evidence suggests that nearly 1,000 applicants remain stranded, with some waiting for years without decisions. The government has publicly acknowledged its shortcomings, admitting to misleading Parliament about the state of these resettlement applications.

Some reports suggest that applications from Afghan commandos have been continually blocked, leaving them in a perilous state since the Taliban's resurgence. Many former servicemen have fled to neighbouring countries to escape the looming spectre of violence and retribution, while those who remain face severe risks in an unstable environment.

As the judicial review unfolds, the implications for the UK’s obligations to those who have risked their lives in service alongside British forces cannot be overstated. The outcome may determine not only the fate of the applicants involved but also the integrity of the UK's commitment to its allies in times of need. The High Court proceedings are expected to culminate soon with a decision that could reshape the future for Afghan special forces allies still in peril in Afghanistan.

The Ministry of Defence's ongoing review process, while a step towards rectifying past injustices, faces immense scrutiny. It must grapple with the dual challenges of ensuring a fair examination of applications while being held accountable for past failures. Any reform needs to be both transparent and sensitive to the critical circumstances of those awaiting resolution in a volatile landscape.

In these fraught discussions, the voices of the Afghan commandos remain crucial, as their stories underscore the complexities of international military alliances and the responsibilities that endure long after a conflict has ended.

### Reference Map

1. Paragraph 1, 2, 4, 5, 6, 8
2. Paragraph 2, 4, 5
3. Paragraph 3, 6
4. Paragraph 4, 7
5. Paragraph 3
6. Paragraph 3, 7
7. Paragraph 3, 6

Source: [Noah Wire Services](https://www.noahwire.com)

## Bibliography

1. <https://www.independent.co.uk/news/uk/home-news/afghan-troops-uk-inquiry-mod-triples-uksf-b2755835.html> - Please view link - unable to able to access data
2. <https://www.theguardian.com/uk-news/2024/feb/19/uk-special-forces-blocked-resettlement-applications-from-elite-afghan-troops> - This article reports that UK special forces blocked resettlement applications from elite Afghan commandos who fought alongside British troops. Despite evidence of their service, their relocation was hindered by British special forces, leading to claims that hundreds of Afghan veterans have been left in limbo or danger in their native country. The Ministry of Defence is conducting a review, but there are accusations of a conflict of interest, especially as a public inquiry investigates the conduct of the SAS in Afghanistan between 2010 and 2013.
3. <https://www.standard.co.uk/news/uk/afghanistan-taliban-uk-resettlement-scheme-refugee-numbers-mod-b1064613.html> - An investigation found that nearly 1,000 Afghans who assisted the UK armed forces are still awaiting relocation to Britain. The Afghan Relocations and Assistance Policy (ARAP), established in April 2021, aims to relocate those who worked for or alongside the UK Armed Forces in Afghanistan. As of early 2023, the Ministry of Defence had 59,032 applications left to process, with up to 900 eligible individuals yet to be relocated to the UK.
4. <https://www.bbc.co.uk/news/articles/cn00d2ndnlgo> - The BBC reports that the UK government admitted to misleading Parliament over the handling of resettlement applications for Afghan special forces commandos. Despite pledges to review 2,000 rejected applications, the process has been delayed, leaving many former commandos in hiding in Afghanistan following the Taliban takeover. The Ministry of Defence stated that there has been no evidence to suggest that any part of the MoD has sought to prevent former members of Afghan specialist units from giving evidence to the inquiry.
5. <https://www.independent.co.uk/news/uk/home-news/afghans-resettlement-ministry-of-defence-b2493434.html> - More than 200 Afghans who applied for sanctuary in the UK have been waiting two years for a decision from British authorities. These individuals, who claim to have assisted the British armed forces, have been left 'in limbo,' with many living in fear for their lives. The Ministry of Defence confirmed that 2,125 people were still waiting on a decision, with 10% of these waiting for two years, despite pledges to reduce the backlog.
6. <https://www.afintl.com/en/202502172269> - Afghanistan International reports that UK special forces blocked the resettlement of Afghan commandos who fought alongside British troops. Despite their role in combat missions, their relocation was blocked by former British colleagues. The Ministry of Defence has since resumed reviewing resettlement applications for Afghan commandos but has failed to provide updates on their cases. Following the Taliban’s return to power, many Afghan special forces fled to neighbouring countries, while those who remained face severe risks, including arrests, torture, imprisonment, and executions.
7. <https://www.parallelparliament.co.uk/debate/2024-02-01/commons/commons-chamber/afghan-relocations-special-forces> - In a parliamentary debate, the Ministry of Defence acknowledged challenges in the Afghan Relocations and Assistance Policy (ARAP) scheme, particularly concerning Afghan special forces. The Ministry committed to reassessing all eligibility decisions for applications with credible claims of links to Afghan specialist units. The reassessment will be conducted by a team independent of the original decision-makers, with each case reviewed thoroughly and individually. The Ministry emphasized the unique challenges presented by these applications, including the lack of comprehensive employment or payment records.