



Australian Government

**Australian Government response to the
Senate Standing Committee on Foreign Affairs
Defence and Trade report:**

**Operation of the Australian Defence Force's
resistance to interrogation training**

July 2017

Committee Recommendations

Recommendation 1

3.6 The committee recommends that participants in Conduct after Capture training are provided with all the relevant information on the nature of the training activity before they sign a volunteer declaration form.

Government response

Agree

Level B briefings will be updated to more explicitly describe the nature of Level C training. This will be designed to better prepare Australian Defence Force members for the next level of training. The briefing will include a greater focus on explaining the ploys and techniques which may be used during Level C training. This will provide context to how such ploys and techniques assist the trainees to understand the rigour of captivity and exploitation, and the skills relevant to surviving the capture situation with dignity.

Recommendation 2

3.8 The committee recommends that Conduct After Capture Level B briefings be revised to include information on the risk of physical and psychological injury which may occur as a result of participation in Level C training activities.

Government response

Agree

Level B briefings will be updated to include the risk of physical and psychological injury which may result from Conduct After Capture Level C training.

Recommendation 3

3.10 The committee recommends that the Department of Defence implement independent screening of individuals who have participated in Level C activities to identify and treat psychological injuries.

Government response

Agree

Defence recognises the importance of psychological screening for individuals who have participated in Level C activities. The existing debriefing procedures will be enhanced to include an interview with a Defence psychologist who will assess the member for any mental health issues that may have resulted from Conduct After Capture training activities.

The Army psychologists tasked with this role will not have participated in the Conduct After Capture training nor have been involved in supporting the training staff – they will be an independent external resource tasked in support of members participating in the training. Any participant who is considered to require follow-up mental health support will be referred to an appropriate mental health professional for further support in accordance with usual process and procedure.

Recommendation 4

3.13 The committee recommends that the Department of Defence conduct an audit of its records to identify all former Resistance to Interrogation and/or Conduct After Capture training participants and provide information on avenues available to treat physical and psychological injuries arising from training.

Government response

Agree in part

The Defence Force School of Intelligence will provide records of all Resistance to Interrogation and/or Conduct After Capture training participants who are known to have undertaken training since 2000. Due to there being no known record of Resistance to Interrogation participants, pre-2000, Defence is unable to fully achieve this recommendation. Given the spread of Australian Defence Force members who may have been exposed to this training, there will be a requirement to broadly canvass the serving and veteran community to identify participants. Service newspapers and Association journals may provide appropriate platforms to seek this feedback. Information placed in these publications will outline physical and psychological support services available to assist members. Defence will build in a process to track referrals to physical and psychological support services arising from this.

Additionally, Defence will establish an internet based web portal for current and former Australian Defence Force members who have concerns relating to past participation in Resistance to Interrogation and/or Conduct After Capture training. This portal will provide information relating to the support services available to past participants and allow for the request of records pertaining to their participation.

Recommendation 5

3.16 The committee recommends that the Department of Defence retain medical and service records of individuals' involvement in Level C activities and ensure this information is accessible by the Department of Veterans' Affairs.

Government response

Agree

Australian Defence Force members' medical records are retained in accordance with legislation and Departmental policy. The Department of Veterans' Affairs can currently access member records, and in the future, they will have access to the eHealth system.

Additional Recommendations – Senator Jacqui Lambie

Recommendation 1

1.6 That future Conduct after Capture training by the Department of Defence does not serve as a dual purpose for training interrogators.

Government response

Agree

Conduct after Capture training does not now, nor will it in the future, serve a dual purpose for training Australian Defence Force interrogators.

Only qualified Australian Defence Force Resistance Trainers are authorised to deliver Conduct after Capture training. The current qualification criteria include a suitability assessment, requiring psychology testing, and the successful completion of a five week Resistance Trainer's course, covering all aspects of Conduct After Capture training.

Australian Defence Force Interrogators undertake a discrete screening and training process that does not align with or support the Conduct After Capture training model.

Recommendation 2

1.7 That the thousands of hours of Department of Defence CCTV video recordings made of Resistance to Interrogation and/or Conduct After Capture be made available to the Commonwealth Ombudsman for an independent assessment as to whether any United Nations or Geneva Convention principles on human rights were violated in order to ensure that Australia has upheld, and continues to uphold, its international obligations with respect to any treaties it has entered into.

Government response

Disagree.

Recordings are made of Conduct After Capture Level C activities in order to assist instructors during the ongoing conduct of training, to assist in the training of new Conduct After Capture instructors, and as a safety mechanism to ensure no trainees are mistreated during the training. In order to aid the Committee's understanding of Conduct after Capture training, Defence provided a selection of Conduct After Capture training footage to demonstrate various stages of the training. This was accompanied by a narrative from a subject matter expert. Consent was sought from the Trainees and Resistance Trainers who appeared in this footage before it was shown to the Committee. Unless legally compelled, the bulk release of Conduct After Capture and Resistance to Interrogation recordings held by the Defence Force School of Intelligence would require consent to be obtained from all participants who were recorded in this training. It would not be practical, given the number of individuals who have been exposed to this training and the quantity of footage obtained, to obtain this consent.

While the Commonwealth Ombudsman may legally be able to obtain these recordings, this recommendation does not take into account the security implications of such a release, the possible impact on Defence capability and the safety of Australian Defence Force members, or provide any basis as to why the Commonwealth Ombudsman should do so, noting the Senate Committee accepted the recordings provided by Defence during the inquiry process.

The Australian Defence Force's methods for its Conduct After Capture Training have been legally reviewed by a Senior Reserve Legal Officer. His advice has been reviewed by the Australian Government Solicitor. These legal advices are subject to Legal Professional Privilege. Defence believes that the training complies with Australian domestic law and applicable international legal obligations.