

Opening Statement – Damien

Thank you for coming here today, I know that some of you travelled interstate to be here today so I hope you were just looking for any excuse to get out of the office and I got to be that excuse for you.

This reconciliation meeting is certainly a unique one because of the sensitive nature of what the complaint is about. It is about the Conduct After Capture Level C Course which is designed to simulate real-world captivity situations. The course content contains sensitive information, the release of which in the public domain could jeopardise the lives of ADF personnel that are captured, detained or taken hostage in the future. For this reason you have requested that,

The specifics of the CAC training, including the alleged acts, will not be able to be discussed even in the context of a confidential conciliation. This is because the sensitive nature of the training means that it cannot be spoken about via an unclassified transmission – or in the presence of people who do not hold a security clearance – and a ‘need to know.’

I respect your request and will do my best to not share any information that may jeopardise the lives of ADF personnel, even though you have said you are,

open to hearing from Mr de Pyle about his experience and the concerns that he has raised about the CAC training.

Which will be very difficult to do in accordance with the restrictions you have put on what we can and can't talk about.

Now, I imagine that you've all received briefs on this meeting and on myself and my claims. It would be unthinkable for me being ex-army to conceive that a LTCOL from the Defence School of Intelligence would be here without a substantive brief. However, I find that briefs take 3-dimensional people and turn them into 2D representations that are easy to dissociate from. However, since you said that you were interested in understanding my experience and my concerns I'd like you to think about someone you are close to, a partner, a brother or sister, Mum or Dad, or a very close friend. I believe that if you let me walk you through what happened to them rather than specifically what happened to me, then you'll be better able to understand my experiences. Imagine that we were on the same course together your loved ones and myself.

To start I want to talk about sleep deprivation and the effects it has on your loved one. Here are the findings from a meta-study done in 2018, the year before I went on this course.

After 24 hours of no sleep, you'll start to get visual distortions referring to distortions of size (e.g., the room appearing larger), movement (e.g., stationary objects would appear to move), color (e.g., the floor becoming darker), contours (e.g., the forms of objects would lose their sharp angles), or duplications.

You'll also start to experience somatosensory experiences. These could be bodily distortions (e.g., involving changes to the size of one's own body), illusory sensations of movement (e.g., acceleration), tactile hallucinations (e.g., the sensation of being touched), and temperature hallucinations (feeling heat or cold).

Your mood will also start changing. This includes becoming irritated and anxious.

Finally you'll also start getting mentally fatigued which will include symptoms like; Reduced alertness, Shortened attention span, Slower than normal reaction time, Poorer judgement, Reduced

awareness of the environment and situation, Reduced decision-making skills, Poorer memory, Reduced concentration, Increased likelihood of mentally 'stalling' or fixating on one thought, Increased likelihood of moodiness and bad temper, Reduced work efficiency, Loss of motivation, Errors of omission – making a mistake by forgetting to do something, Errors of commission – making a mistake by doing something, but choosing the wrong option.

After 26 hours, you begin to have Distortions in the sense of time, where time becomes difficult to judge with it seeming to drag on much longer than usual.

After 30 hours, you'll begin to have visual illusions and simple hallucinations. This is comprised of the transformation of common items (e.g., a switch, a fire alarm, a jacket) into other inanimate, but recognizable objects (e.g., a doll, a rock), or sometimes into animals or persons. Visual hallucinations which were generally transient and fleeting in nature, and most often of the simple type (e.g., indefinable substances growing from the floor) or the geometric type.

After 40 hours, that mental fatigue becomes distorted thinking. You start to develop confusion, difficulties with attention and concentration, fragmented thinking, and nonsensical speech. Thoughts become jumbled, difficulty forming thoughts, finding words, and composing sentences. Memory loss like forgetting names. Motor incoordination, unsteadiness, comparable to intoxication behaviour.

You also start to develop depersonalization and dissociation, a feeling of being separated from others, and estrangement. Also sensations of splitting, being detached, and observing one's own body from a distance.

After 45 hours, your mood begins to get a lot worse becoming depression, apathy alternating with euphoria, anger, and aggression.

At 53 hours, you start to form complex visual hallucinations including the sudden appearance of animals, people or objects which were not really there.

At 60 hours, you begin to develop auditory hallucinations like beginning to hear voices, or non-verbal sounds like dogs barking.

After 72 hours, you begin to have delusions. These delusions involve a range of classic delusional themes typically seen in schizophrenia-spectrum disorders, including primary delusions (a delusion which arises "out of the blue" with no morbid antecedents), delusions of control (False belief that another person, group of people, or external force controls one's general thoughts, feelings, impulses, or behaviors), persecution or paranoia (persistent, troubling, false beliefs that one is about to be harmed or mistreated by others in some way), delusions of jealousy (belief that their spouse

(or sexual partner) is being unfaithful), delusions of grandeur (believe that you have more power, wealth, intelligence, or other grand traits than is true), and delusions of reduplication (belief that a place or location has been duplicated, existing in two or more places simultaneously, or that it has been 'relocated' to another site). The study actually says,

One participant “felt responsible for the Egyptian-Israeli conflict, and that a female secret agent in Florida was trying to get him to return to the Suez Canal”, and another imagined himself to be “on secret missions for the president”. Another “had the conviction that his fellow participants were plotting to kill him and were going to stab him in the back with a pen knife”. One participant asserted that an article in the newspaper was “a sign that aliens wanted to take him to another world to create a new order.”

Remember these participants were only sleep-deprived, they weren't going through any additional course or activity.

After this time symptoms only get worse until the study found that,

The final effects to appear were psychotic symptoms such as thought disorder, and delusions. After (this time), a clinical picture resembling that of acute psychosis or toxic delirium appeared. The finding that sleep deprivation can apparently produce symptoms of acute psychosis in healthy individuals adds to the evidence linking sleep and psychosis. In support, various studies show that prolonged sleep loss is both a precursor and precipitant to psychosis.

Anyone in this sort of mental state would be extremely vulnerable. In fact, in the Senate Inquiry that happened into this exact course because of complaints of misconduct, in 2017 (two years before my course), it found that,

the UK no longer conducts its equivalent RTI training longer than 48 hours because studies had showed it could induce psychosis.

All of this information that was known well before our course started, and we were still sleep deprived for 81 hours by the end of the course. We were psychologically vulnerable to delusions and disordered thinking from our sleep deprivation, and in a course that was meant to accurately simulate what it would be like in different real-world captivity scenarios. We were victims of psychological warfare and victims of manipulation.

Now, I am careful with how I use words. If you read my reply to your response then you will know that I wasn't emotive but I was speaking about the events as if I was a disinterested party and looking at what the facts are. My love for philosophy makes me passionate about striving for the truth regardless of whether the beliefs I currently hold to are the truth. In fact, I'm passionate about wanting to be wrong. If I am wrong about something then it means that I can move closer to what is true. I have had to make many personal sacrifices because of this urge I have for truth including converting to a religion that my family hated, not because I hated my family, I really do love my family, but because I couldn't live in a world where I acted against what appeared true to me. I hope by saying that you will know that I am not interested in winning this case for money or fame or any other extrinsic reason other than I want to see a grave injustice that not only happened to myself, but has happened to many others and is continuing to this day.

When I claim that I was tortured, or at least was subject to degrading and inhumane treatment, I am not being hyperbolic. If your loved one was earnestly telling you that they were put into an extremely psychologically vulnerable state by not sleeping for 81 hours and said they were tortured, or at least were subject to degrading and inhumane treatment, which one of you would instantly dismiss them and not want to investigate their claims closer?

I know that you sitting on that side of the table might make you feel as if we are opposed to each other. I hope you don't get the impression that I am blaming anyone of you for what has been happening to us, or that because you are here representing the Australian Government that you have to dogmatically be suspicious, question the legitimacy of everything I say, and try to remain detached so that you can best represent the government. Look around you, no one here is against you, well at least no one on my side of the table anyway. I know that as a lawyer that you care about justice and that while your job may make you take the side you don't think is right, it's still important that everyone is fairly represented. As a high-ranking officer, I know that looking out for your soldier's well-being is of vital importance to you. If not only for their effectiveness at getting their jobs done, but also because you've most likely been in situations where you have felt mistreated by your own superiors and you know that feeling can kill morale and affect not just your professional life but also your personal life as well. As public servants who work with complaints and resolutions, I'm sure you can see that this complaint is very different to ones you may have come across in the past. The fact that Defence is not supplying their own lawyers and is instead delegating this complaint to the AGS means that this is a complaint that the Government is taking seriously. This is not a trivial complaint that would have been delegated to some first-year legal officer just out of Duntroon. Think and listen carefully about what it is specifically I'm complaining about. When I explained what happened to me to a civilian psychologist at Robertson Barracks, she was so outraged by what happened to me that she quit her job and even told me on her last day, "you are the reason why I am resigning. I couldn't bring myself to keep working for a place that does this sort of stuff to their own soldiers". Now, I'm not saying you should quit your jobs in protest of what happened to me and is still happening to other soldiers. We are probably about to go into a recession and a government job is a pretty-safe job to have right now. While I was free to talk to that lovely psychologist about what happened to me on this course, I'm not free here.

So, while the restrictions on what I can and can't say prevent me from going into detail about what happened to us on that course. Know that I am not someone who throws around the word torture lightly. In my reply to your response, I have given several examples of international bodies ruling on the sorts of techniques that may have been used during this course and those international bodies agreeing that the techniques used in their cases, at least, amount to torture. Whether or not these are the exact same techniques used in the CAC course, I'll leave that to your own investigations.

The Case of Ireland vs The United Kingdom (5310/71) (1978) European Court of Human Rights concluded: "The five techniques were applied in combination, with premeditation and for hours at a stretch; they caused, if not actual bodily injury, at least intense physical and mental suffering to the persons subjected thereto and also led to acute psychiatric disturbances during interrogation. They accordingly fell into the category of inhuman treatment within the meaning of Article 3 (art. 3). The techniques were also degrading since they were such as to arouse in their victims feelings of fear, anguish and inferiority capable of humiliating and debasing them and possibly breaking their physical or moral resistance." And that "The Court concludes that recourse to the five techniques amounted to a practice of inhuman and degrading treatment, which practice was in breach of Article 3 (art. 3)."

The UN Report of the Committee against Torture: 10/09/97 (A/52/44) concluded: "It is Israel's position that interrogations pursuant to the "Landau rules" do not breach prohibitions against cruel, inhuman or degrading treatment as contained in article 16 of the Convention against Torture and do not amount to torture as defined in article 1 of the Convention. However, the methods of interrogation, which were described by non-governmental organizations on the basis of accounts given to them by interrogatees and appear to be applied systematically, were neither confirmed nor denied by Israel. The Committee must therefore assume them to be accurate. Those methods include: (1) restraining in very painful conditions, (2) hooding under special conditions, (3) sounding of

loud music for prolonged periods, (4) sleep deprivation for prolonged periods, (5) threats, including death threats, (6) violent shaking, and (7) using cold air to chill, and are, in the Committee's view, breaches of article 16 and also constitute torture as defined in article 1 of the Convention. This conclusion is particularly evident where such methods of interrogation are used in combination, which appears to be the standard case."

That's all I'll say about my complaint about torture, even though I want to say a lot more.

Now, during a certain part of the course towards the very end of that 81 hours of being sleep deprived I claim that I was subject to sexual assault and severe sexual harassment and that I was coerced into renouncing my faith with threats of violence. I don't know how many of you are devoutly religious and so the idea of renouncing one's religion may not sound like a big deal to you personally. So, I want to give you an analogous situation that might be able to express the horror of what it means for someone who is devoutly religious to be forced to renounce one's faith.

Imagine that your loved one during this course was forced with threats of violence to exhume the body of a dead relative who they deeply cherished and to profane and desecrate the body of that relative in every way imaginable. Pissing on it, shitting on it, performing sexual motions on it, etc. If they didn't do those demands then the people forcing your loved ones to do this disgusting acts would begin killing their family and friends. If that happened to your loved one, you would be rightly outraged and furious. I would be too if that happened to someone who I loved. I'd probably do everything I could to bring that monster to justice for what they did to my sister or brother or partner. For someone who is devoutly religious, renouncing your faith is pretty similar to that. If you don't believe me that renouncing one's faith is really that severe let me read you what the Catholic Church says about it. St Thomas Aquinas, known as the Universal Doctor of the Church because he is widely seen as the most esteemed Theologian in the history of the Church says this about renouncing one's faith:

Apostasy denotes a backsliding from God. This may happen in various ways according to the different kinds of union between man and God. For, in the first place, man is united to God by faith; secondly, by having his will duly submissive in obeying His commandments; thirdly, by certain special things pertaining to supererogation such as the religious life, the clerical state, or Holy Orders. Now if that which follows be removed, that which precedes, remains, but the converse does not hold. Accordingly a man may apostatize from God, by withdrawing from the religious life to which he was bound by profession, or from the Holy Order which he had received: and this is called "apostasy from religious life" or "Orders." A man may also apostatize from God, by rebelling in his mind against the Divine commandments: and though man may apostatize in both the above ways, he may still remain united to God by faith.

But if he give up the faith, then he seems to turn away from God altogether: and consequently, apostasy simply and absolutely is that whereby a man withdraws from the faith. On this way apostasy, simply so called, pertains to unbelief.

He goes on to say that:

Whether unbelief is the greatest of all sins?

Every sin consists formally in aversion from God. Hence the more a sin severs man from God, the graver it is. Now man is more than ever separated from God by unbelief.

I'm not here to give you a lesson in theology, but for those who are devoutly religious, there is no sin worse than renouncing your faith. Not even the example of desecrating the body of a deceased relative is as bad as it. If you are horrified by that example of your loved one being forced to do those horrific acts to the corpse of their cherished relative, then you can understand how horrified religious people are by hearing people being forced to renounce their faith with threats of violence. There is an excellent film by Martin Scorsese called Silence that came out in 2016. It shows this horror of apostasy pretty well if you want to understand it better.

If we, as a nation, would be outraged if we heard that our troops deployed overseas were forcing Muslims to renounce their faith. Surely, we would be just as outraged about hearing that happening in our own military to our own soldiers.

Now, what would you do if your loved one told you that all of this happened to them? The sleep deprivation, the psychological manipulation, the torture or at least degrading and inhumane treatment, being sexually assaulted and severely sexually harassed, and then doing something akin to exhuming the body of a close relative and profaning and desecrating that body through all sorts of depraved ways. What would your response be? How would you feel about that? I'd imagine you'd be pretty pissed, and rightly so. How dare they do that to someone I love. How dare they do that to an Australian soldier. How dare they do that to anyone at all.

However, we all know that the effects of something like that don't just stop at the end of the course. I was developing symptoms of PTSD and Major Depression but, that year got a whole lot worse for me. The course happened in March of 2019. In June and July I was out on exercises Warfighter and Talisman Sabre. In June I got word that my grandma passed away. I didn't go back home straight away because I wanted to keep working but I said that I at least wanted to go back for the funeral. Unfortunately, I heard about the information too late and was unable to go back for it. Then at the very end of those two month out field literally as I was sitting on the plane to head back to Darwin I got word that my Dad's health had significantly deteriorated from his fight with cancer. I went straight from Darwin back to Melbourne and spent about 3 days with my Dad before he also passed away. I spent a couple of weeks with my family for the funeral and then went back to work. I was actually nominated for a commendation because of my hard work during those two months out field, but for whatever reason it didn't get up. That year I was also in the Readyng Battalion to go on Taji X and I was on the ROCL team to takeover for the guys over there when they went on leave. If you don't know, getting onto the team to go overseas is extremely competitive, and you have to be one of the best performing members of your unit to get on the team. However, the week before I was meant to go over Iran had launched ballistic missiles at Camp Taji in retaliation for the death of Suleimani and Covid was beginning to get a lot worse, so the Australian troops were withdrawn and I never got to serve my country despite all of the preparation I had to do for it, and also the years of waiting for it to be 5RARS turn.

Of course, throughout the whole year I was grieving the loss of my Dad and my grandma. I was also battling the symptoms of PTSD and Depression that were getting worse and worse. I was having persistent nightmares around the themes of being captured by enemy forces, being tortured, being forced to renounce my faith or being sexually assaulted. I was having severe chest pains which I went to see the Medical Officer on base about. I went through every test under the sun to see if it was Cardiac related and my heart was found to be very healthy, so they said it was part of my PTSD

symptoms. I was having flashbacks, panic attacks, insomnia, and anhedonia. I was formally diagnosed with PTSD and Depression in August 2020. Around this time I had filed a formal complaint about the course with Australian Defence Force Investigate services. However, when I asked them when I would hear back about their findings, they said that even though I was the one who was making the complaint, I wouldn't hear what the results of their investigation would be because those findings would go to my CO. I was only told what the results of that investigation were when I filed the Human Rights complaint. I was then medically downgraded and had become incapacitated and unable to go to work with my MO writing me medical certificates every two weeks and I was going through the process of a medical discharge. It was at this time my mental health was so bad that I was having episodes of dissociation, quasi-psychotic episodes of hallucinations, suicidal thoughts, and even homicidal ideations. These symptoms got so bad that when I was on leave in Melbourne I referred myself to a psychiatric ward through the defence health system and spent my last month in the Army in a psych ward.

I was completely incapacitated and so I signed documents to make my mother my power of attorney when it came to my DVA claims. However, she got news that DVA wasn't going to accept my PTSD claim so we made an appeal to the Veterans Review Board because surely once they found out what happened to me on that course it would be an open and shut case. Yet even though we explained that I was both sexually assaulted, and tortured or at least was put through degrading and inhumane treatment they still rejected that the ADF caused my PTSD.

Thank goodness I have a great support network that has helped me to be in such a better mental health state now than I was back then. However, this doesn't excuse how we have been treated on this course. I know that I wasn't the only person who was treated this way during the CAC course.

Evan Donaldson developed PTSD from this very same course after he was sexually assaulted. Senior Army figures illegally tried to change his rank, strip him of wages and spread false information about his career, failing to even recognise his service. His grievances were the subject of almost seven years of official government investigations.

Allegations of torture on this course aren't new either. This course was accused of torturing its participants in 2005 by NSW Council for Civil Liberties president Cameron Murphy, 2012 by Deborah Snow in the Sydney Morning Herald and even as early as 2017 when evidence from the Senate inquiry was accidentally released. In fact, during the 2017 Senate Inquiry into this course the government accepted every recommendation the Senate gave in whole and in one time in part, except for one recommendation which they disagreed with. The recommendation reads quote,

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.

So, what do I want from this conciliation meeting? Seeing as there are two complaints one complaint about the breaches of Human rights, and another complaint about the sexual harassment I'm dividing my demands between the two complaints.

For the breach of human rights, my demands are:

1. The government to accept the recommendation by Jacquie Lambie to allow the Commonwealth Ombudsman to independently review the thousands of hours of CCTV video recordings made of Resistance to Interrogation and/or Conduct After Capture 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.
2. Immediately do the following: limit the amount of sleep deprivation on the course to 48 hours (starting from the time they wake up on that day, or reveille; whichever is earlier); allow the monitoring psychologists to act anonymously in recommending the withdrawal of participants; and to stop the use of any stressors that force or compel a participant to do anything sacrilegious, blasphemous or seriously objectionable by the standards of the participant's faith. (Note: Use of verbal attacks, slander, insults, or mockery against participants because of their faith does not fall under these definitions because they do not force the participant to *do* anything and would still be permissible).
3. That monitoring psychologists on the course becomes a position chosen by the Australian Psychological Society, or The Royal Australian and New Zealand College of Psychiatrists, subject to security vetting by AGSVA.
4. The use of the 'Five Techniques' be made illegal in Australia and nationally recognised as a form of torture.
5. That PTSD claims submitted to the Department of Veterans Affairs by any soldier who participated in this course be *de facto* accepted.
6. An official apology by the Parliament for how it has treated soldiers during this course.

For the sexual harassment and assault, my demands are:

1. A written apology for the treatment I received as part of my course.
2. That my individual DVA claim for PTSD be accepted.
3. Reasonable compensation for damages.