

Submission to the Senate Foreign Affairs, Defence and Trade References Committee Inquiry

My name is Luke Cook, and I am writing to provide my personal testimony regarding my wrongful conviction and imprisonment in Thailand, during which I endured significant human rights violations.

Throughout my incarceration, I was subjected to severe mistreatment, including:

- Solitary confinement for 24 hours a day on four separate occasions, totalling over seven months.
- Wearing 12-kilogram leg chains 24 hours a day for periods as long as 40 days continuously.
- Deprivation of adequate water, receiving only one litre per day for an entire year.
- Denial of access to the Australian embassy and lack of provision of COVID-19 vaccinations.
- Being held in a super-maximum security prison without access to case files, documents, or family visits while I was on remand and fighting my case before I was convicted. The consulate was aware of this and took no action.
- Deprivation of basic essentials like soap, toothbrush, and toothpaste for months on end.
- Denial of access to a doctor or medical treatment on multiple occasions.
- Refusal of access to religious materials, such as a Bible.

These breaches of human rights were reported to the Australian consulate during their visits, but appropriate actions were not taken at the time to address them. When I brought to the attention of the Australian consulate that I had been in leg chains for more than 20 days, I was asked whether I would prefer to stay in leg chains and be allowed in the general population of a prison or be locked in solitary confinement for 24 hours a day. I don't believe any human should be put in a situation to make such a decision, especially by a representative from their own country.

Upon my release and repatriation, following my exoneration by the Supreme Court of Thailand, the non-profit organization Capital Punishment Justice Project (CPJP) was forced to pay for my air ticket to return to Australia, as the Department of Foreign Affairs and Trade refused to do so. They were willing to leave me in an immigration detention centre in Bangkok that was riddled with COVID-19. Fortunately, CPJP came to my aid and funded my repatriation. Despite this, I received no support from the Australian government—psychological, financial, or otherwise.

Upon my return to Australia, I was not offered any medical or psychological checks, debriefing, or follow-up support from the Department of Foreign Affairs and Trade. This lack of support has made my reintegration into society extremely difficult. The traumatic experiences I endured during my wrongful imprisonment require professional assistance, which has been entirely absent.

Additionally, I was required to repay a \$5,000 prisoner loan before I could obtain a passport after my release. I am still making monthly instalments for this debt at \$100 a month. This \$5,000 was used on basic essentials such as food and medicine throughout my incarceration. I was also forced to pay a \$3,000 quarantine bill by the New South Wales government due to mandatory hotel quarantine.

Given these experiences, I recommend the Department of Foreign Affairs and Trade:

1. ****Improve its policy framework to deter the practice of arbitrary detention for diplomatic leverage ('hostage diplomacy') and increase transparency and public awareness of the regimes which engage in the practice:****

- Establish clear guidelines and protocols for responding to cases of arbitrary detention.
- Increase public awareness and transparency about countries that engage in such practices.
- Collaborate with international bodies to condemn regimes that use hostage diplomacy. This may include exploring opportunities to coordinate, collaborate, and harmonise sanctions with partners and allies.
- Use Australia's sanctions regime to target and address the behaviour of those that engage in hostage diplomacy.

2. ****Enhance foreign policy responses to regimes that wrongfully detain Australian citizens:****

- Implement stronger diplomatic measures against countries that wrongfully detain Australian citizens.
- Use Australia's sanctions regime to target and address the behaviour of those that engage in hostage diplomacy and / or wrongfully detain Australian citizens.
- Develop and maintain international coalitions to apply pressure on regimes engaging in wrongful detention.

3. ****Revise current processes for categorizing and declaring cases of wrongful detention:****

- Create a more transparent and consistent framework for identifying and declaring cases of wrongful detention.
- Ensure timely and accurate communication with the families of detainees about their status and the steps being taken.

4. ****Improve the management of cases of wrongful detention by the Department of Foreign Affairs and Trade:****

- Establish a dedicated task force within DFAT to handle cases of wrongful detention.
- Provide regular training for consular staff on best practices for managing such cases.

5. ****Enhance communications with and support for families of Australians being wrongfully detained overseas:****

- Offer dedicated support services for families, including regular updates and counselling funded by the Australian Government.
- Create a liaison position within DFAT to serve as the main point of contact for families.

6. ****Improve communications with and support for Australians who have been released from wrongful detention:****

- Provide comprehensive reintegration support funded by the Australian Government, including medical and psychological care.
- Ensure financial assistance and debt forgiveness for costs incurred during detention and repatriation.

7. ****Address any other related matters:****

- Establish a review and feedback mechanism to continuously improve policies and support systems.
- Increase funding for non-profit organizations that assist in cases of wrongful detention and repatriation.

It is crucial to address these issues to prevent other Australians from experiencing similar injustices and to ensure that those who have suffered are properly supported in rebuilding their lives.

Sincerely,

Luke Cook