



Australian Government
Department of Defence

**Senate Standing Committee on Foreign
Affairs, Defence and Trade Inquiry into
Resistance to Interrogation Training**

**Department of Defence
Written Submission**

January 2017

Executive Summary

1. All military operations and activities conducted overseas in support of Australia's national interests carry the implicit risk that a member of the Australian Defence Force (ADF) may be captured, detained, interrogated and exploited by an adversary, threat group, foreign military or foreign government. Conduct after Capture training, previously known as Resistance to Interrogation training, is a Defence activity which prepares ADF personnel to understand the rigours of captivity and exploitation while enabling them to survive the capture situation with dignity. The Defence Conduct after Capture training framework has been legally reviewed and is compliant with Australian domestic law and applicable international legal obligations.

Definitions

2. The following definitions are relevant to this submission:
- a. **Resistance to Interrogation.** That part of capture and combat survival which deals with avoiding selection for interrogation and, if interrogated, the preservation of security.
 - b. **Conduct after Capture.** The resistance element of the ADF Survival, Evasion, Resistance and Escape continuum. It details how ADF personnel, if captured or detained, are to behave, resist exploitation and survive in captivity. It includes the captivity scenarios of: Foreign Government Detention, Hostage Survival and Military Exploitation.
 - c. **Foreign Government Detention.** Detention by a foreign government organisation such as a border security force, a police force or an intelligence agency.
 - d. **Hostage Survival.** Detention by a hostile group such as a terrorist or criminal organisation.
 - e. **Military Exploitation.** Detention by the military forces of a foreign state.

Training Framework

3. In 2006, the ADF reviewed the Resistance to Interrogation training and subsequently transitioned to Conduct after Capture activities in order to better reflect contemporary operational risks faced by ADF personnel. The change also improved the alignment of Conduct after Capture training with that of the majority of coalition partners. The transition to Conduct after Capture training included:
- a. the introduction of Foreign Government Detention and Hostage Survival training modules;
 - b. the renaming of the Resistance to Interrogation element to Military Exploitation to better reflect the risk of exploitation of ADF personnel by a foreign military; and

- c. the introduction of three Conduct after Capture training levels:
- (1) **Level A.** An introductory computer based package that provides a basic awareness of the ADF Conduct after Capture policy.
 - (2) **Level B.** A one-day theory workshop covering Introduction to Conduct after Capture, Hostage Survival, Foreign Government Detention, Military Exploitation, Common Survival Strategies and a Level C activity brief. Completion of Level B training is a pre-requisite to undertaking Level C training.
 - (3) **Level C.** Practical immersion training for identified 'prone-to-capture' personnel such as special forces personnel. The activity includes the three Conduct after Capture scenarios of Foreign Government Detention, Hostage Survival and Military Exploitation.

4. The Defence Force School of Intelligence is the only ADF unit authorised to deliver Conduct after Capture training. Only qualified ADF Resistance Trainers are authorised to deliver the training. The current Resistance Trainer qualification is awarded following a suitability assessment, including psychological testing, and the successful completion of a five week Resistance Trainers course covering all aspects of Conduct after Capture training.

5. Thirty females have undertaken Conduct after Capture training since 2007. Appropriately qualified females have also been involved in various trainer and support staff roles.

Training Methods

6. Conduct after Capture training simulates possible captivity scenarios in the contemporary operating environment including capture by state and non-state actors. During a Level C training activity, Resistance Trainers are required to role-play threat forces in the following scenarios:
- a. **Foreign Government Detention.** This module is conducted over a 12-24 hour period and provides ADF personnel with survival strategies, coping mechanisms and experience in how to behave during detention by officials from a foreign government. The scenario for this module is that Australia may or may not be involved in an armed conflict with the second country.
 - b. **Hostage Survival.** This module is conducted over a 12-24 hour period and provides ADF personnel with survival strategies, coping mechanisms and experience in how to behave during detention by a terrorist or criminal organisation.
 - c. **Military Exploitation.** This module is conducted over 48-72 hours and provides ADF personnel with survival strategies, coping mechanisms and experience in how to behave during detention by a military service of a hostile government. The training includes situations where ADF personnel are detained as prisoners of war and the detaining authority acts in

a manner compliant with applicable international humanitarian law, but also includes situations where ADF personnel are detained by an authority that does not comply with the Geneva Conventions.

Training Control Measures

7. All participants on Conduct after Capture Level C activities are provided an activity overview as part of the Level B brief. All participants on a Conduct after Capture Level C activity are volunteers and sign a volunteer declaration form prior to commencing training. At the start of the Level C activity the Conducting Officer requires all trainees to reaffirm their volunteer status or withdraw from the activity. They also have the right to withdraw from training at any stage and they are informed of this, and the process for withdrawing, at the start of the Conduct after Capture Level C activity. The process for withdrawing from the activity is that the participant is to raise his or her right hand and request to speak with the Conducting Officer.

8. Conduct after Capture Level C training includes the use of mental and physical stressors. These stressors are used in an effort to ensure trainees receive realistic training that replicates likely captivity situations in a safe learning environment. All stressors are employed in accordance with strict and documented protocols. Psychology officers and medical staff monitor the use of stressors to ensure trainees do not experience psychological distress or physical injuries that may be detrimental to their long term wellbeing.

9. At no point during the training are trainees exposed to sexual violence or sexual contact of any nature.

10. Conduct after Capture Level C training employs the use of interrogation techniques in order to adequately train and prepare prone-to-capture personnel to resist interrogation and survive captivity by state and non-state actors. This includes circumstances where either international humanitarian law does not apply (for example, hostage survival) or the detaining authority is acting in a manner that does not comply with international humanitarian law.

11. Medical and psychology staff have the power to withdraw a trainee from training at any point. All activity staff receive a safety brief prior to the commencement of the training, which covers the key safety issues relevant to the activity and provides guidance on processes and procedures to respond if an issue arises.

12. All Conduct after Capture sessions are observed through closed circuit Television by the Conducting Officer, the Shift Senior Trainer, neutral observers, medical staff and psychology officers. All activity safety staff are empowered to stop any activity should they deem a training method to be inappropriate or a trainee at risk of mental or physical injury.

13. All Conduct after Capture Level C activities are recorded and retained in archives at the Defence Force School of Intelligence. Current practice is to digitally store this footage on a hard-drive specific to each activity. For activities conducted prior to 2014, footage is stored on VHS cassettes or discs. Recordings are made of the training 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 that no trainees are mistreated during the training. The Defence Force School of Intelligence is in possession of thousands of hours of footage.

14. In order to aid the Committee's understanding of Conduct after Capture training, Defence has offered to provide a sample video from various stages of the training, which can be shown accompanied by a narrative from a subject matter expert. Due to operational security and privacy reasons it is necessary to control the conditions for this viewing and it is unlikely the video would be available before the end of February 2017.

Training Administration

15. An administrative instruction that governs the conduct of the activity, including a detailed risk assessment and health support plan, is developed for all Conduct after Capture Level C activities. This is available to all staff conducting the training.

16. All trainees, whether they complete the activity or withdraw from training early, are individually debriefed by both a Conduct after Capture Resistance Trainer and a psychology officer. During this process they have an opportunity to raise any concerns about the training, including the way in which they were treated, and discuss any psychological or medical concerns.

17. Training costs vary based on location, number of trainees and support staff required. The indicative cost of a Conduct after Capture Level C activity conducted for 25 trainees is between \$50,000 and \$100,000 depending on location and travel costs.

Legal Review

18. In April 2016, Defence completed a legal review of the Conduct after Capture training framework. The review was undertaken by a Senior Counsel from the NSW Bar as an ADF reserve legal officer. This legal review determined that the training framework is compliant with Australian domestic law and applicable international legal obligations. The legal advice has been reviewed by the office of the Australian Government Solicitor, in order to address previously raised concerns over the independence of any review. The office of the Australian Government Solicitor concurs with Defence's legal advice.

Other Considerations

19. The detailed content, training methods and survival strategies exercised on a Conduct after Capture Level C training activity are sensitive from an operational security perspective. An understanding of ADF Conduct after Capture techniques and procedures by an enemy or threat force would enable them to alter their tactics, techniques and procedures to improve their chances of successfully exploiting detained or captured ADF personnel. In a worst case scenario, this could pose a risk to the lives of ADF personnel captured or detained in the future.

Conclusion

20. Conduct after Capture training is conducted in a humane and lawful manner and mentally prepares ADF 'prone to capture' personnel for the rigours of captivity whilst teaching them how to survive a capture situation and return to Australia with dignity.