
From: [REDACTED]
Sent: Monday, 19 December 2022 5:55 PM
To: Legal Affairs and Safety Committee
Subject: submission: Monitoring of Places of Detention (Optional Protocol to the Convention Against Torture) Bill 2022

Categories: OPCAT, Submission

To the committee,

The language is inconsistent. Responsible ministers may not lodge an objection with the relevant U.N. subcommittee because international relations are the reserve of the Federal Government. The reasons given to prevent access are insubstantial. U.N. Inspectors follow UN security policy and procedure, have adequate security capable of assessing and adapting missions to operational security parameters. You can consider it as though they have their own team of senior international Federal officers to assess and respond to all safety threats to inspectors. I would recommend a more suitable response that Queensland Police and Protective Services are required to liaise with the Australian Federal Police to share intelligence with the security team that may impact the safety of a mission but not obstruct their operations or ability to effectively secure the mission. The security team does not tell the mission where it can't go, they just devise a way to deliver and extract them.

The Minister does not have the authority or access to intelligence to decide matters of national defence. Military Police and the A.F.P. provide security under those conditions. I would recommend that if this is desirable, the minister may refer a matter to the Federal ministry of Home Affairs. I would further recommend that Queensland Police and Corrective Services officers be required to provide assistance upon request from the U.N. security team to support the safety and safe transit of U.N. Inspectors.

Clause 16 really gets to the heart of guardianship risks in Queensland. I recommend amending subsection 2b so that a person under guardianship is able to consent to an interview. Retaining this makes persons under guardianship more vulnerable to torture. A prominent issue raised by the subcommittee's last visit was lack of access to forensic psychiatric facilities. Persons resident in these facilities are there by reason that they lacked sufficient capacity for sound judgement so as to warrant criminal responsibility. I would have thought that the Public Guardian would welcome such oversight. The committee does not impose or initiate any criminal proceedings. The purpose is not to interrogate or cause any detriment to detainees. The purpose of the interviews is to assess whether or not persons are subject to abuse and to report it de-identified where found. States may impose guardianship and make guardianship decisions that protect state actors from scrutiny. Weighing the potential risks of denying a vulnerable person the choice to be interviewed, I believe the risks are too great.

Oak Ridge was a forensic unit for sex offenders in Canada. While it's politically unpopular to defend certain categories of offenders in any way, they should not be tortured and such conduct brings the profession into disrepute. The trick in corrections is to hunt the monsters without becoming the monster or more legalistically, to carry out the sentence as proscribed by law. A class action is under way. I know that such Defence Disruptive Therapy programs have been deployed in Australia. The first psychiatrist that I saw for my learning disorder and headaches made the judgement that my disability was caused by being the victim of a crime. They used to run a major public psychiatric hospital. The cure was to obtain a forced confession that I had been a victim of a sex crime by torturing me. Specifically for the stated purpose of obtaining forensic intelligence. Specifically denying that it was for a therapeutic purpose. They threatened to have me involuntarily admitted, stated that they had a close personal friend that was a judge that would sign off on the section request. They stated that they would use electroconvulsive therapy and involuntary psychotropic medication, "until you can't even remember your own name," to break down my defences to obtain forensic intelligence about the presumed crime. This is the moral danger of using torture to obtain police intelligence. Once the moral compass has been eroded a psychiatrist can decide that it is just as ethical to torture anyone they presume to be a victim, to catch monsters. I reported this torture to every doctor I've seen since but they always think it's some elaborate ploy despite having the moral obligation under international law and the A.M.A.'s verbatim position statement to action a report of medical torture. I was a teenager at the time so I fabricated a story to avoid being mind-wiped. I've paid for it ever since. Once a health professional starts believing they are practicing ethically by performing acts of torture, they won't stop with convicted criminals or criminal suspects. They will torture uninvolved bystanders

and victims. To this day I still can't find a health professional to treat me for being a victim of medical torture because, "you must be crazy to say something like that."

Robert Heron

