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## Australian sailors in court over rubber chicken sex assault

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September 16, 2014 @ 3:48pm

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SYDNEY: Four Australian sailors were allegedly involved in a bizarre “farewell ceremony” in which a colleague was sexually assaulted with a rubber chicken, in the latest scandal to rock the military, reports said today.

The man, who cannot be named, was also allegedly smeared with Deep Heat, a menthol liniment, and the sandwich spread Vegemite before the assault.

The incident allegedly occurred onboard HMAS Newcastle to mark the man’s last night at sea after a year on the frigate in August 2011, the defence department confirmed.

Prosecutor Lieutenant Colonel David Jordan told a court martial the man was aware that something could happen given the “long-standing tradition of playing pranks” on a sailor’s last night, The Sydney Morning Herald said.

But instead of some harmless fun, he was allegedly stripped and tied up in front of other sailors and his genitals and buttocks painted in a substance which he believes was a mixture of Deep Heat and Vegemite, it said.

He was then assaulted with the rubber chicken before being carried to the shower where a seaman poured a dark liquid on his head, causing skin and eye irritation, the Defence Force Court Martial in Sydney heard.

The four sailors have been charged with offences including sexual intercourse without consent, forceable confinement and assault occasioning bodily harm.

All pleaded not guilty except for one sailor pleading guilty to a charge of assault occasioning bodily harm over the shower incident.

The Australian military has been rocked by allegations of sexual abuse and cruel initiation rituals in recent years.

The defence force has said it was committed to change, particularly after the so-called Skype scandal of 2011 in which a male recruit filmed himself having sex with a female classmate and streamed it online to other cadets.

That incident triggered a series of reviews which revealed a culture of covering-up, failing to punish perpetrators and hostility towards victims who complained.

An inquiry into sexual and other abuse in the Australian military established in 2012 received 2,400 complaints in its first year.

Last month the defence force admitted it has sacked more than 380 members over the past two years for misconduct, the use of drugs and other offences.

-- AFP

20 reads

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Source: <https://www.nst.com.my/news/2015/09/australian-sailors-court-over-rubber-chicken-sex-assault>

# THE SATURDAY PAPER

## Incident on HMAS Newcastle.

The Saturday Paper 16 Dec 2017 Susan Chenery

SUSAN CHENERY is a journalist who has lived and worked in Sydney, London, New York and Italy.

The allegations were so salacious and graphic that they made headlines around the world. On a Royal Australian Navy ship, a hazing ritual had crossed into a serious sexual assault.

The guided-missile frigate HMAS Newcastle had been off the coast of Western Australia on exercises in August 2011. A 20-year-old able seaman marine technician, who cannot be named, had been expecting a “last night at sea” ritual, a longstanding tradition in the Royal Australian Navy. He was leaving for a new posting after a year on board Newcastle, where he had lived with 60 other male sailors.

Usually it is a boisterous but ultimately harmless farewell. On this night, however, he had been working down in the fire pump room. When he came back up through the hatch, he alleged another able seaman marine technician, Jonathan Walter, grabbed him from behind, lifted him up and dragged him through a maze of bunks and passageways into the recreational room. Here he was thrown face down on the floor by at least three or four men and stripped. He alleged he struggled and shouted “Stop, let me go. What is going on?”

In his account, he says his wrists and feet were bound with cable ties. A combination of Deep Heat and Vegemite was allegedly smeared on his back, between his buttocks and on his genitalia. An object was forcibly inserted into his anus, causing a burning sensation, “as if someone had put a hot match up there”, the prosecutor Lieutenant-Colonel David Jordan would tell a general court martial.

It was alleged that after this, Able Seaman Marine Technician Michael Thompson attempted to force a yellow and red rubber chicken into his mouth, but he clenched his teeth. It smelt of Deep Heat and Vegemite, so he suspected it had been in his rectum. He was crying in pain by the time they put him in the shower on his knees.

Then Able Seaman Rohan Angre allegedly threw a dark brown liquid over the back of his head, thought to be soy sauce. It got into his eyes and burned his face. Angre had grabbed it from the kitchen not knowing what it was. The young sailor thought he was going blind, screaming, “My eyes, my eyes.” His shipmates flushed his eyes with water.

Nevertheless, he did not make a formal complaint, later saying he was afraid of “repercussions”.

**[These acts were about “humiliation”, Jordan told the court. “They’re about subjecting the weak to the power of the majority and making a victim feel vulnerable and beholden to the group.”]**

It wasn't until two years after the alleged assault, on November 13, 2013, when he was in the smoking pit at the Cairns naval base, that he mentioned it in a conversation about a series of brutal hazings aboard HMAS Ballarat. Leading Seaman Lelliott, who was present, reported it to his chain of command and an Australian Defence Force Investigative Service inquiry ensued.

Walter, Thompson, Angre and Able Seaman Mitchell Summers were charged with eight counts between them, including forcible confinement, engaging in an act of indecency without consent, engaging in sexual intercourse without consent, assault in a service ship, aiding and abetting, counselling or procuring an assault in a service ship, and assault occasioning actual bodily harm, among others.

The rubber chicken made it irresistible to the press. Britain's Metro would snidely refer to the “fake poultry”.

A trial by general court martial began in Sydney on September 16, 2014, before a military jury of seven naval officers. It would become the longest running and most expensive court martial in Australian military history. Rohan Angre would spend another three years in tribunals and embroiled in legal procedures. Being accused of such sordid misconduct, suspended without pay during the court martial, being engulfed in a highly public scandal, would take a toll on all four men and their families. After the court martial, Angre became depressed and, under stress and thinking his career was over, attempted suicide. He had been an exemplary and popular sailor, awarded a Commanding Officer's Commendation after a tour in the Middle East in 2013. He had felt “cast out, left to fend for myself”. The navy did provide him with a psychiatrist.

On the sixth day of the general court martial, both he and Thompson had been induced into plea bargains. Angre was “petrified of going to jail for something I didn't do”. His mother was a corrections officer and he did not want to go to prison.

His defending officer, Major Jonathan Hyde, told him that his case would probably go before a defence force magistrate who can only impose a maximum of six months' imprisonment if he took a plea deal. A general court martial imposes much higher penalties. If he went to trial, he could be looking at six to 10 years in jail. But if he pleaded guilty to the lesser charges of forcible confinement and indecent assault before a defence force magistrate, the prosecution would drop the sexual assault charges and not seek a sentence of imprisonment. Although he had always admitted to throwing the sauce in the shower, Angre, on signing the plea deal, said it was “bullshit” and “fictional”. Protesting his innocence, he said: “I am not going to plead guilty to something I didn't do.” He felt he was being “railroaded”.

But the prosecution and defending officers did not realise that, under the Defence Force Discipline Act, a new general court martial had to be convened after a conviction was recorded.

The leniency he had bargained for had never been available to him.

And then the defence started. Although there were thought to have been 20 to 30 men in the well-lit rec room, there were no witnesses brought forward who saw a sexual assault involving an object, or a rubber chicken near the young man's face.

The ship's mess is a "club", Lieutenant Colonel David Jordan said by way of explanation. "What goes on in the club is generally viewed as that it should stay in the club."

The defence said the complainant had hated the navy, writing FTN, an acronym for fuck the navy, on his Facebook page. In court, he denied this and said he "loved" the navy. The defence stated that his career was spiralling, he was being monitored in relation to alcohol. Defence barrister Lieutenant Paul Hogan put it to the court that the complainant had heard there were "massive payouts" from the Ballarat hazings and had decided he could get one, too.

When Hogan had asked him if he put in a claim for compensation, he had said "no". He was then shown a signed form from July 2014 to the Military Compensation and Rehabilitation Service – a claim for sexual assault onboard Newcastle. "This is all about the cash," Hogan stated.

These acts were about "humiliation", Jordan told the court. "They're about subjecting the weak to the power of the majority and making a victim feel vulnerable and beholden to the group. It is the exercise of power in relationships [that] provides the motive for what happened, the enjoyment at the discomfort being suffered."

In her closing address Lieutenant Commander Kate Traill, defending Walter, submitted "the evidence is sorely lacking, the complainant is a liar, he is not truthful, reliable, accurate, and has told inconsistent versions. He lied to his friends, he lied to his medical practitioners."

After a nine-week general court martial, the jury was directed by Judge Advocate Colonel Jennifer Woodward to acquit Summers of the two main charges of sexual intercourse and an act of indecency. Both Walter and Summers, who had pleaded not guilty, were then acquitted of all charges. The jury had deliberated for 90 minutes, including time for lunch.

Angre and Thompson changed lawyers, withdrew their guilty pleas and appealed based on the flawed legal advice they had been given. On May 22, 2015, Able Seaman Michael Thompson had his convictions quashed on the basis of wrong advice from counsel. A substantial miscarriage of justice was found to have been committed. Thompson is no longer in the navy.

In July of this year, a Defence Force Discipline Appeal Tribunal with a five-member military jury convened to sentence Angre for assault occasioning bodily harm – throwing the soy sauce. "He has suffered enough," said his defence barrister, Lieutenant Hogan. "Let right be done." The tribunal found that "to hold Able Seaman Angre to a plea of guilt entered on this basis when he had no genuine consciousness of guilt would be a grave miscarriage of justice."

No punishment was imposed. This is the first time this has happened in military history.

In a statement tendered to court, forensic psychiatrist Olav Nielsen, who had treated Angre, said “three years of highly charged and avoidable litigation has almost certainly had an effect on his mental state”.

But his divisional officer, Lieutenant Selwyn Tran, said he was thriving in the navy now. “He’d be exemplary. He’d be up there as an elder brother sort of figure. He would be up there easily as top 5 per cent.” Tran described him as “a member of the team that put work requirements and the benefit of the organisation above his own self-interest”.

Angre has stated his regret. “It was a prank and it went astray and a shipmate got hurt, someone that I worked with in my department that I was mentoring. I regret ever taking part in this. I understand traditions like this – there’s no place for it in the navy at all.”

“IT WAS A PRANK AND IT WENT ASTRAY AND A SHIPMATE GOT HURT ... I REGRET EVER TAKING PART IN THIS.”

*This article was first published in the print edition of The Saturday Paper on Dec 16, 2017 as "Blurred in the haze".*

Source: <https://www.thesaturdaypaper.com.au/news/law-crime/2017/12/16/the-hmas-newcastle-hazing-aftermath/15133428005651>