

## DEFENCE

### Military cadet pleads not guilty to filming female in shower at Defence Academy



International Australian Defence Force Academy (ADFA) cadet Obaid Fayyaz, who is charged with committing an act of indecency after he allegedly used a hidden camera to film a female cadet while she was showering. Picture: Kym Smith

AAP 3:56PM September 9, 2011

A MILITARY cadet has pleaded not guilty to secretly filming a female cadet in the shower at the Australian Defence Force Academy in Canberra.

Pakistan national Obaid Fayyaz, 21, briefly appeared in the ACT Magistrates Court on Friday to enter a plea of not guilty to committing an act of indecency in the presence of the victim without consent.

ACT police were called to the academy on August 25 when a female cadet, 21, allegedly discovered a hidden mobile phone in a vent above her shower.

A mobile phone, laptop and USB memory stick were seized before Fayyaz was arrested and taken to the ACT watchhouse and charged last month.

Fayyaz was released on bail on condition he surrender his passport and not contact the female cadet.

He is due to face court again on November 17.

He is the third cadet charged this year in relation to using electronic devices to record female cadets at the academy without their knowledge.

Two cadets are accused of setting up a webcam to film a female cadet having sex with one of them, as others watched on in another room, in the so-called Skype scandal.

The earlier case prompted a number of reviews into misconduct and the treatment of women in the defence organisation.

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NATIONAL ACT

## Pakistani ADFA cadet's indecency charge dismissed

By Natasha Rudra

25 July 2012 – 11:24am

Defence to review cadet's place at ADFA

A magistrate has thrown out an indecency charge against a Pakistani cadet accused of trying to film a female student in the shower of the Australian Defence Force Academy.

International cadet Obaid Fayyaz, 22, said in a statement that it was the toughest ordeal of his life and urged the media and the Australian Government to help him get compensation.



Cleared ... Pakistani cadet Obaid Fayyaz.

*Photo: Gary Schafer*

Mr Fayyaz was arrested in August last year and charged with committing an act of indecency in the presence of the woman after she discovered his mobile phone in a shower vent at ADFA.

He pleaded not guilty to the charge and his defence team made a "no-case" submission during his trial in the ACT Magistrates Court, arguing the matter should be dismissed.

It was not disputed that Mr Fayyaz set his mobile phone to record and left it in the vent of a shower at the academy.

The female cadet noticed it there 10 minutes later when she went to shower and alerted supervisors.

But Mr Fayyaz's barrister, John Harris SC, had argued that his client did not have the necessary intent to commit the alleged offence.

The court heard it could not be established that the young man had committed an act of indecency "in the presence" of the woman because he had pressed the record button on his mobile phone and left the room.

This morning Magistrate Peter Dingwall agreed, saying prosecution could not prove the act was committed in the alleged victim's presence.

The young woman watched from the public gallery as Mr Dingwall said the prosecution was unable to prove its case and dismissed the charge.

Mr Harris asked the court to order that his client's legal costs be paid by the prosecution.

Outside court defence lawyer Adrian McKenna read out a statement from Mr Fayyaz.

"It is a big relief for me to come out of this allegation as innocent," he said.

"For that I must appreciate the Australian judicial system. Justice has been done."

Mr McKenna said his client thanked his supporters, family and fiancée.

"However now that I have come out of this as innocent I trust the media and the Australian Government will help me rebuild and compensate for the loss I have suffered," he said.

Mr McKenna said the Pakistani cadet would not return home but would move on to dealing with the defence force academy.

Now the criminal proceedings have been dealt with, Defence officials are expected to review the transcript of today's ACT Magistrate's Court hearing and consider its findings.

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A Defence source said yesterday that in instances where a cadet is found to have behaved inappropriately the college can, and not infrequently does, require them to show cause why they should be allowed to stay on.

**with David Ellery**

THE CANBERRA TIMES Fairfax Media

**Source: <https://www.canberratimes.com.au/national/act/pakistani-adfa-cadets-indecency-charge-dismissed-20120725-22p0v.html>**

# Defence to review Pakistani cadet's ADFA enrolment

By David Ellery

26 July 2012 — 12:00am

A Pakistani Australian Defence Academy Cadet acquitted of an indecency charge earlier today is likely to be asked to "show cause" why he should be allowed to resume his studies.

Obaid Fayyaz has been absent from ADFA since being charged with committing an act of indecency in the presence of a woman last August.

Now the criminal proceedings have been dealt with, Defence officials are expected to review the transcript of today's ACT Magistrate's Court hearing and consider its findings.

"Defence is aware of the outcome of the case in the ACT Magistrate's Court today involving the Pakistani Officer Cadet," a spokesman said.

"Fayyaz was removed from training last year after being charged by the Australian Federal Police. Defence is now considering what further actions are appropriate in the circumstances."

Fayyaz had allegedly set his phone to record and left it in the vent of a shower.

The phone was discovered by a female cadet who alerted academy authorities.

Neither Fayyaz or his defence have disputed these events.

## Related Article

### Pakistani ADFA cadet's indecency charge dismissed

The acquittal was based on the fact Fayyaz left the shower room before the female cadet arrived.

A Defence source said yesterday that in instances where a cadet is found to have behaved inappropriately the college can, and not infrequently does, require them to show cause why they should be allowed to stay on.

**Source:** <https://www.canberratimes.com.au/national/act/defence-to-review-pakistani-cadets-adfa-enrolment-20120725-22qeg.html>