

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
AUSTRALIAN FEDERAL POLICE

Question No. 113

Senator Milne asked the following question at the hearing on 13 February 2007:

- (a) Please provide a copy of the Harbour Master's report dated 22 October 2001 referred to QoN 109, part 4(a) which was obtained by AFP officers.
- (b) When was the document obtained by AFP?
- (c) Did AFP provide a copy of this document or report on any information contained therein to any other Australian agency, Department or Government Minister? If so, please provide details of when and to whom.
- (d) Regarding the Indonesian police report of 24 October 2001 referred to in QoN 109, part 4(a):
 - i) Which AFP officers viewed this report?
 - ii) On what date did the AFP officers view this report?
 - iii) Why did the AFP officers not ask for a copy of this document on first viewing?
 - iv) On what date did the AFP request a copy of this document from the Indonesian police? How was it requested - i.e. verbally or in writing? If in writing, please provide a copy of the request.
 - v) On what date did the Indonesian police advise the AFP that the document could not be located. Please provide a copy of this advice.
 - vi) Please provide a copy of all file notes regarding the viewing of this report by AFP officers.
 - vii) Did AFP advise any other Australian agency, Department or Minister of the INP report containing the SIEV-X rescue coordinates (i.e. the location 07 40 00S / 105 09 00E where survivors were reportedly rescued on 20 October 2001)? If so, on what date and to whom? If in writing, please provide a copy.
 - viii) Did AFP advise any other Australian agency, Department or Minister of the SIEV-X rescue coordinates mentioned in this report (i.e. the location 07 40 00S / 105 09 00E where survivors were reportedly rescued on 20 October 2001)? If so, on what date and to whom? If in writing, please provide a copy.
 - ix) ix)How did the AFP form the view that this report is the same one shown on the SBS television program 'Dateline' on 22 May and 17 July 2002?

- x) What is AFP's opinion as to why the document shown on Dateline on 22 May and 17 July 2002 has BASARNAS logo/letterhead and not INP?
- (e) Regarding Answer 5(a) to QoN 109 - please provide a detailed account of the steps taken by the AFP referred to in this answer to validate the position where SIEV-X survivors were rescued (i.e. the location 07 40 00S / 105 09 00E).
- (f) Regarding Answer 5(c) to QoN 109 - what evidence does AFP have that suggests 'the coordinates are a rough estimate at best'?
- (g) Regarding Answer 5(d) to QoN 109 - Please provide a detailed account of the analysis that led to the conclusion that 'the coordinates are a rough estimate at best'.
 - i) Please provide the AFP's best estimate of the margin for error in these coordinates.
 - ii) If AFP believes that the rescue coordinates provide no useful measure of the rescue location please provide a detailed account of how this conclusion was reached.
 - iii) Please provide more information about Maura Baru mentioned in this reply. Is this the site in Indonesia to which the survivors of SIEV-X were first taken? What is the evidence for this?
- (h) Regarding Answer 6 of QoN 109:
 - i) On what date was the photo of Captain Imam created by the AFP?
 - ii) On what date was this photo given to the INP?
 - iii) On what date did the INP advise that it could not locate Captain Imam or his boat the *Indah Jaya Makmur*?
 - iv) The SBS *Dateline* program on SIEV-X broadcast on 17 July 2002 included an image of the *Indah Jayah Makmur* which had changed its name sometime after the rescue of SIEV-X. The name of the vessel at the time of this broadcast was *Gemilang Jaya 9*. Did AFP ask the INP to locate a vessel by this new name? If not, why not? If so, what was the result?
 - v) The SBS *Dateline* program on SIEV-X broadcast on 17 July 2002 included an image of the Jakarta Harbourmaster's report of 24 October 2001. This report contained information on the rescue of SIEV-X survivors on 20 October 2001, including the information that a second boat - the *Arta Kencana 38*, skippered by Mr Madjid - GT83 Licence 1207/BC - was also involved in the rescue. Did AFP ask the INP to try and locate either the boat or the skipper? If not, why not? If so, what was the result?

The answer to the honourable Senator's questions are as follows:

- (a) A copy of the report is attached.
- (b) The document was sent to AFP Canberra from Jakarta Post on 22 December 2003.
- (c) A search of AFP holdings has failed to reveal any indication that a copy of the report was provided to any Australian agency, department or government Minister.
- (d)
 - i) No member of the AFP viewed this report.
 - ii) Please see answer (d) i).
 - iii) Please see answer (d) i).
 - iv) Please see answer (d) i).
 - v) The AFP officer believes the reply was verbal and is unable to supply a date.
 - vi) Please see answer (d) i).
 - vii) A search of AFP holdings has failed to reveal any indication that any Australian agency, department or Minister was advised of the Indonesian National Police (INP) report by the AFP.
 - viii) A search of AFP holdings has failed to reveal any indication that coordinates were provided to any Australian agency, department or Minister by the AFP.
 - ix) The AFP has not viewed the original document and only suspects it is the same report as that shown on the SBS television program *Dateline*. Captain Johnston (RAN) viewed a report on 25 July 2002 and obtained information including the rescue coordinates, the same as those reported on the SBS program.
 - x) The AFP can only assume that BASARNAS authored the report and not the INP.
- (e) The AFP relied on the opinion and calculations of Captain Johnston (RAN). He believed the coordinates were consistent and, in broad terms, judged to be no further south than eight degrees South latitude on a direct line between Sunda Strait and Christmas Island.
- (f) The AFP has not located the fishing boat crew and has no way of knowing what navigational devices were used to fix that position. The evidence provided from Captain Johnston (RAN), gave no reason to doubt the coordinates where the survivors were located but that the coordinates that the SIEV X are believed to have sunk are a rough estimate at best.

(g)

- i) Please see answer (f)
- ii) The AFP does not believe that the coordinates provide no useful measure of the rescue location.
- iii) The fishing boat Arta Kencana 38 arrived with survivors at Maura Baru, section of Jakarta Harbour. As described in the 'Harbour Master's report' dated 22 October 2001

(h)

- i) The photograph of Captain Imam was created on 5 May 2003.
- ii) Due to unforeseen circumstances in Jakarta, this question cannot be answered in the immediate future.
- iii) Please see answer (h) ii).
- iv) Please see answer (h) ii).
- v) Please see answer (h) ii).

567

130/134

Jakarta, 22 October 2001

TANDA TERIMA

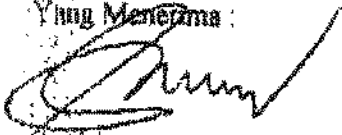
Telah diserahkan sebanyak 44 (empat puluh empat) orang penumpang yang terampung -
ampung di atas laut Samudra Hindia, yang di tolong oleh ABK kapal KM AHTA
KENCANA 38 hingga tiba di pelabuhan Muara Baru dengan selamat dan sehat serta
dalam keadaan hidup yaitu dengan perincian :

- 1. Dewasa / Laki - laki : 33 orang
- 2. Perempuan / Ibu - ibu : 9 orang
- 3. Anak laki - laki : 1 orang
- 4. Anak Perempuan : 1 orang

Bahwa orang - orang tersebut telah kami serahkan kepada Kantor Inspeksi Karantina
Penumpang Tanjung Priok di Pelabuhan Muara Baru.

Demikianlah serah terima kewarganegaraan Irak ini kami buat dengan sebenarnya.


Yang Menerima :


A. Subagio
NIP 19440501


Yang Menyerahkan :


(Majid / Nahkoin Kapal)

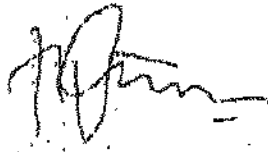
Disaksikan Oleh :
Kepala PDSI Muara Baru
Kapala PDSI (Gubernur)



W. Laksana

PUSKOP JAWA

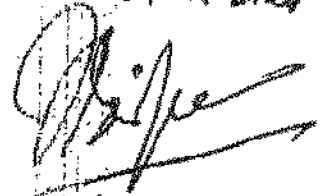

STARGA
BILIRKA / SORC

An. Kewarganegaraan
Lt. KGT PASUP5


A. Subagio
NIP 19440501

Mestika

Mestika
NIP 19440501

STARGA NA' BAKU


STARGA
NIP 19440501

NAMA - NAMA TERAPUNG - APUNG DI SAMUDRA INDIA

131/134

No.	Tahun	Nama	Negara
1	1955	Bahram Heetambul	Afganistan
2	1972	Bhasim Abdul Wahid	Irak
3	1966	Misam	Irak
4	1962	Isam Mahmud	Irak
5	1955	Raja Musa	Irak
6	1982	Husam Isam	Irak
7	1990	Jamal	Irak
8	1980	Sadik Husen	Irak
9	1974	Wahid Kasim	Irak
10	1980	Faozi	Irak
11	1983	Ahmad Fauzi	Irak
12	1973	Ahlak Hamid	Irak
13	1977	Khojaer Ahmad	Irak
14	1973	Haider Khodi	Irak
15	1977	Harifad	Irak
16	1982	Huzair	Irak
17	1982	Zajad	Irak
18	1964	Amai Adzar HASSAN	Irak
19	1971	Husain	Irak
20	1980	Rokaya	Irak
21	1971	Hamid	Irak
22	1973	All Jamali Karaman	Irak
23	1973	Kusun Abraham	Irak
24	1976	Muhammad Zaer	Irak
25	1970	Furad Ahmad	Irak
26	1972	Alli Daud	Irak
27	1970	Walsh Hasan Jasim	Irak
28	1974	Amar Jabar	Irak
29	1969	Hadar Ala	Irak
30	1975	Saidig Rajak	Irak
31	2 Th	Kausar ABD ALRSI	Irak
32	1974	Rajah Zair MAJAH	Irak
33	1985	Zona Zair Dair	Irak
34	1980	Jalal Muhain	Irak
35	1959	Musa sholyer	Irak
36	1983	Ahan Husen Ali	Irak
37	1985	Mustafa Husen	Irak
38	1984	Jowad Husen	Irak
39	1956	Muhamad Ali Husen	Irak
40	1987	Enam Husen Ali	Irak
41	1991	Husen Jawed	Irak
42	1985	Adli Abdul Karim	Irak
43	1983	Ala Jasim	Irak
44	1988	Warja Faze	Irak

(43)

Zaynab AHSSIN
AMJAD ABBAS

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
AUSTRALIAN FEDERAL POLICE

Question No. 114

Senator Milne asked the following question at the hearing on 13 February 2007:

- 1 (a) In response to Question on Notice No. 121 asked at Budget Estimates in February 2003, the AFP provided 2 lists of passengers who travelled on SIEV-X - one list contained the names of survivors compiled by IOM & UNHCR. This list is partially blacked out and 27 names are illegible. No explanation was provided for the censorship. Will the AFP now release this document uncensored with the full list of names of the 45 survivors? If not, why not?
- (b) At the Brisbane committal hearing of Khaleed Daoed in 2004, the witness Karim Jabbar Hussein Al Saeedy was questioned about a list of names of those who had drowned on SIEV-X which was an exhibit at the committal hearing. Al Saeedy's evidence suggests that the list was compiled by himself and other survivors and as provided to the AFP. Will the AFP now provide a copy of this list? If not, why not?
- (c) In evidence at the same committal hearing a number of witnesses referred to Abu Quassey's assistant Miythem keeping a small red book that listed the names and payments made to Abu Quassey for the SIEV-X journey by passengers. According to witness Rami Abbas Akram, sometime after the sinking of SIEV-X he accompanied Indonesian Immigration officials to Khaleed Daoed's residence where they found "a small red book" with the "names of all the people" who travelled on SIEV-X listed. Akram's evidence indicated that this book was confiscated by these officials. Did Indonesian Immigration or any other Indonesian officials show this book/ledger to the AFP?
- i) Did the AFP make a copy? If not, why not?
- ii) If so will the AFP now provide a copy of the names listed in this book?
- iii) If the AFP has not seen this book, will the AFP now approach Indonesian Immigration and/or Indonesian police to obtain a copy?
- iv) If the AFP is unable to provide the list of names contained in this book due to ongoing investigations, will the AFP then provide details of the progress of its investigation into Miythem's alleged role in organising the SIEV-X voyage?

The answer to the honourable senator's questions are as follows:

- 1 (a) No. This investigation is ongoing.
- (b) No. This investigation is ongoing.
- (c) No.
- i) No.

- ii) No.
- iii) The investigation is an ongoing operational matter and all avenues of enquiry are assessed.
- iv) The investigation is ongoing.

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
AUSTRALIAN FEDERAL POLICE

Question No. 115

Senator Milne asked the following question at the hearing on 13 February 2007:

Regarding Senate Question no. 2023, asked by Senator Faulkner on 11 September 2003 - Can the AFP advise if:

- (a) any imagery of any kind (for example satellite imagery, sketches, drawings, artist's impressions) were shown to SIEV-X survivors Ali Hamid and Karim Al Saeedy in the presence of AFP officers Glen McEwen and Russell Smith by INP officers or IOM staff or the AFP or any other persons present at the interview?
- (b) any imagery of any kind (for example satellite imagery, sketches, drawings, artist's impressions) was provided to others present at the interview?
 - i) If yes, please give details of the images - i.e. how many? What form of imagery were they (for example satellite imagery, sketches, drawings, artist's impressions)? Who prepared them? How were the images created? Why were these images shown to the survivors?
 - ii) Did any of the images depict SIEV-X? If so, who prepared it? What form of imagery was it? How was the image compiled? Why was this image shown to the survivors?
 - iii) Were these images part of the evidence provided by the AFP to Cairo in 2003 for the trial of Abu Quassey?

The answers to the honourable senator's questions are as follows:

- (a) No images of any kind were shown to Ali Hamid and Karim Al Saeedy during the Indonesian National Police (INP) interview by any persons in the presence of AFP officers or by AFP officers.
- (b) No images of any kind were shown during the INP interview to or by any persons in the presence of AFP officers or by AFP officers.
 - i, ii & iii) Not applicable.

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
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Question No. 116

Senator Milne asked the following question at the hearing on 13 February 2007:

People smuggler Khaleed Daoed was extradited to Queensland to face charges in relation to SIEV X and one other count (Yambuk that arrived at Christmas Island) despite the fact that:

- there appears to be no link between his activities and Queensland
- no other people smugglers have been extradited to Queensland
- other people smugglers have been tried in most cases in either WA or NT (with an apparent basis for this in whether the boats were destined for Christmas Island or Ashmore Reef)

- (a) Given the continuing controversy regarding SIEV X, will the Minister advise whether the existence of Section 100 of Queensland's *Corrective Services Act* was a factor in the decision to extradite Khaleed Daoed to Queensland and try him there? If yes, to what degree?
- (b) If this legislation was not a factor in deciding to extradite Khaleed Daoed to Queensland, rather than the more obvious choice of WA or another state or territory, what was the basis for the decision?

The answers to the honourable senator's questions are as follows:

- (a) No.
- (b) Due to the location of witnesses and investigators the matter was prosecuted in Queensland.

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
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Question No. 117

Senator Milne asked the following question at the hearing on 13 February 2007:

- (a) Can AFP please provide in relation to the SIEV X survivors;
- i) Costs of fares and accommodation for the overseas-based witnesses at each of the trial and committal hearings?
 - ii) Costs of fares and accommodation for the Australian-based witnesses at each of the trial and committal hearings?
- (b) Giving evidence at the committal and trial was stressful if not retraumatising for the SIEV-X survivors. During the trial two of the witnesses from Finland collapsed in court and were hospitalised. Why did the AFP prefer to use the testimony of the overseas witnesses at the 2005 trial? Can AFP please provide their rationale for not calling the Australian-based SIEV-X survivor witnesses to give testimony at the 2005 trial? In the committal hearing, Rami Akram spoke about lists of SIEV X passengers and Faris Kadhem spoke about the ships that failed to rescue survivors when they were in the water after SIEV-X sank. Did these have any bearing on the decision to not call them to give evidence at the trial?

The answers to the honourable senator's questions are as follows:

- (a) i) The costs of fares and accommodation for the overseas-based witnesses were:
- | | |
|-------------|--------------|
| Trial = | \$ 30,359.53 |
| Committal = | \$ 28,363.35 |
- ii) The costs of fares and accommodation for the Australian-based witnesses were:
- | | |
|-------------|-------------|
| Trial = | \$ 4,864.28 |
| Committal = | \$ 8,206.33 |
- (b) Decisions about the calling of witnesses were made by prosecuting counsel representing the Commonwealth Director of Public Prosecution based solely on an assessment of the requirements of the case.