

Crime Interrupted
An AFP and Casefile Presents podcast.
Episode 6, Operation Middleham transcript.

Host – introduction

The Australian Federal Police – or AFP for short – is Australia’s national policing agency. Its aim? To outsmart serious crime with intelligent action. Officers from the AFP work with local, national, and international agencies to combat serious criminal threats. Their work includes counter terrorism, serious organised crime, human trafficking, cybercrime, fraud, and child exploitation. The AFP exists to disrupt major criminal operations. In 2020-21, they did that over 400 times. They seized 38 tonnes of illicit drugs and precursors, and assisted overseas police services in seizing 19 tonnes of drugs. The AFP charged 235 people with child exploitation, and charged 25 people following terrorism investigations.

We’ve got exclusive access to the AFP case vault and personnel to provide you with in-depth insight into how they investigated and interrupted the most serious of crimes to stay a step ahead.

[theme music]

Host

One of the AFP’s priority crime types is countering terrorism. Terrorism remains a major security challenge for Australia, and its global partners. The AFP works with law enforcement and intelligence agencies, both domestically and globally, to keep Australia and its citizens safe from the threat of terrorism. The AFP deploys officers in key locations around the world, including in the Middle East, the UK, US and Southeast Asia.

Nick is a Detective Superintendent and has been in the AFP for 33 years. In recent years, he has worked in the counter-terrorism portfolio.

Nick (2.33)

The counter-terrorism environment has evolved significantly since I’ve started in the AFP. I mean, prior to September 11, many Australians were not really aware of terrorism. And they thought it was something that happened to other people far from Australian shores. But our threat level was raised to probable in 2014. And since then, 147 people have been charged with CT offences as a result of about 70, 75 related operations around Australia. There’s been nine recognised terrorism attacks across the country and 21 major CT disruption operations in response to potential or imminent attack planning in Australia. Today, terrorism is a real threat to Australia and it’s got a global reach. We now see the regular use of internet and social media to recruit, radicalise, and train people in attack methodologies, and in some cases to incite the actual execution of those attacks.

Host

Because of the need in this area, the AFP works with state police forces all around Australia.

Nick (3.41)

They were joint counter-terrorism teams set up across Australia and they were set up directly following the Bali bombings in 2002, and all of them are a partnership between members from the AFP, the state and territory police in that particular jurisdiction, and ASIO. So, all also CT work with law enforcement and intelligence agencies, is done jointly. And the aims of those teams is to work closely with the broader intelligence community, both here and with our international partners, to identify and investigate terrorist activities in Australia. And the emphasis is on preventative operations. So the AFP's international network is key in some of that international collaboration. And we're currently span across 35 countries. Many of those are in Southeast Asia and the Middle East. Now predominantly, those posts are set up to combat transnational, serious organised crime. We conduct joint operations and training. We share capability, but most importantly, is the exchange of intelligence and information that we benefit from that international space.

Host

Since September 2014, Australia's national terrorism threat level has remained 'Probable'.

Nick (4.55)

Australia uses a five-level system to indicate the current threat of an onshore, terrorism act, and since 2014, our level sits at Probable, which is the middle level of those five. So Probable means that there's credible intelligence indicating that individuals or groups have got both the intent and capability to conduct an attack here in Australia. Do we need to be alarmed? No, not alarmed, but certainly, aware, but that level is constantly assessed by our various intelligence partners and the government in general. And the purpose is so that we make sure we have the appropriate level of preparedness and response planning to minimise the threat of terrorist attack. From a law enforcement perspective, our activities don't change a whole lot in that we always have the highest level of preparedness as we possibly can within our limitations.

Host

Australians who have travelled offshore to fight with extremist groups present an ongoing threat. The AFP remains committed to disrupting, prosecuting, and managing foreign fighters.

We asked Nick to explain the extent of this.

Nick (6.12)

Islamic State had significant territorial gains in Iraq and Syria, and the Islamic State declared a caliphate and called upon followers from all over the world to travel to Syria and participate in an armed conflict to expand and defend the caliphate. When I say caliphate, I'm talking about an Islamic State, in this case, a self-declared state that's led by a supreme religious and political leader referred to as a *Caliph*. So, with that call going out, Islamic State or IS, attracted an unprecedented number of foreign fighters who travelled to join from all over the world. We estimate about 40,000 people probably travelled to that zone during those early years, from over 80 countries, including Australia and many from Southeast Asia. Since around about 2012, we estimate that around about 230 Australians travelled to Syria or Iraq to fight or to support those groups involved in the conflict. Around about half or probably a little over half of those have since died in the conflict that we're aware of, with the reminder either being unaccounted for all a large number are actually detained in either prisons run by the Syrian defence forces and the Kurdish forces, or are in internally displaced camps in Northern Syria. And many of the female foreign fighters and their children are contained in those camps.

Host (7.42)

How does Australia prevent people from joining these overseas conflicts?

Nick (7.48)

Since those early days, in 2012, around about 250 Australians have had their passports cancelled or applications for passports refused. And this was in a direct attempt by Australian government to prevent these people from travelling into the conflict zone and becoming part of that war or that conflict. And I have been asked, I suppose, by a few people: *Why wouldn't we just let them travel?* and then they become somebody else's problem. And as I mentioned before, a great many number of them have since died in the conflict. What I would say is that, we've got an international responsibility for one thing. And that if we had foreign partners who are aware of their citizens, that intended to travel to Australia, in order to commit violent acts, we would very much expect and hope that they would do everything within their power to stop them from leaving that country and coming to Australia. And we have that same responsibility to them. So that's the first point, but the second one is: someone who does leave Australia and go and fight in a conflict zone, picks up significant skills and can be further radicalised and obtain that combat experience, and experience in all sorts of attack methodologies and things of that nature and would present an even greater danger to Australia where they then return to Australian shores. So that's the other reason that we prevent those people from departing Australia and participating in the conflict.

Host

Covid lockdowns provided the perfect opportunity for the release of propaganda online.

Nick (9.23)

During the last couple of years with COVID, we've seen a lot more of our kids are spending a lot more time online. For the last couple of years, they've been doing schooling predominantly online and they've been locked away in their bedrooms and things like that. And whilst we've always encouraged parents to have as much oversight over their children's activities whilst online, I think it's been more difficult in the last two years because of COVID. And so when they are locked away in their bedrooms doing schoolwork, there is obviously that danger that they are doing other things online as well; being involved in chat groups with people like this is one of the dangers that we've seen emerging over the last couple of years.

Host

Domestically, attack planning from a small number of violent extremists is a continued threat which shows no signs of abating. Nick explains the nature of these threats and the architecture in place to manage them.

Nick (10.24)

We're concerned about any threat that's presented to the public, and whatever form that comes in. But our assessment is that the most likely threats will be low capability, from either lone actors or small groups. And when I say low capability, I mean, without extensive planning and lead-in time. The sorts of attacks that we've seen like here in Bourke Street, and down in Brighton a couple of years ago, those sorts of attacks that take very little planning, very little resources in order to facilitate. But over recent years, the main modes of attack have been a lot more simplistic, easier to plan and less resource intensive. So we continue to look at any individuals or groups that start to indicate a mobilisation toward a violent act. So, with our partners overseas, and here in Australia – so in the case of the Victorian JCTT with our Victoria

police partners, ASIO ourselves, and that international network, we're aware of numerous people, individuals, and groups that espouse or adhere to certain extremist views. And what we do is continually monitor, as best we can, as many of those individuals and groups, in order to identify when that belief that they have, or those ideologies that they're espousing become more than just rhetoric, become more than just words, and they start to move toward actually planning or facilitating or conducting an act of violence.

Host

When we think about terrorists, it's easy to form a picture of ones we are familiar with from the news. But as Nick explains, the thinking around this has changed.

Nick (12.22)

People still associate terrorism with Islamic extremism, but it's no longer the case. Since commencing in CT around about three years ago, I've seen a real increase in the time and the resources that law enforcement and intelligence agencies dedicate to investigating extremist activity that's motivated by a range of other issues, religions, and ideologies. I mean, up until last year, law enforcement in Australia tended to refer to terrorism as either ISLEX or XRW. ISLEX is Islamic extremism or XRW, extreme right wing. But last year, ASIO announced a change to this form of language, offering an alternative terminology of RMVE and IMVE. As the whole left- and right-wing descriptors weren't really fit for purpose. And they didn't actually, accurately capture the nature of the emerging threats that we're seeing. So when I talk of RMVE, we're talking about religiously motivated violent extremism. Which pretty well speaks for itself, but it's not only talking about Islamic extremism, it's talking about Christian extremism or Hinduism, whatever the religion may be. It's the violent extremism part that we concentrate on. And that is of concern because that's where the threat comes. And when I say IMVE, I'm talking about ideologically motivated, violent extremism, and that covers a whole raft of issues and ideologies. So, for example, anti-government sentiment, whether it be right wing or otherwise, racially motivated, violent, extremism. Those sorts of activities could all be included in the IMVE umbrella. We now talk about those as a more accurate way of encapsulating. I know the general public may think that we focus on a particular religion or certain communities, but it's, it's just not the case. It's the violent extremism part of it that we concentrate on, and we take all extremist activities seriously. We target the criminals and the criminal activity, not the ideologies or their backgrounds, and our primary concern is when those extremist views develop into planning or facilitation of violent activities. So, if people commit a crime, then we will investigate and charge or disrupt that criminal activity.

Host

In 2016, Operation Middleham was a Victorian joint counter-terrorism investigation which investigated a group of men from Australia who planned to engage in hostile activity overseas in support of religiously motivated violent extremism.

We are going to refer to the principal offender as 'Richard'. Richard grew up in a large family in Melbourne. He was a typical Aussie boy who loved playing footy, listening to music, and socialising with his mates. Richard adopted the Islamic faith when he was 17.

AFP officer Jake has been a police officer for over 20 years and in the AFP for 15. He has worked in counter terrorism both in Australia and overseas. Jake was the case officer for Operation Middleham.

Jake (15.47)

I'd worked in counter-terrorism in Asia for three years, and it was sort of in the lead up to the rise of Islamic State and the changing threat environment around the world, including in Australia as well. The AFP's role in having counter-terrorism liaison officers based offshore is to facilitate information exchange and to protect the Australian national interests, so that harm doesn't come to Australians overseas or in Australia because it's, as we all know, it's a networked and globalised world. But that was, by coincidence, very useful work to have done offshore in Asia because this particular job, Operation Middleham, because I was aware of the growing threat in the Philippines, the Black Flag movement, which is, I guess, groups becoming supportive of the Islamic State.

Host

While Jake was working in counter-terrorism in the Philippines, he also kept a close eye on what was happening in the Middle East, because law enforcement intelligence was finding links between insurgents and terrorists operating there, and those operating in Southeast Asia, Indonesia, the Philippines, and Thailand. Jake returned to Australia at the end of 2014 to face a changing climate in counter-terrorism.

Jake (17.18)

And that was kind of the real rise of the Islamic State threat and the things that were happening in Iraq and Syria and the whole foreign fighter issue that we were facing. Australians wanted to go and join. And also, the sort of Islamic State inspired attacks around the world were beginning as well. And so, I wanted to go back into counter-terrorism in Australia, for that reason, because I recognise that, that was where the AFP was going to be particularly busy for the next few years.

Host

Not long after Jake returned to Australia, the offender we're calling Richard, came onto his radar. This unlikely young man from Melbourne had studied the Islamic faith, learnt several languages, and become popular overseas as an Islamic preacher. His online presence was seen by law enforcement as being very influential.

Jake (18.10)

So, Richard already had a very high profile, through his own doing, as a very outspoken and almost theological leader online. And as a result, had a lot of influence around the world with and particularly attracting foreign fighters to the cause of Islamic State in Syria and Iraq. And so that had put him already on the radar I guess of the Australian Federal Police, as well as also other counter-terrorism and agencies around the world.

Host

With his growing online presence, Richard's influence wasn't measured in the number of views to his social media videos, but rather in the amount of people who were swayed by his sometimes fire-and-brimstone online lectures.

Jake (19.00)

I guess it's more in terms of influence rather than numbers. So it's as, it's still relatively small cohort of people in the world that have these extremist views, but amongst those people, he was extremely influential.

Host

What made Richard so potentially dangerous was that he was articulate and well-spoken, which meant he sounded really convincing to those who followed him.

Jake (19.21)

He provided a theological justification and understanding and education, I guess, to people to join the Islamic State, and for the whole sort of theological framework that justified what was happening in, in Syria and Iraq. And because he was a well-spoken educated, intelligent person who spoke multiple languages as well, he was able to transfer that message to a much wider audience. I guess the main concern that people had, these extremist ideas and extremist views that justify terrorism.

Host

And it was this ability to justify terrorism that made Richard dangerous. When he studied overseas and gained a devoted following, he quickly came onto the radar of international law enforcement. This will always happen when teachings advocate violence.

Jake (20.20)

Safe to say counter-terrorism is, you know, one of the highest priorities of all law enforcement around the world, and obviously preventing any sort of terrorist offences, receives a lot of resources from all around the world, including the AFP. If you are spreading hate then absolutely, you'll be monitored to the full capability of multiple law enforcement agencies.

Host

While he was living overseas, the AFP monitored Richard's activities. But in June 2014, he was deported from the Philippines back to Australia. Richard's Australian passport was also cancelled, effectively preventing him from travelling outside of Australia again. Counter-terrorism is very much about prevention, so as soon as Richard set foot on Australian soil, the AFP monitored his activities.

Jake (21.14)

He really came to notice again on my watch, in July of 2015, when there was an incident in Melbourne where a group of people, including Richard, were gathered with Islamic State flags – so, flags used by the Islamic State terrorist group – and this attracted a lot of attention from members of the public and it was reported to police. As a result of that incident and other things, the original investigation commenced, which was a precursor to the wider Operation Middleham investigation.

Host

When the crowd of men took the Islamic State flag to their meeting in the park, it was a declaration. The flag was commonly used by religiously motivated violent extremists as a symbol of allegiance to the Islamic state and violent 'jihad'. It was effectively a call to political violence.

For the AFP's joint counter-terrorism team, it was a significant event. Nick explains.

Nick (22.20)

We're aware of numerous individuals and groups that hold, extremist ideologies and so forth. But we're looking for those indications where, that's likely to mobilise into violent acts and that display that our investigators saw in the park was just one of those indications that this group warranted a lot closer attention. Since its evolution, Islamic State has adopted a black flag with the white Arabic text, often referred to as a jihadist black flag. It's their version, I suppose, of a military ensign or a standard. The reports of this group of males flying the flag in a public place was of significant interest that showed that there was an escalation in their behaviour.

Host

While a crowd of men waving the Islamic State flag around in a park might not seem like much for some; for others who knew what it represented, it was a dangerous symbol.

Jake (23.18)

It's abhorrent to people. It creates fear. It creates division in society, and it's potentially showing support for prescribed terrorist organisation.

Host

There was a flurry of calls from members of the public reporting the flag-waving gathering. Some of the calls were from people who had experienced terrorism firsthand, and others from members of the public who feared for their own safety.

Matt is an AFP investigator working in the counter-terrorism field. For him, the flag-waving in the park was an important change in the way Richard was operating.

Matt (23.56)

As he returned, we wondered what his profile was going to be. Is he going to keep it low profile? I mean, he's been effectively kicked out of the Philippines for coming to their attention in relation to his online content and his views. For us when he was involved in a gathering at the park, with a number of people holding up an ISIS flag, that I guess triggered something for us.

Host

For the Joint Counter-Terrorism team, the flag waving in the park showed that Richard was prepared to push the boundaries of his activities and it was a further mechanism for him to openly advocate violence to further an extremist cause.

Matt (24.35)

It probably flagged for us that, for example, he wasn't, he hadn't reformed or recanted his ways. He wasn't prepared to keep a low profile or just meet behind closed doors. Doing something obvious like that, it drew his attention and, and I guess it was a warning to us that that might precede other activities, if he's prepared to fly an Islamic State-like flag in a park, in a public place, that he's probably going to cause us issues later on.

Host

The AFP doesn't work alone in the counter terrorism space. In Victoria, they are part of a joint counter-terrorism unit where all the operatives from a range of agencies, including the Victoria Police, work together and pool resources and expertise. Tony is a detective sergeant in VicPol. Over the years he's been working in joint counter-terrorism, he has seen the team grow and strengthen.

Tony – VicPol (25.34)

The joint agency type work is probably got stronger and stronger as we've gone, as we've realised to work together is, is the best way to get things done, especially in this environment.

Host

While the joint counter-terrorism team was watching Richard, they were also watching five men who emerged as his close associates. After the Islamic State flag waving incident in the suburban park, police surveillance intensified.

Tony – VicPol (26.03)

And it grew from there obviously with other persons of interests, and it became obviously quite protracted and very complex by the time we finished it. That's for sure.

Host

Not only were police concerned about the incident at the park, but they had to prepare for what might come next.

Tony - VicPol (26.22)

When you see there's an allegiance to say Islamic State in that type of situation, if they've got an Islamic State flag, or there's been any mention of an allegiance to ISIS, there's obviously a concern that what will they do next if you've got that allegiance to that particular group in what that particular group espouse. That initially puts us in a position to be on high alert as to what they are going to do.

Host

Early surveillance revealed allegiances among the men. Richard preached his particular doctrine that advocated terrorist violence. Sometimes his sermons were long-winded where he would explain the nuances of Arabic terms, while other sermons were more of the firebrand variety. Through continued surveillance, AFP officer Matt and the Operation Middleham team discovered that Richard and his small band of followers planned to leave Australia.

Matt (27.22)

Eventually, it unfolded that there was a plan by the group to travel to leave Australia. And each of them individually, we knew had attempted to leave the Australian jurisdiction. But, we knew that all individually made attempts to leave the Australian jurisdiction and either had their passports cancelled or not issued. So once we uncovered that plan, then the investigation focused on the activities that were acts in preparation to leave Australia.

Host

When Australian law enforcement receives credible intelligence that people want to leave the country to participate in terrorist activities, there are a range of strategies available to prevent this, including the cancellation of Australian passports.

Jake (28.09)

At that particular point in time, there was such a draw card for people wanting to join the Islamic State and become foreign fighters and fight overseas. And so it was a preventative tool to stop people doing that. It is our duty to stop people leaving Australia, if they have malicious intentions to commit offences overseas.

Host

When Richard was deported from the Philippines, the Australian Government had already cancelled his passport. The investigators of Operation Middleham also looked at the men close to Richard, and their passports were cancelled too. With no passports, the men could not simply fly out of the country. Jake explains how this narrowed the means by which they could attempt to leave.

Jake (28.56)

It became apparent that they wanted to leave Australia by boat, and a couple of members of the group went up to Darwin and put a deposit on a, on a boat with the idea of actually leaving Australian waters illegally.

Host

Some members of Richard's group even went as far as calling into Neil Mitchell's top rating radio program to complain that they couldn't leave the country.

Jake (29.24)

I guess they were just airing their views in a public forum, basically saying they wanted to leave Australia; that they should be allowed to leave Australia. It certainly triggered some public debate.

Host

For Richard and his five co-offenders, it made sense that they would seek to escape by sea. A surveillance team followed two men from the group as they drove up to Darwin to try and buy a boat. Along the way, the men listened to recorded speeches by Richard, in which he advocated the use of violence to establish an Islamic State under Sharia law. They also sang along to songs by Men at Work. As Matt explains, the deal to buy the boat fell through.

Matt (30.12)

But for a number of reasons that didn't go ahead, but it showed their level of commitment and that their plan was well underway and that they had the resources and the motivation to do that.

Host

Operation Middleham operatives monitored the group very closely to try and figure out what the plan was. It was Matt's job to coordinate the vast amounts of information coming in – captured lawfully using statutory powers available to the AFP.

Matt (30.42)

Well, I mean, you can imagine the huge pipe of information that's being generated in an investigation like this. So, part of that is unpacking that and trying to identify what their plans are, what their next step is, what their end goal is. So, managing that, a massive amount of information and being able to have it at hand in order to make decisions and to anticipate what's going to happen next, and to mitigate any risks that they pose, is very important. That was my role in it is an information coordination role.

Host

AFP efforts continued and members working on Operation Middleham were interested to see where the men were headed. Jake had a feeling they might be heading towards the Philippines.

Jake (31.32)

So there was debate amongst the investigators about where they were going and what they were going to do. In counter terrorism, we work in the preventative space as much as we possibly can. And, I guess, because of my experience in Southeast Asia, I sort of lent more towards them going to the Philippines because of the environment that was there.

Host

While there's no suggestion that the suspects investigated by Operation Middleham had anything to do with the current political climate in the Philippines, it was important for the AFP to know what was happening there, to have an understanding of how, if their offenders made it to the Philippines, they could make the situation worse.

Jake (32.17)

It's important to understand the context of what was occurring in the Philippines, in the lead up and during that time. The concern was that there were growing links between groups in the Philippines and the Islamic State in the Middle East, including groups swearing allegiance to the Islamic State operating in the Philippines. And the concern that this could be drawing Australians and other Westerners and other foreign fighters to the Philippines was a real threat to Australian interests and Australians in the Philippines and the Filipino people and peace just in general.

Host

The Operation Middleham team uncovered information about the five men who seemed most closely aligned to what Richard was planning.

Matt (33.10)

Each of them have got very different backgrounds. What I would say they have in common is that none of them are involved in a mainstream established mosque.

Host

While the AFP kept Richard and his group under surveillance, the potential terrorists knew the police would be watching them. Ironically, when the two men travelled to Darwin and back on the failed boat-buying trip, they took counter-surveillance measures. But despite this, there were eyes and ears on them all the way.

Jake (33.42)

I think it's fair to say that they were very aware that they are being monitored or possibly being monitored, and they conducted counter-surveillance activities. And they acted as if they were being monitored. So, they were aware of law enforcement capabilities to some extent, and they tried to defeat those as best they could, and obviously they weren't successful.

Host

For a while, after the men returned from Darwin, things went quiet for Richard and his followers. The AFP wondered if they had changed their mind about leaving Australia.

Jake (34.18)

After the two men came back to Melbourne after the Darwin trip and they sort of dropped the idea of that particular boat, they got back in February, and then in May it became very apparent, very quickly what was going on. And then we sort of went straight into battle stations, but we focused on the resolution phase.

Host

In an investigation like Operation Middleham, police in the joint counter-terrorism team need to be ready as soon as their targets make a move. The joint counter-terrorism team can be a complex and challenging place to work but the teams are made up of experienced and motivated investigators, intelligence officers, and professional staff, who are prepared and trained for any scenario.

Jake (35.04)

So, after they returned to Melbourne in February of 2016, we continued investigating them to see what they intended to do, and it became apparent that they still intended to leave Australia by boat. And in early May of 2016, they bought a car for that purpose. And the following day, they drove to Bendigo and bought a boat, a seven-metre fishing boat, and then continued driving to Queensland from Bendigo. And so it all happened very, very quickly. And they were under surveillance leading up to that point and during that journey.

Host

When Richard and his co-offenders set off in a Hyundai SUV towing the seven-metre boat they'd bought in Bendigo, the provisions were not packed carefully into the boat; a couple of life jackets fell out along the way. And while the group had tried to dress in regular clothes,

they stood out as they made their way up north. Matt explains what happened when a police car pulled into a remote service station.

Matt (36.22)

At one stage on their trip where they've driven from Melbourne to far north Queensland and along that way, we're surveilling them and following behind them. And at one stage, the police had pulled into the service station there, I think the attendant said, 'Oh, the guys you're looking for went that way.'

Host

Because of the Victorian Joint Counter Terrorism Team efforts, when the five men set off from Victoria to head north, the fact that the AFP is an organisation with a national (and global) footprint, meant that interstate travel and borders did not present an investigative problem. Police and joint counter-terrorism teams in every state assisted in monitoring the group.

Tony – VicPol (37.07)

Persons of interest don't know of boundaries, don't care about boundaries, so therefore, over the border, it doesn't mean much to them. So, we're having to actually facilitate how we do our operations to combat people that do go over the border. We can't just confine it to Victoria. So that's what I was saying with AFP comes into it that we can actually then expand that into the rest of Australia or even offshore.

Host

As the men and their boat travelled north, preparing to head overseas in the boat to a foreign country for the purpose of engaging in a hostile activity, the arrest team swung into action when the decision was made not to allow them to depart Australia.

Jake (37.41)

We believe that they were intending to leave Australia from far north Queensland or that we didn't exactly know exactly what they were doing. And so, on the 9th of May, quite a number of investigators, including myself from Melbourne flew to Cairns. And we started preparing for resolution in far north Queensland to stop them leaving Australia. A critical decision was made not to let them get on the water, to stop them before they got in the water, because I guess there'd be risks involved in, to their safety, to police members' safety, to potential loss of evidence. And so a decision was made that they would not get any further north than a place called Lara in far north Queensland. And so I guess that's a classic example of you know, you can have months and months and months of reasonably mundane investigation. And then, it can move very fast, very quickly. And that's what happened. So, Victoria Police members, Australian Federal Police members, Queensland Police members, a whole gamut of resources had to be pulled together quickly. And on the 10th of May, they were stopped in far north Queensland and tactical police arrested them.

Host

The five men towing their boat, were about 200 kilometres north of Cairns when the tactical police intercepted them.

Jake (39.09)

So then they were brought to Cairns police station and there was a major incident room being set up in Queensland and a major incident room being set up in Melbourne as well, to coordinate simultaneous search warrants and activity in Melbourne at the same time as, or as soon as we could, that they were arrested in far north Queensland, and six search warrants were conducted in Melbourne simultaneously while they were being processed and interviewed, and the search warrants were executed on the vehicle and the boat as well, to gather as much evidence as we possibly could.

Host

During the execution of the warrants, important evidence was collected. Nick explains its significance.

Nick (39.55)

When police searched the vehicle and the boat, they found numerous items that was of interest. There were plans for the journey, petrol cans, backpacks. There was a portable toilet, hiking boots, camouflage clothing, portable solar power charging system. They had hunting knives, sleeping bags, and sleeping mats. There were first aid kits, navigational maps, travel guides, foreign language books, foreign currency, and a navigational card showing the Indian ocean and South China Sea, which was interesting, and a notebook containing notes, diagrams and handwritten maps. Now, this was of interest because the CT legislation is designed to prevent an act of terrorism. And in this case, the act would have been departing from Australia for the purpose of a foreign incursion. So, a number of the elements of the offence need to be proven in order for a successful prosecution. And that includes that the group intended to travel to another country. And that the purpose of that travel was to engage in hostile activities. So our investigators suspected that the group intended to travel to a remote region of the Philippines and engage with other groups to overthrow the Philippine government. So, proving a person's intention before they actually commit an act is always going to be challenging, but it can be achieved through building a circumstantial case. So generally, no piece of circumstantial evidence in isolation is sufficient to prove a particular element of an offence. But if you combine several pieces of circumstantial evidence, you can paint a clear enough picture to convince a jury that there is no other reasonable alternative explanation. So, for months, the JCTT investigators did an exceptional job building a very strong circumstantial case. And during the resolution, during the search warrant that included the search of the vehicle and the boat, those items I mentioned earlier were found, and they all supported the inference that that group intended on a long sea journey, followed by an existence in a remote location. Obviously, the kind of equipment that was found would have been useful for this type of endeavour, as opposed to say a normal equipment, the normal equipment that you might prepare for say a fishing trip. And that's why that equipment was, was so significant.

Host

One of the group did not travel north. He was arrested in Melbourne.

Jake (42.25)

So five of the six offenders were charged on the 10th of May, 2016 in far north Queensland or in Cairns, and then they were subsequently remanded and extradited back to Victoria. The sixth

offender was charged in Melbourne. A number of search warrants occurred simultaneously to the arrests in Cairns. And as a result of those search warrants, that a lot of evidence was obtained. Forensics did a fantastic job and were able to, through handwriting analysis and through, indentation analysis on notepads, gather other pieces of really useful evidence that supported our prosecution.

Host

Officers working on Operation Middleham were allocated a member of the group, first to interview, then to prepare the brief for court. AFP officer Alex was part of the team that went to Cairns for the arrest stage of the operation and took responsibility for interviewing a man we are going to call Steve – which is not his real name. Until they left Melbourne it was unclear if Steve would be part of the group destined for the Philippines.

Alex (43.45)

So, at the beginning, he was the one, I guess, we knew the least about in terms of his intentions, because he hadn't been involved in many sort of overt acts preparation as the others had. They'd been before going to Cairns, we knew that they purchased items, they'd done some sort of reconnaissance trips and things like that. But with him, he really hadn't done very much other than be part of the group, and, you know, attend their gatherings and be part of their conversations and things like that. So I guess we didn't know for sure whether he was going to be in the car or not, on the way up to Cairns. And it turned out that he was obviously, but in the lead up that wasn't necessarily clear as with the others they, their intention was more clear.

Host

Once the group were arrested, Alex interviewed Steve.

Alex (44.43)

He was very engaging. Yeah, he was quite charismatic and very engaging on everything other than the charges, everything other than the offending, very open about his religion, very open about Islam and his views on it.

Host

But despite his charisma, Alex got the feeling that Steve was one of the more dangerous of the group.

Alex (45.07)

He wasn't just a follower like I think the others essentially were really caught up in Richard's charisma and ISIS and, you know, -the excitement and the pull of it and everything.

Host

The big question for all law enforcement is: how do young men go from being peaceful, devoted practising believers to forming extremist views, including supporting violence?

Alex (45.33)

His family life probably had a bit to do with that. There was quite a long history of physical abuse in the household. And so he was essentially kicked out of home at about 19. This is over

in Saudi Arabia, and lived on the streets for a little while, but then after that was sort of taken in by his local mosque, and I think it was there that he sort of was exposed to some radicalist, views and ideology.

Host

After a period of time Steve returned to Australia, and it wasn't long before his passport was cancelled. While overseas travel was out of the question, Steve made his way to Melbourne and soon became part of Richard's group.

Alex (46.16)

He came to Melbourne in 2014, and became friends with that group. He was friends with another young man who he ended up marrying his sister. They were all sort of part of the same friendship group.

Host

Unlike the others in Richard's group, Steve came to them with his own fully-formed beliefs.

Alex (46.40)

So if Richard, for example, he converted as a teenager to Islam, and I think the others really looked to Richard for their Islamic teachings. Whereas with Steve, he already had his own religious foundation. And so I think that was a point of difference for him. I think the other thing was as well, he just wasn't as overt in his actions as, as the others were in terms of this offending as well.

Host

While the others may have been drawn to Richard because of his charisma, Alex believes Steve was drawn into the group for a different reason.

Alex (47.16)

His main differences that it wasn't Richard's charisma that drew him into it in the first place. I think it was his genuine desire to go and live under Islamic law, outside of Australia.

Host

Once all the men were arrested – the five in far north Queensland and the one who had stayed behind in Melbourne – the charge against them was complicated. The men were charged with: *engaging in conduct preparatory to offence of entering the Philippines with intention of engaging in a hostile activity, namely encouraging others to achieve overthrow of the Philippines Government by force or violence.*

Jake (48.01)

Very complicated charge, all based on circumstantial evidence over a lengthy period of time. Even the time of the offending was up to legal debate and it ended up being narrowed down to October of 2015 until the time of their arrest in May of 2016. Amongst other things, that preparatory conduct included the purchase of the boat and the purchase of the car for the purposes of leaving Australia.

Host

As Matt explains, this type of preparatory acts legislation reflects similar laws around the world.

Matt (48.38)

National security legislation is very different to a lot of other typical offences. Most offence investigations are reactive. So, somebody commits a murder, investigation will uncover who did it, motive and present the evidence of the same. So, but national security is different. I mean, a terrorism incident is so impactful on the society around it, that legislators and the community expect police to act prior to a terrorist act. So we're looking at things that are acts that are conducted in preparation to either commit a terrorist act or in this case, a foreign incursion. So we were looking at the things that they had done or were going to do in order to conduct a foreign incursion, and those meet thresholds of offences that exist already. So they didn't have to commit a substantive offence. An offence is made up by those acts in preparation, and that is typical around the world of that type of legislation, just reflecting on the seriousness of, of terrorism.

Host

Preparatory terrorism offences of this nature ensures that the people and institutions of other countries are protected from citizens of this country who form a plan to head overseas and engage in hostile conduct. This means that once law enforcement detects plans, they can move in. This gives counter-terrorism police the power to stop terrorists before they carry out their plans.

Matt (50.06)

The five guys arrested with Richard were going to be supporting him in helping overthrow the Philippine government. That's a really substantive offence. I mean, they have made actions. We're not charging them with thought crimes. They've made actions in preparation to commit a foreign incursion. The offence was acting on that and purchasing the boat, purchasing the car, travelling and buying supplies. So even though it is a preparatory act offence and it's well in advance of them committing the more substantive offence. It's still at a stage where I think we as a community, are comfortable that they're stopped. And I think if the Australian Government had, or us as investigators had allowed that boat to depart, and there's a risk that we would never see them again, that's a risk that we're not prepared to take, as a community, not just for Australia, but in this case, for another foreign country.

Host

To the Australian Government and law makers, protecting other countries as well as our own, is paramount. The sheer size of the brief of evidence against the six men arrested kept Matt busy for months, compiling it in a way that was accessible to everyone involved.

Matt (51.23)

There's a lot of information to sort through and to re-examine and to review. And part of the role is then presenting that in a logical systematic format. I think at the end, the brief of evidence was something like comprised of 52,000 files. So, it's a massive amount of information. And

we created the structure for the court and defence and the prosecutors to be able to analyse and understand that information. So, there's a huge undertaking and a huge task.

Jake (51.52)

The offence that they were charged with, carries a maximum sentence of life imprisonment. so, that's an indication of how seriously the courts and the legal system and the politicians view this sort of offending. The six men themselves pled guilty to conducting preparatory acts.

Host

In this instance, the six offenders received sentences ranging from three to seven years. Richard's sentence was the longest; a result of his leader status among the group.

Matt (52.27)

Holding Richard at a higher level of accountability. His influence over the group and the expected end results of their actions, if they were successful, would have meant that Richard was in a position to influence and help other people overthrow a government.

Host

The AFP will use the full extent of the law to prevent and disrupt terrorist activity, and to protect the Australian community. Jake has a message for anyone considering a similar path to that taken by Richard, Steve, and the group.

Jake (53.01)

This sort of offending is taken extremely seriously and do not underestimate our capabilities or resources in investigating and prosecuting it to the full extent of the law.

Host

And finally, Nick, the Detective Superintendent at joint counter-terrorism says the AFP needs people with diverse skills to interrupt this crime type.

Nick (53.23)

The JCTTs across Australia have achieved some great successes in our joined endeavours. Working together with our state police in this instance with the Victoria Police and ASIO, we've investigated terrorist attacks and disrupted many major terrorist plots since that national level was raised in 2014. It's really quite rewarding to be a part of these achievements. We've got people here in the joint counter-terrorism team from all walks of life. We've got a very diverse group here, and we encourage people from those different backgrounds to come and work in the counter-terrorism space. We've got men and women, both that are sworn and unsworn, that dedicate their working lives to this sort of activity, and to keeping Australian safe from terrorism. And I've been in the AFP now for 33 years, and I can honestly say this is one of the most rewarding areas that I've ever worked in, just to contribute to, or be a part of an investigation that leads to the disruption of a terrorist act. I think it's fair to say that you've directly contributed to the saving of lives.

Host

Thanks to the AFP's network of teams and its joint agency collaborations with State and Territory police, particularly Victoria Police in the case, the team from Operation Middleham interrupted the plot against the Philippines government, and potentially other criminal offending offshore. Joint counter-terrorism team members like Jake, Matt, Alex, and Tony from VicPol are an example of people from different backgrounds that all contribute to that joint effort to protect Australia.

Serious crime is getting seriously complex. To stay a step ahead, the AFP is recruiting those with diverse skillsets and backgrounds – just like the AFP personnel who played a role in countering terrorism as part of Operation Middleham.

After all, it takes all kinds to solve crime. With more than 200 roles across the organisation, in Australia and across the globe, you could help the AFP stay a step ahead too. Consider a career with the AFP.

And that's a wrap on Season 1 of Crime Interrupted – an AFP and Casefile Presents podcast written by Vikki Petraitis. We hope that like us, you have learnt a lot about how the AFP investigated and interrupted the most serious of crimes.