



AFP Ref: 3725206

Minister for Justice

cc

Attorney-General

**CONCLUSION OF OPERATION SOLIS – AUSTRALIAN FEDERAL POLICE
INVESTIGATION INTO THE DEATH OF THE ‘BALIBO FIVE’**

Deadline: Priority.

Purpose: For information.

Previous Submissions: Nil.

Information:

In November 2007, a NSW coronial inquest was held into the death of Brian Peters (one of the ‘Balibo Five’), who along with Malcolm Rennie, Gary Cunningham, Gregory Shackleton and Anthony Stewart was killed in Balibo, Timor-Leste in October 1975. The NSW Coroner found that war crimes may have been committed by two former Indonesian army officers in Timor-Leste in 1975, and in January 2008, referred this matter to the Attorney General.

2. In August 2009, the AFP commenced an investigation into this matter.
3. On 12 September 2014, Deputy Commissioner Michael Phelan wrote to the Acting Secretary of the Attorney Generals Department (AGD), Tony Sheehan, to advise him that the AFP had thoroughly investigated the matter, had exhausted all avenues of enquiry, and would not be providing a brief of evidence to the Commonwealth Director of Public Prosecutions. This letter is attached and outlines the AFP’s rationale in reaching this decision.

s 33(a)(iii)

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Sensitive: Legal

s 33(a)(iii)

7. In finalising the investigation, the AFP has developed a strategy which includes briefing the next of kin of the 'Balibo Five' in Australia and the United Kingdom in line with previous annual briefings. Talking points for this briefing are being prepared in consultation with AGD and the Department of Foreign Affairs and Trade (DFAT).

8. It is anticipated that a meeting will be held with the next of kin on 8 October 2014 in Melbourne, which will coincide with a similar meeting with next of kin in the United Kingdom. The meeting will also coincide with an AFP media release being released. A media strategy is currently being prepared in consultation with AGD and DFAT.

Consultation for the preparation of this brief: AGD, DFAT.

Future action: Proposed meeting with next of kin on 8 October 2014.

Expected reaction: This case has drawn significant media interest locally, nationally and internationally. It is expected there will be strong criticism of the AFP, particularly from certain next of kin.

South Australian Senator Nick Xenophon has been a vocal advocate on behalf of some of the next of kin and it is likely he will be critical of the AFP.

s 33(a)(iii)

Recommendation: That you note the contents of this brief.

Noted

Ian McCartney
National Manager
Crime Operations

2 October 2014

s 47F(1)

Minister for Justice

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Action Officer: s 47E(c)

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Minister for Home Affairs and Justice

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Attorney-General

WAR CRIMES – UPDATE ON AUSTRALIAN FEDERAL POLICE ACTIVITY REGARDING ‘BALIBO 5’

Deadline: Routine.

Purpose: For Information.

Previous Submissions: 2754 of 8 September 2009, 942 of 31 March 2010, 1129 of April 2010, 80058 of 17 March 2011 and 80403 of 28 July 2011.

Background Information:

The Australian Federal Police (AFP) are investigating allegations that on 16 October 1975, five Australian based journalists were unlawfully killed at Balibo in the former Portuguese East Timor (now known as Timor Leste), during an alleged invasion by Indonesian forces.

2. The five journalists were in Portuguese East Timor. It is alleged that on the morning of 16 October 1975 the journalists were killed at Balibo, after Indonesian troops, accompanied by East Timorese supporters, attacked the town.

s 33(a)(iii)

4. In July 2011 the former Minister for Home Affairs and Justice, the Hon. Brendan O'Connor, was briefed on the AFP investigation into the deaths of five journalists, collectively known as the 'Balibo Five'. The purpose of this brief is to provide you with an update on this matter.

New Information:

s 33(a)(iii), s 33(b)

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s 33(a)(iii)

s 42(1)

Consultation: Nil.

Future action: The AFP will brief you on future developments in this investigation.

Expected reaction: Nil.

Recommendation: That you note the contents of this brief.

Noted

s 47F(1)

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airs and Justice

s 47F(1)

Ramzi Jabbour
Performing the duties of
Deputy Commissioner Operations

2 March 2012

Action Officer: s 47E(c)

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MINISTERIAL BRIEF

SENT FOR SIGNATURE

03 MAY 2012

Sub Number
12/462

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Minister for Home Affairs and Justice

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Attorney-General

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'BALIBO 5'**

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Purpose: For Information.

Previous Submissions: 2754 of 8 September 2009, 942 of 31 March 2010, 1129 of April 2010 and 296 of 2 March 2012

Information:

s 33(a)(iii)

3. On 24 April 2012 the AFP wrote to the next of kin of the journalists both in Australia and the United Kingdom advising them of the current status of the investigation.

s 42(1)

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Consultation: Department of Foreign Affairs and Trade (DFAT).

Future Action: [Redacted] s 33(a)(iii), s 33(b)

Expected Reaction: Media attention is anticipated in the event of a public announcement into the status of this investigation.

Recommendation: That you note the contents of this brief.

[Redacted] s 47F(1)

Noted

[Redacted] s 47F(1)

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Ramzi Jabbour
National Manager
Crime Operations

2 May 2012

Action Officer: [Redacted] s 47E(c)

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s 33(a)(iii), s 33(b)

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New Information:

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s 33(a)(iii)

s 42(1)

Consultation: Nil.

Future action: The AFP will brief you on future developments in this investigation.

Expected reaction: Nil.

Recommendation: That you note the contents of this brief.

s 47F(1)

Noted

s 47F(1)

Ramzi Jabbour
Performing the duties of
Deputy Commissioner Operations

2 March 2012

Action Officer: s 47E(c)

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Affairs and Justice

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