

AFP Ref: 3725206

Minister for Home Affairs

BALIBO FIVE: COMMENCEMENT OF INVESTIGATION

Deadline: Priority

Purpose: For information

Previous Submissions: 2606 of 26 August 2009

Information:

The Australian Federal Police (AFP) has commenced an investigation into the deaths of the Balibo Five.

2. The AFP will notify the families of the deceased of this decision in writing on the evening of 8 September 2009. The delay in advising the families has been at the request of the Department of Foreign Affairs and Trade (DFAT), who wish to inform the Indonesian Government in advance of the AFP's investigation becoming public.

3. The AFP has been in consultation with the New South Wales Coroner's office to make arrangements to review the Coronial brief in relation to the death of Brian Peters. A review of this material will commence on 14 September 2009. It is anticipated this review will take two to three weeks.

4. To assist the investigation, the AFP will ask Mr Peter Hastings QC to review the material gathered to date.

5. A copy of the letter sent to the families of the deceased and talking points in relation to this matter are attached. It is likely that a copy of the letter will be released by the families to the media.

Consultation: DFAT and the Attorney-General's Department (AGD).

Future Action: Ongoing liaison with DFAT and AGD.

Expected Reaction: Any public announcement of the commencement of an investigation is anticipated to generate extensive media and public attention.

Recommendation: That you note the contents of this brief.

Noted

(Signed) Justine Saunders
National Manager
Economic and Special Operations

8 September 2009

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Minister for Home Affairs

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Action Officer: s 22(1)(a)(ii)

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Ref: CMS2009/22367

September 2009

Dear

As you are aware, on 16 November 2007, the New South Wales Deputy State Coroner released her findings in relation to the death of Mr Brian Peters, and formally referred the matter to the Commonwealth Attorney General. The Attorney General's Department subsequently referred the matter to the Australian Federal Police (AFP) on his behalf.

Allegations of war crimes committed overseas give rise to complex legal and factual issues that require careful consideration by law enforcement agencies before deciding to investigate. Whilst some of the issues have yet to be resolved, the AFP has commenced an investigation into the deaths of your (relationship) (names), collectively known as the 'Balibo 5.'

I appreciate your forbearance whilst the AFP has considered this matter. The AFP case officer will contact you in the near future, however if you wish to discuss the matter further, please do not hesitate to contact Superintendent s 22(1)(a)(ii) on

s 22(1)(a)(ii)

Yours sincerely

Michael Kelsey
Performing the duties of
Manager Special Operations