

Fin advised ^{in meeting} that this is provided for purposes of obtaining legal advice

Received from
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12/05/14 @ 2:30pm

meeting -

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S: Sleser by phone.

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29 April, 2014

Operation Bendigo - Document Management Working Group

Potential Legal Conflict Examples

The Bendigo Steering Group has called for discernable examples of possible legal conflict apparent within the 3838 files.

It is noted that the Loricated works, which have been restricted to SDU holdings only (SDU diaries / notes tapes of meetings etc) identify the following examples to be considered for the "Legal Conflict" theme:

- Arrest of Rabie KARAM (Containers) and 3838 relationship/representation of same
- Arrest of ^{Mr Cooper} (Drugs) and 3838's relationship/representation of same
- Potential conflict re criminal identities ^{Mr Thomas} and ^{Mr McGrath}
_{Mr McGrath}
- Resultant conflict with representation of persons associated with these criminal identities
- Information provided in relation to the extradition of Tony MOKBEL
- 3838 passing information from KARAM and others to the SDU which was acted upon resulting in arrests/convictions (AGAMAS/INCA)
- 3838 reviewing Purana Taskforce briefs of evidence and providing advice in relation to same
- Breach of confidentiality provisions surrounding coercive powers hearings (ACC and OCE)

The Loricated examples (above) remain somewhat obscure and there remains many threads to pull together in order to gather related material (beyond the SDU holdings that Loricated focussed on) to enable a considered judgment of the circumstances and impact of each instance.

Protected

The following examples of possible legal conflict have been identified and are provided as requested:

Source manager's log

In prison contact log

• **30/10/06** - SDU physically meeting with 3838 and providing 3838 with various Purana briefs of evidence for (3838's) assessment (believed to relate to clients of 3838). The Source Contact Report for 30/10/06 states that 3838 then assesses these briefs and suggests information to fill evidentiary gaps and makes suggestions as to how police should respond to particular lines of questioning that could be anticipated. Attached to the 30/10/06 contact report is a written log of 3838's feedback provided of assessment of the briefs. It is specified that this information is then provided to another police member (presumed to be the police informant for the matters). Please note that a summary of this material is available (prepared in the context of the Comrie review).

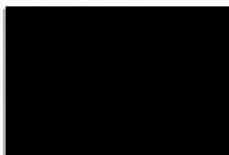
*are they clients?
E. All in 5 yrs
put something into a bag - covering covered.*

• **24/2/07** - 3838 converses with handlers following examination of a brief against a 3838 client, Zaharoula Mokbel. 3838 advises that upon examination of this brief it is noted to be of a poor standard. 3838 then provides advice about what additional statements will need to be obtained to secure convictions. This information is then conveyed to the D/Insp O'Brien at Purana (see also entries on ICR 068).

• **13/5/07 onwards** - cryptic entries about 3838 providing intel concerning a series of large scale drug imports (possibly Vicpol Op ACAMAS - AFP Op INCA??). Information in the logs suggests that 3838 is representing a Rabie Karam concerning these matters. It can be interpreted that 3838, due to representation of Karam, becomes aware of a particular document that would cause to link Rabie Karam to a container load of drugs (a bill of Laden). 3838 is said to take this document and provide it to police. Details of this entry are particularly obscure however it is open to conclude that 3838 without permission acquired this document from the client and provided it to police, with this then being passed to ^{Green-O} at the MDID - (^{Green-O} was a former member of the SDU).

is it linked to a conspiracy

• **Dates unclear** - ^{Mr Cooper} matters. 3838 was acting for ^{Mr Cooper} and provided information to orchestrate his arrest. 3838 then appeared to represent ^{Mr Cooper} I regard to this arrest that 3838 had provided the information to underpin.



• **Dates unclear** Numerous engagements (telephone calls taken) with Tony Mokbel, whilst he was in-custody abroad and awaiting extradition proceedings. Mokbel, (whom 3838 commenced affording legal representation to from 2002 onwards) would confide in 3838 (as his legal representative) about legal avenues he would utilise to challenge his extradition. 3838 would then convey this information direct to police handlers who would pass on same to D/Insp O'Brien.

At the Steering Group meeting on 29/4/14, D/C Cartwright directed that the 30/10/06 example (previous page) be the subject of initial focus and that available information relative to this be aggregated in preparation for the appointment of appropriate personnel for a more complete investigation of legal conflict issues.

Accordingly, the following has been gathered relative to the 30/10/06:

The relevant Source Management Log entry provides:

Source Management Log					
Date	Type of Activity	Log	ICR Ref	IR Ref	Disseminated to
30/10/06	C	<p>Ph to/by ^{Ander} and meet b/w ^{Ander Peter} and HS.</p> <p>HS shown brief of evidence [redacted] [redacted] re ^{Mr Cooper} statements. Suggestions re issues with ^{Mr Cooper} that could compromise HS. (D/Sgt. FLYNN advised)</p> <p>General re KK charges.</p> <p>Suggestion fro PURANA to execute S/Wrrt on HS office re ^{Mr Cooper} Docs and for HS credibility</p>	050	nIL	

*eg of
examination
of Purana
brief*

The relevant Informer Contact Report provides:

3838 perused the Purana Task Force Brief of evidence and made numerous comments and provided comments in relation to the content of the brief of evidence.

The following is the feedback provided by 3838 relating to the Brief of Evidence

Mr Cooper **BRIEF COMMENTS** [redacted]

[redacted]

[redacted] should be included in same brief of evidence. All been

adjourned to the same mention date.

If above names are added to brief – all cover sheets need to altered to reflect new names.

[redacted] has not been included on the brief, yet has been recently charged with same.

[redacted] statement is not included in this brief of evidence.

Questioned in to why the video interview was included – explanation provided – concerned that PII [redacted] might suspect that HS had knowledge of what Mr Cooper was doing. PII [redacted] that she was not aware of PII [redacted]

PII [redacted] original brief of evidence doesn't include the transcript of the recordings of Mr Cooper Mr Cooper | Additional reason why briefs should be included in one.

[redacted] statement is missing.

Concerned regarding the photos [redacted] (May need to be removed if on brief) Not to produced.

Ask [redacted] what he going to say when cross examined as to why the surveillance units were directed to the [redacted] How did [redacted] know of its location?

What will [redacted] say if cross examine in relation to the tape recorded interview in regards to the rights – requesting HS and awaiting same to attend at the Police complex.

Be prepared for request via subpoena for all notes and records relating to [redacted] [redacted] Are there any other PII [redacted] involved in this job.

Does [redacted] statement need to refer to [redacted] as opposed to his real name? Consider consequences of nominating [redacted] [redacted] statements refer to [redacted] by name and not [redacted] for the same period of time.

Statement of [redacted] mentions HS. HS is not concern regarding this reference.

[redacted] statement on brief but not is I/V (no real impact on HS)

[redacted] [redacted] – statement re [redacted] not typed

[redacted] was supposed to pay for a [redacted] (Date not known by source) of a [redacted] ripped [redacted] and Mr Cooper had to [redacted]

Mr Cooper has made a statement regarding [redacted]

[redacted] was PII [redacted] money – via [redacted] in Port Melbourne.

Telstra Warrant List – More calls have been listed in the certificate than appear in the brief of evidence. Why? All offenders have same thing

Exhibit [redacted] Warrant No [redacted] – No call list.

Following people still to be charged:

[redacted]



These people clearly identified – all will be able to argue re bail that they knew and did not flee jurisdiction.

proof there is evidence against him.

has no idea until he reads this.

PII - will confirm Mr Coop

(Above information was provided to D/Sgt FLYNN verbally)

The Loricated analysis of the ICR reports the following:

Mr Cooper Brief – Purana Taskforce

- 57. 3838 perused the Purana Task Force Brief of evidence and made numerous comments and provided comments in relation to the content of the brief of evidence.
- 58. The following is the feedback provided by 3838 relating to the Brief of Evidence.
- 59. [Redacted]
- 60. [Redacted] should be included in same brief of evidence. All been adjourned to the same mention date.
- 61. If above names are added to brief – all cover sheets need to altered to reflect new names.
- 62. [Redacted] has not been included on the brief, yet has been recently charged with same.
- 63. [Redacted] statement is not included in this brief of evidence.
- 64. Questioned in to why the video interview was included – explanation provided – concerned that [Redacted] might suspect that 3838 had knowledge of what Mr Coop was doing. [Redacted] that she was not aware of PII [Redacted]
- 65. [Redacted] original brief of evidence doesn't include the transcript of the recordings of Mr Cooper Additional reason why briefs should be included in one.
- 66. [Redacted] statement is missing.
- 67. Concerned regarding the photos [Redacted] (May need to be removed if on brief) Not to produced.
- 68. Ask [Redacted] what he going to say when cross examined as to why the surveillance units were directed to the [Redacted] How did [Redacted] know of its location?
- 69. What will [Redacted] say if cross examined in relation to the tape recorded interview in regards to the rights – requesting 3838 and awaiting same to attend at the Police complex.
- 70. Be prepared for request via subpoena for all notes and records relating to [Redacted] Are there any other PII [Redacted] involved in this job.
- 71. Does [Redacted] statement need to refer to [Redacted] as opposed to his real name? Consider consequences of nominating [Redacted] PII [Redacted]? FLYNN statements refer to [Redacted] by name and not [Redacted] for the same period of time.
- 72. Statement of [Redacted] mentions 3838. 3838 is not concern regarding this reference.
- 73. [Redacted] statement on brief but not is I/V (no real impact on 3838).
- 74. [Redacted] [Redacted] – statement re [Redacted] not typed.

75. [redacted] was supposed to pay for a [redacted] (Date not known by source) of a [redacted] ripped [redacted] and Mr Cooper had to [redacted]

76. Mr Cooper has made a statement regarding [redacted]

77. [redacted] was PII [redacted] money – via [redacted] in Port Melbourne.

78. Telstra Warrant List – More calls have been listed in the certificate than appear in the brief of evidence. Why? All offenders have same thing

79. Exhibit [redacted] Warrant No [redacted] – No call list.

80. Following people still to be charged:



81. These people clearly identified – all will be able to argue re bail that they knew and did not flee jurisdiction.

82. [redacted] proof there is evidence against him.

83. [redacted] has no idea until he reads this.

84. PII [redacted] - will confirm [redacted]

NOTE: D/Sgt FLYNN – Purana Updated

And further material within the Loricated file:

Ph to by Ank and meet b/w Ank and 3838. 3838 shown brief of evidence against AHEC, BARBARO and Milad MOKBEL re Mr Cooper statements. Suggestions re issues with Mr Cooper that could compromise 3838. D/Sgt FLYNN advised). General re KK charges. Suggestion for Purana to execute S/Wrrt on 3838 office re Mr Cooper Docs and for 3838 credibility