

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE  
AUSTRALIAN FEDERAL POLICE

**Question No. 234**

**Senator Stott Despoja asked the following question at the hearing on 31 October 2005:**

The *Sydney Morning Herald* article of the 26 October 2005 quotes a letter from the AFP to the Indonesian police that reads, “*if you suspect ... the couriers are carrying drugs at the time of their departure, please take whatever action you deem necessary.*”

- (a) Given that the alleged offence almost certainly would result in the death penalty, why was it necessary to have the Australians arrested in Indonesia and not Australia?
- (b) Do the guidelines or policies differ when the provision of information or assistance that may result in the death penalty involve Australian nationals as opposed to foreign nationals? If so, what are the differences?

**The answer to the honourable senator’s question is as follows:**

- (a) The decision to arrest the alleged members of this syndicate was an operational decision by the INP. The AFP was aware, following the information being provided to the INP, that arrests might take place in Indonesia. It must also be remembered that those arrested allegedly committed an offence in the sovereign state of Indonesia.
- (b) No.