

Lines which can be attributed to the Minister for Justice and Customs, Senator Chris Ellison:

Abu Quassey

The Australian Government has been rigorous in making representations to the Indonesian Government on the Abu Quassey case.

These matters have been discussed by Minister Downer and myself with Indonesian Ministers on a number of occasions.

As recently as 29 January this year we reaffirmed to the Indonesian Government our interest in an Australian delegation visiting Indonesia to discuss how we might work together to bring Quassey to justice.

Indeed, Minister Mahendra himself said publicly on 27 January that Indonesia was considering Australia's request for legal cooperation in a 'joint investigation' of Abu Quassey.

There can be absolutely no doubt about Australia's commitment to extradite Abu Quassey. Securing Abu Quassey for prosecution in Australia is a matter of the highest priority for the Australian Government.

The Australian Government has been working closely with Indonesian authorities for a number of months to secure Abu Quassey's extradition.

Because Indonesia has not yet passed legislation criminalising people smuggling, both Australian and Indonesian authorities originally assessed that extradition would not be available, since Abu Quassey's conduct did not constitute a criminal offence in Indonesia, and there was no dual criminality.

Accordingly, the Australian Government had made no request for Abu Quassey's extradition from Indonesia. At that stage there seemed no possibility of Indonesia passing the required people smuggling offences.

The Government did, however, take a number of steps to secure Abu Quassey's extradition from any country that he might transit on being deported from Indonesia.

This included issuing an Interpol red notice.

On 2 January 2003, Indonesian authorities indicated to the Australian Embassy that they considered that Abu Quassey's conduct might, in fact, constitute an offence under Indonesian criminal law, and that his extradition might therefore be available.

Australian and Indonesian officials then commenced negotiations to determine whether extradition might be available.

Those extensive negotiations are now at an advanced stage. We have been receiving excellent cooperation from Indonesian officials at all levels.

On 10 January 2003, the Indonesian Director-General for Legal and Administrative Affairs, Zulkarnaen Yunus, indicated that Indonesia would welcome a request from Australia under the Treaty between Australia and the Republic of Indonesia on Mutual Assistance in Criminal Matters to assist with our efforts to bring Abu Quassey to justice.

This request was presented to Indonesian authorities on 15 January 2003.

The request sought a number of forms of assistance, including an opportunity for Australian Federal Police officers to interview Abu Quassey, view documents seized at the time of his arrest in Indonesia, and access other evidence potentially useful to Australian investigations.

The request also included, at the suggestion of Indonesian authorities, a request for Australian officials from the Australian Federal Police, Attorney-General's Department and the Office of Commonwealth Director of Public Prosecutions to travel to Jakarta to discuss the case and assist in the execution of the request and "to consider the options for bringing Quassey to justice".

Australia has received no formal response to this request, made at Indonesian invitation.

The Australian Government remains totally committed to bring Abu Quassey to justice.

I understand that the Australian Ambassador to Indonesia is meeting with Minister Mahendra tonight to discuss these issues.

Indonesia has been unable to prosecute Abu Quassey because they have not yet passed legislation criminalising people smuggling. This was also initially thought to bar his extradition to Australia.

To the best of our information, Abu Quassey could also not be prosecuted in Egypt for his alleged crimes, both because his alleged conduct does not constitute an offence under Egyptian law, and because they have no evidence on which to base a prosecution.

Any suggestion that Australia is soft-peddling in its efforts to extradite Quassey for any reason simply has no basis in fact.

### **Hendra Rahardja**

The Australian Government strongly rejects any allegation that it did not do everything possible to extradite Hendra Rahardja.

The Indonesian Government sought Rahardja's extradition to face bank fraud charges in the middle of 1999. After processing this request in accordance with the Extradition Act and the Treaty on Extradition between Australia and Indonesia, I determined on 14 October 2002 to surrender Rahardja to Indonesia.

Rahardja then commenced litigation which delayed his extradition.

At the time of his death last Sunday, 27 January 2003, I was prevented from extraditing him to Indonesia by an order of Justice Adams in the Supreme Court of New South Wales staying execution of the warrant I had signed for his surrender.

Australian authorities have provided extensive assistance to Indonesian authorities in relation to Rahardja's alleged assets.

I have raised the possibility of pursuing Rahardja's assets with the Indonesian Government during 2002.

On 8 January 2003, Indonesia presented a Diplomatic Note requesting Australian assistance in pursuing Rahardja's assets.

Since that time, a number of Australian departments and agencies have undertaken a comprehensive and extensive examination of what if any assets in Australia might be pursued.

On 10 January 2003, Australia sought further information from Indonesia regarding the nature of any judicial orders which might form the basis for attempts in Australia to injunct or freeze assets in Australia.

We have received no formal response from Indonesia to that inquiry.

On 24 January 2003, Australia provided detailed information to Indonesia on assets which might be pursued in Australia.

Australian stands ready to assist Indonesia in any way it legally can to recover Rahardja's assets.

*31 January 2003*