

**AN INVESTIGATIVE REPORT**

**THE SCHAPELLE  
CORBY CASE**

**‘THE HIDDEN TRUTH’**

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# INTRODUCTION & BACKGROUND

In 2005 an innocent Australian woman was sentenced to 20 years in an Indonesian prison cell for a crime she patently had nothing to do with. She remains there to this day.

The controversy surrounding this case at the time focused upon both the clearly flawed nature of the trial, and the wholly unprecedented sentence. The flaws referred to were not technical breaches of legal protocols: they were wholesale breaches of Schapelle Corby's legal and human rights.

Schapelle Corby stood accused of drug trafficking when 4.2kg of marijuana was found in her board bag as she collected it at Denpasar airport in Bali. However, despite her protests, the evidence was immediately contaminated when the police manually handled it, and she was subjected to a series of interrogations which significantly breached the UN International Convention on Civil and Political Rights.

The trial itself also substantially breached these rights, on a systematic basis. For example, the court refused to test the drugs for country of origin, it denied her the right to be considered innocent until proven guilty, it denied her access to key evidence, and it refused to collect airport CCTV footage. This is only a partial list of a significant number of breaches, many of them repeated throughout the legal process.

The trial also became political in nature, with even the president of Indonesia commenting specifically upon it. The brutal sentence clearly reflected this aspect.

Since then, Australian public opinion has been subdued via media reporting littered with smear and unsubstantiated innuendo. This in turn has shifted focus away from the issues above, as well as inhibiting serious investigation of the concrete events surrounding the case itself.

## **THIS REPORT**

This report seeks to investigate some of those events. It explores Schapelle Corby's fateful trip to Bali, and considers three potential propositions with respect to the actual placement of the marijuana in her board bag.

It details the known facts, and examines the role of various parties and players with respect to each scenario.

The propositions themselves are widely known, and are frequently debated on internet message boards and forums. However, until now they have never been presented together, or in document form.

# REPORT CONTENTS & FINDINGS

## THE CONTENTS

As described in the introduction, the core issues of the Schapelle Corby case are the clear systematic abuses of her legal and human rights and the unprecedented political 20 year sentence itself. Who actually placed the marijuana in her board bag, and why, has largely been peripheral to this. The harrowing show trial and clear injustice have very much been the focus of the campaign to free her.

However, some of the theories regarding placement and motive do provide rationale for many subsequent events, including the continued inhumane stance of the Indonesian regime, the hostile media reporting in Australia, the dubious behavior of the Australian Federal Police and the lack of support from the Australian government.

The three propositions investigated in this report are as follows:

1. The Corrupt Australian Baggage Handler Proposition (*Page 5*)
2. The 'War on Drugs' and Corruption Proposition (*Page 18*)
3. The 'Third Party Fixer' Proposition (*Page 34*)

Each of these tells a different story, with entirely different motives in play. They all, however, present issues and aspects which are extremely serious and disturbing. Further, around the issues, aspects and events described it is easy to envisage a host of additional scenarios.

## REPORT FINDINGS

The investigative exercise was conducted in a thorough and objective manner. It consistently identified occurrences which it is simply impossible to pass off as coincidence. It identified names (withheld) which persistently appear in different places. It identified corruption and it identified complicity.

Each of the three propositions presented is compelling. Weighed against them, the idea that Schapelle Corby:

- somehow obtained 4.2kg of marijuana having worked so hard just to earn the money for the flight, with no criminal record, and as a non-drug user

- Chose to smuggle marijuana to a country where the drug is worth a tiny fraction of its Australian value
- placed it in her bag and then slashed the plastic bag open to release the smell
- somehow transported, undetected, the pungent smelling bag through Brisbane Domestic airport, Sydney Domestic airport, and Sydney International airport, past check-in staff, sniffer dogs, x-ray machines, CCTV, police, customs and baggage handlers
- put her full name and address on the board bag when she checked it on
- openly proclaimed that she owned the bag when it was 'selected' by Indonesian customs
- protested about police/customs handling and therefore contaminating the evidence, which would actually have helped her had she placed the drugs
- formally requested that the marijuana be tested for country of origin, which would have added weight against her had it been from Australia
- pleaded for DNA and fingerprint tests which can only have harmed her had she placed them
- refused to even contemplate a plea bargain despite sentencing advantages
- begged for CCTV footage from Sydney and Brisbane airports when even a single frame of a pregnant board bag would have damned her
- requested footage from Denpasar airport which would have validated police claims had they been truthful
- acted out a script so wonderfully at the show trial that she would have swept the board at any Oscar ceremony

... the idea is clearly absurd.

Yet she has suffered for so many years and continues to do so. A gross and clear injustice continues to remain unaddressed.

It can only be hoped that rational minds begin to focus upon this case, and that urgent efforts are finally made to correct this gross injustice and restore her human rights. An innocent woman's world, and possibly life, does actually depend upon it.

# PROPOSITION 1

## **THE CORRUPT AUSTRALIAN BAGGAGE HANDLER PROPOSITION**

## **1. INTRODUCTION**

The proposition that the marijuana was placed into Schapelle Corby's bag at Sydney airport, via corrupt Australian baggage handlers, or by accident, is extremely credible. The long series of actual events and incidents is such that suggesting mere coincidence, with no connection with the case, simply becomes untenable.

An overview of the main aspects follows:

1.1 The Basic Elements

1.2 The Missing CCTV Footage

1.3 The Role of the AFP

1.4 The Role of the Australian Government

1.5 Other Aspects

1.6 References

## 1.1 THE BASIC ELEMENTS

Rumors had been rife for years that drugs were passing freely through Australian airports courtesy of a corrupt baggage handling syndicate. This also included marijuana/cocaine drug combinations, for which a number of such international incidents had already come to light [9].

### **The Corrupt Baggage Handlers at Sydney Airport**

Confirmation of the existence of corrupt baggage handlers working at Sydney Airport came via ‘*Operation Mocha*’, a joint investigation by Australian Federal Police (AFP) and the NSW Crime Commission into a drug syndication ring operating through that airport.

The syndicate was active on the very day Schapelle Corby flew to Bali, and whilst she passed through the airport [29].

### **The Consignment of Cocaine**

It has since emerged, courtesy of a Freedom of Information (FOI) request that a South American plane carrying a consignment of cocaine (and central to Operation Mocha) was definitely on the ground at Sydney International Airport at exactly the same time as Schapelle Corby passed through in transit to Bali [8][33].

The FOI data reveals that on 8th October 2004 Lan Airlines flight 801 with the drugs shipment on board landed at Sydney International Airport at 7:50 am while Australian Airlines flight AO7829, which Schapelle Corby and three companions traveled to Bali on, departed Sydney at 11:12 am. The overlap is well over three hours, with Schapelle Corby arriving at 7:30 am.

### **Operation Mocha and Qantas**

Operation Mocha [5] [4] was headed by former Assistant director of the NSW Crime Commission, Mark Standen, who was later arrested for conspiring to import drugs into Australia [6] [7].

It has also emerged that the Qantas security manager at the time, Alan Conwell, was subsequently sacked because of connections with Michael Hurley, a fugitive alleged to have been a major player in an international cocaine ring [24][25][26]. A number of other Qantas staff and baggage-handlers were also stood down or sacked with respect to drug smuggling through the airport [35][36], and the consignment in situ when Schapelle Corby passed through.

The plot is therefore extremely thick: we have an international drug operation underway when Schapelle Corby’s almost empty bag passed through the airport, a consignment of drugs in situ at the terminal at exactly the same time, and a corrupt police officer running the show.

Even at this stage, the suggestion of coincidental occurrences is becoming rather far fetched.

## 1.2 THE MISSING CCTV FOOTAGE

During the show trial, Schapelle Corby begged for CCTV footage to be released from both Brisbane and Sydney airports. These may have shown clearly that her bag was virtually empty when she departed. The footage could have provided direct and unambiguous proof that the marijuana was placed after she handed the bag over to the handlers.

One might imagine that provision of the footage would have been a formality, given its importance for Schapelle Corby's life. But incredibly, no footage was provided. After initially stating that the Brisbane footage was in good order, the airport later changed this to a story that the cameras were being repaired, and then finally to a position that they were turned off.

The Sydney Airport and Qantas situation was even more disturbing. Despite a major drug operation being underway and a flight carrying cocaine being there at exactly the same time as Schapelle was on the airport [8] they too stated that they had no CCTV footage available! This despite the airport (and airline) having a very comprehensive CCTV system in place, including coverage of the baggage handling areas [34].

No cameras running or footage available across two major airports, post 9/11 and post the Bali bombings? Those airports being direct international links to Islamic countries, and whilst a drugs operation is actually underway at one of them? Do they really believe that to be a credible story?

Naturally, questions have raged since. What really happened to the CCTV footage? Who erased it? Baggage handlers or related staff covering their tracks? Or the Australian Federal Police (who had jurisdiction of course at both airports)? Or another party?

Note that similar questions have also been asked with respect to the non-provision of x-ray images of her bag at both airports.



### **1.3 THE ROLE OF THE AFP**

Scrutiny has recently started to focus upon the role of the Australian Federal Police, for a variety of reasons. These range from the potential motivational forces in play with respect to complicity with the Indonesian regime (see Proposition 2), to unresolved issues surrounding events to which they must have been party.

The following aspects have all been previously reported through a diverse range of sources:

#### **Police Corruption**

Operation Mocha was a joint investigation by Australian Federal Police and the NSW Crime Commission into a drug syndication ring. It embraced the cocaine shipment that landed at Sydney airport at exactly the same time as Schapelle Corby landed. In fact, they overlapped by over 3 hours [17].

The head of Operation Mocha was former Assistant director of the NSW Crime Commission Mark Standen, who was later arrested for conspiring to import \$160 million of pre-cursor drugs into Australia [16] [10]. As operation head the sphere of his influence was clearly significant, although details of exact actions remain vague.

Standen, an ex-AFP officer, had worked in the same office as AFP Commissioner Michael Keelty [18] in Sydney. Whilst Keelty denied reports in *'The Australian'* newspaper that he and Standen were close [19] [20], he conceded that they 'might' have been involved in some of the same operations [18]. Nonetheless, this clearly illustrates the seniority of Mr Standen.

Regarding the AFP, Ray Cooper, former AFP Internal Investigator, suggested that they resisted investigation into police linkage to drug operations due to fear of reputational damage [28]: *"I think the leadership of the Federal Police were not capable or strong enough to conduct a thorough and honest and open investigation. They were afraid of their reputation. They wanted the World to believe they were the only police force in the World who didn't have corruption."*

#### **The Whistleblower**

There is also the mysterious death of a so-called 'whistleblower' in 2002. Gary Lee-Rogers was an Australian Protective Service assistant inspector, who complained about corruption that compromised security at Sydney Airport and who predicted that he would be killed because of what he had allegedly discovered [11] [13] [14].

#### **The Statement to Indonesia**

Then there are the astonishing statements made by the AFP commissioner, Michael Keelty. It doesn't take too long to establish how damaging his media comments were to Schapelle Corby and how helpful to the Indonesian regime, including in potentially covering their tracks with respect to their many legal and human rights abuses [23].

These include his statement during the legal process itself dismissing the baggage-handler proposition [21] [15]. The music to the regime's ears as he made this remark is not difficult to imagine.

The president of Law Council of Australia himself felt moved to comment on this: "*It is potentially damaging to the Corby defence, as it will no doubt be transmitted to Bali*" [22], with Schapelle Corby's lawyer referring to it as "*an absolute disgrace*".

The words "*There is very little intelligence to suggest that baggage handlers are using innocent people to traffic heroin or other drugs between states*" are easily translated to "*do what you want with her, there will be no difficulties from the police at this end*" in the context of the reality of Schapelle Corby's situation.

It should be noted that the AFP (via *Operation Mocha*) were actually in the process of investigating the very thing which Schapelle Corby's lawyer was suggesting, namely, baggage handlers "*using innocent people to traffic heroin or other drugs between states*".

### **A Personal 'Friendship'**

The Chief of Bali Police, I Made Mangku Pastika, had previously been trained in Australia having "*attended many AFP training courses*" [12]. Indeed, Mr Pastika was reported as being "*a personal friend*" of Michael Keelty [12], head of the AFP at the time of Schapelle Corby's case.

### **The Non-Investigation of a Crime**

There are even the questions pertaining to non-investigation. On their own terms, surely "convicted drug smuggler Schapelle Corby" must therefore have been a drug smuggler. In which case, wouldn't the AFP have had some sort of interest in the source of the drugs? Wouldn't they have investigated openly and made arrests in Australia? This is particularly moot given the prominence of the case and its wider implications.

Perhaps they didn't investigate because contrary to the impression their public comments created, they knew that Schapelle Corby was innocent. An investigation would not only have been a waste of time, but worse still, could easily shift focus to some of the murky aspects discussed elsewhere in this proposition.

The AFP were clearly integral to many of these issues, events and incidents. It has been suggested that Schapelle Corby was sacrificed to enable the AFP to secure a positive result with respect to its major operation '*Mocha*'. Having invested so much in this international project it isn't difficult to see why they would wish to avoid media scrutiny at this critical time of the very same baggage handlers with respect to Schapelle Corby.

Clearly, however, there are plenty of other grave possibilities too, such as major corruption, gross incompetence, and political collusion or complicity.

## **1.4 THE ROLE OF THE AUSTRALIAN GOVERNMENT**

Soon after Schapelle Corby's arrest and during the early part of her trial, the Australian government found itself impaled on the hook of public opinion when many commentators pointed out their failure to protect her against disturbing legal and human rights abuses

The government will almost certainly have been well aware of the real issues behind the Schapelle Corby case, but in the pragmatic world of international politics, they eventually adopted a pragmatic approach. Essentially, the importance of their strategic relationship with Indonesia trumped Schapelle Corby's human rights. For the government, the only two aspects that really mattered here were that key relationship and the vagaries of public opinion.

Subsequent to the events on the ground at the airports, therefore, this political reality framed most of what transpired in Australia. This embraced possible complicity at every level: from the AFP's activities and the supportive statements by politicians, to the media's smear and opinion management campaign.

These matters are illustrated by the following aspects:

### **Lack of Assistance**

Given the high profile nature of the case, the legal and human rights abuses [23] to which Schapelle Corby (an Australian citizen) was subjected were patently clear to the government. Yet they failed to intervene. Equally, they failed to use routes such as the Mutual Assistance Treaty to press the issue of testing the drugs for country of origin, for example.

### **Opinion Management**

It is suggested that to extract itself from the hook of public opinion the government enabled (even encouraged) the grotesque media smear campaign against Schapelle Corby's family.

The government clearly understands the media itself and the process of opinion management. They are politicians and they know, by trade, when people are being influenced and how to influence opinion. That is their world on a daily basis. It is their day job.

They thus knew what was transpiring with respect to the media, but at the generous end of the scale, they did nothing to stop it. At the less generous end, they encouraged it and orchestrated it. [4].

### **Direct Commentary**

Politicians even intervened via carefully issued statements of an extremely damaging nature. For example, via the ministerial statement of support for AFP Commissioner Keelty's extremely harmful comments whilst the Indonesian legal process was in motion (see above) [22].

The issue of these damaging comments was in fact raised at a Legal and Constitutional Legislation Committee Senate meeting. When Keelty was pressed on why he made them at that point in time and on what basis, the Minister for Justice and Customs (Senator Ellison) intervened with “*I would say to the committee that this is a matter which is before an Indonesian court which is listed to hand down its decision this Friday. It is at a very sensitive stage of the hearing and I think that the committee should exercise due care in the way it deals with this issue, having regard to the fact that this matter has now reached the stage of proceedings that it has*” [27]. Yet presumably it was perfectly fine for his subordinate, Mr Keelty, to make his hugely damaging comments publicly just a few weeks earlier?

Shortly after the sentence was announced, Foreign Affairs Minister, Downer even defended the show trial, with all its clear legal and human rights abuses: “*Just because courts are in Indonesia isn’t a reason to conclude that their courts are somehow completely corrupt and unacceptable.*” [23].

He later stated: “*It’s been said the AFP provided information leading to the arrest of the Bali Nine and they should have done more to help Schapelle Corby. My argument is simple. We need to work with the Indonesians to stop the drug trade. And the moral of the Bali Nine and Corby stories is simple: don’t traffic in drugs, it’s a hanging offence in Asia.*”. Why would he go out of his way to specifically mention Schapelle Corby by openly inferring her guilt in a statement to the media?

### **Confiscation of Book Royalties**

Royalties from sales of Schapelle Corby’s book were intended to help soften some of the terrible pain of certain aspects of an ordeal in a foreign prison: for example, fund visits by her mother from her native Australia. However, in January 2007, Australian Justice Minister, Chris Ellison, suggested that the proceeds from the sale of the book could be confiscated under the proceeds of crime act. A few months later, in a closed court, government solicitors were granted an order that froze the accounts where the money was deposited. In addition to increasing her hardship, the Australian government was again effectively signaling that Schapelle was guilty of a crime, despite all the facts of the case, including the demonstrable legal and human rights abuses.

### **Ongoing Complicity**

Finally, there is the question of what they have done to help her over the passing years. They have all of the above information, and yet she is still there. It is sometimes argued that every day she remains there is essentially another day of national complicity.

## **1.5 OTHER ASPECTS**

There is also a raft of other strange or dubious events.

### **William Miller**

One example is the Sydney man, William Miller, who claimed that a drug-dealing associate offered him \$50,000 to collect a package from Sydney airport on the same day Schapelle Corby traveled [3]. But the plan apparently went awry when a baggage handler who was meant to remove the drugs at Sydney airport refused to touch the package because he feared police were watching.

Mr Miller wanted immunity from prosecution, but was also subjected to a media campaign to discredit him [4]. The AFP have shown no apparent direct interest in a person openly confessing to involvement in a major drug operation (with NSW Police apparently conducting only an informal cursory interview). You might well wonder how long you would remain on the streets if you made a similar claim tomorrow.

### **John Patrick Ford**

There is the case of John Patrick Ford, who whilst on remand in Victoria, testified to the court that the marijuana had been loaded into Schapelle Corby's luggage without her knowledge by baggage handlers in Brisbane, and should have been removed in Sydney. He stated that it was a bungled domestic transit operation on behalf of an alleged drug czar, Ronnie Verganza [27]. Shortly after his public stance, he was stabbed with a razor blade in jail [29].

### **A Precedent**

There are also reported precedents. For example, there is the case of 'Steve and Dee' who on arrival in their Bali hotel found compressed marijuana in their bag [28] [29]. They contacted the Australian Consulate who advised them to flush the drugs down the toilet. Despite raising this incident during the Schapelle Corby case and despite it being confirmed by the Department of Foreign Affairs, neither the AFP nor any other police force contacted or interviewed them.

### **The Mocha Informant**

It is an intriguing fact that the Operation Mocha informant, known as TOM, was registered on Dec 14 2004 [33]. As the Indonesians could hold Schapelle Corby for 60 days without charge, the expiry date was Dec 7th 2004. This suggests that perhaps TOM had been wrestling the morals of whether to report the syndicate. He is reputed to have done so, potentially risking his own life, because he had a "gutful" of a certain person: perhaps Schapelle Corby and her highly visible suffering at the time.

### **Open Access to Baggage**

An aspect obvious from the outset of this case was that access to the baggage handling areas was almost wide open. Indeed, Ray Cooper, former AFP Internal Investigator, has stated that *“And I can tell you that I’ve, we’ve done some operations on the Gold Coast, checking baggage, internal baggage if you like on domestic flights, and there was no control at the back of that airport, everyone, every man and his dog could access those baggages.”*

Regarding the use of innocent passengers as ‘drug mules’ Mr Cooper confirmed that *“Yes, it was well known, it was a well-known amongst the federal police that this particular operation and this particular strategy was being adopted by criminals.”* [28]. He also confirmed that his concerns about corruption in baggage handling in Australian airports was never adequately investigated.

Quite apart from this, there are many other incidents regarding the behavior of baggage handlers themselves which cause significant concern. For example, the case shortly after Schapelle’s arrest when a baggage handler rifled through a passenger’s bags, removed a camel suit and then drove around the airport tarmac wearing it. This was witnessed by the camel suit owner who was flabbergasted [29].

## 1.6 CONCLUSIONS & REFERENCES

The events in play when Schapelle Corby traveled to Bali, and subsequently, are staggering in both themselves and with respect to their collective implications. Yet despite the obvious conclusion that the very suggestion of coincidence becomes absurd, the government remains compliant, and the media keep focus well away from the actual case events.

Meanwhile, despite the passing years, an innocent and no doubt bewildered Schapelle Corby remains imprisoned in atrocious conditions.

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# PROPOSITION 2

## **THE 'WAR ON DRUGS' AND CORRUPTION PROPOSITION**

## 2. INTRODUCTION

The proposition that the Indonesian regime, or individuals holding posts within the apparatus of that regime, placed the marijuana into Schapelle Corby's bag to help secure substantial 'War on Drugs' funding or other revenue is compelling.

Clearly, the regime and their operatives had plenty of opportunity, homegrown marijuana was in plentiful supply, and the potential rewards throughout the chain were enormous.

This proposition is best explored from a top-down perspective:

2.1 International Politics & High Finance

2.2 The Bali Police

2.3 Schapelle Corby's 'Trial'

2.4 Denpasar Airport

2.5 Australian Complicity

2.6 References

## **2.1 INTERNATIONAL POLITICS & HIGH FINANCE: THE MOOD MUSIC**

Indonesia is a net recipient of direct and indirect United Nations funding for the international 'War on Drugs' and related crime. Not that the source of this inward investment is limited to just the UN - far from it. Funding is awarded from a variety of international sources.

It is important to understand that 'War on Drugs' involves serious money: billions of dollars. One agency alone, the UNODC (UN Office on Drugs and Crime), had an annual official budget of US\$332 million last year [8]. One obvious fact stemming from this is that recipient nations seek the biggest cut of this that they can possibly attract.

It is also important to understand that it isn't simply a matter of cash donations. Investment is often allocated via 'projects'. A nation and its regime will benefit fiscally by the very presence of a project office and staff in their territory. It is a complex mix of funding, but it is funding on a truly substantial scale.

Naturally, nations and regimes compete extremely vigorously in this lucrative international 'market'. And, the UNODC, for example, does indeed have a project and project staff in Indonesia [25] [24].

But how does the UN (and the other sources) determine where the investment and money goes? Clearly, they don't just stick a pin in a map and pour money at random. No, it is applied for and in theory it has to be justified. Recipient nations will have to demonstrate that there is a major drug production, import, or export issue. The stakes are extremely high.

High profile cases like Schapelle Corby's, the first ever Australia to Indonesia smuggling case in history, are therefore extremely valuable. This fact frames the mood music to the whole show trial and subsequent events.

### **INDONESIAN CORRUPTION**

Corruption is a major problem in Indonesia. Scratch the surface with Google and detailed reports are presented aplenty describing this.

Such is the level of corruption that the United States government's official website states that "Indonesia has laws against official corruption and an effective anti-corruption commission; but despite these laws, corruption in Indonesia is endemic." and that "Corruption of Indonesia's judiciary is pervasive and poses a significant threat to the country's counter drug strategy" [9].

The UN should always make sure that before allocating any investment at all, the recipient regime has a robust and corruption free judicial system in place. But they don't. They should make sure that there is no scope for corruption before allocating investments, as should all inward investors to regimes like this one. But they don't.

Indeed, in June 2008, even one of the UN's own agencies (UNDP: The United Nations Development Programme) published a report describing a new initiative in this area, under the helpful title "*UNDP's Anti Corruption Activities in Indonesia*" [10]. Good work... but what about 2004/5?

The implication of all this, of course, is that it isn't only the higher echelons of the regime's apparatus who may gain advantage from the investment and funding obtained. With corruption demonstrably rife, such investment creates a bigger pot for a substantial number of operatives to feed from.

In 2004/5 there was therefore significant motive in place at almost every level within the system. There was an inherent culture in place which itself supported and promoted this motive.

Tragically, Schapelle Corby found herself in the middle of this corrupt motivational and high finance mire. What followed was: the show trial, the legal and human rights abuses, the terrible inhumane sentence, the burning of the evidence...

## 2.2 THE BALI POLICE

Police corruption in Indonesia is widespread. For example, a survey of 3,841 respondents by Transparency International Indonesia found that bribes were paid in 48 per cent of all interactions with Indonesian police [11][26]. They topped the list of the country's most corrupt institutions. Second in the list was Indonesia's customs office: to which 41 per cent of respondents acknowledged paying bribes. 30 per cent of respondents said they paid bribes to Indonesian courts with \$14,000 being the average payment.

Although it isn't hard to imagine how attractive a massive influx of 'War on Drugs' funding would be at this level and on these terms, the substantial bribe opportunities which might be expected for a case like this one would also be hugely attractive. Schapelle Corby though refused to even contemplate a bribe at any stage.

### POLICE POLITICS

The influx of massive 'War on Terror' funding to Bali, which many anticipated following the Bali bombings in 2002, did not materialize. In 2004 though, the prospect of substantial funding via 'War on Drugs' investment would undoubtedly be enhanced via a high profile case against a westerner. As an institution, Bali Police therefore would stand to benefit significantly, in terms of both stature and profile, should this investment materialize.

The Chief of Bali Police was I Made Mangku Pastika, who had transferred to this position from his prestigious role as Police Chief of West Papua, shortly following the Bali bombings. Investigation reveals that Mr Pastika had previously been trained in Australia having "*attended many AFP training courses*" [12]. Indeed, Mr Pastika was reported as being "*a personal friend*" of Michael Keelty [12], head of the AFP at the time of Schapelle Corby's case. See information on the AFP later in this paper.

Note that Mr Pastika was subsequently promoted to a position of Head of Narcotics for the entire Indonesian State Police.

### 2.3 SCHAPELLE CORBY'S 'TRIAL'

The show trial itself [13] is extremely supportive of the proposition. Why else would a regime so blatantly and systematically abuse Schapelle Corby's legal and human rights in the full glare of media focus? The list of abuses is staggering. Here is a small subset:

- Schapelle Corby did not have legal counsel at the preliminary interrogation at Denpasar airport.
- Schapelle Corby did not have an interpreter at the preliminary interrogation. She was interrogated by airline staff whose English-language proficiency has never been established and she did not understand Indonesian
- Best calculations suggest that Schapelle Corby was interrogated for nine hours in a state of serious travel fatigue
- Schapelle Corby's access to a lawyer was hampered or denied for many hours
- As a result of the wanton contamination of evidence (manual handling) and lack of collection (no weighing of luggage, no CCTV recording presented to court, no x-ray of the bag, etc) Schapelle Corby was forced to seek evidence of any kind in a desperate bid to prove her innocence
- Schapelle Corby was refused access to the evidence (eg: the marijuana, for testing of origin)
- Schapelle Corby was denied the right to be considered innocent until proven guilty.
- The case attracted political interest and other interventions throughout
- There was clear demonstration of attitude in court by the judges prior to verdict
- The destruction of evidence despite pleas to the contrary is well documented
- The refusal to investigate (for example, to DNA or fingerprint the inner bags, to test the drugs for origin, etc) was a repeated feature throughout.

Even the behavior of the prosecution presented clear evidence of an agenda. If they actually believed that Schapelle Corby was guilty, why didn't they:

- have the inner bags tested for fingerprints and DNA, when one small fragment would have proved their case?
- have the marijuana tested for origin, given that if Australia was the source it would have strengthened their case?
- collect and show the CCTV tapes from the airport to collaborate their version of events?

They blocked these and other attempts to collect evidence and stimulate investigation. Observers wonder what possible motive there could be for this behavior. One obvious conclusion is that they knew the outcomes (or likely outcomes) already, and were desperate to suppress them.

For good measure though, the regime appointed a judge who had never acquitted a defendant in over 500 drug related trials [14]. With even the president of the country itself commenting, the case was never primarily judicial in nature.

They subsequently awarded what was demonstrably a wholly political rather than a judicial sentence, one which bore no resemblance to the norm for marijuana offences, and one which exceeded sentences often awarded for crimes such as murder, rape and even terror related crime.

All this suggests that they desperately wanted a high profile conviction, and were prepared to go to significant lengths, risking international condemnation, to achieve one.



## **2.4 DENPASAR AIRPORT: PLACEMENT AND FOLLOW UP**

The actual placement of the marijuana, at Denpasar airport, would in some respects have been a formality. However, it is worth pointing out a number of aspects relating this.

### **The Slashed Bag**

The marijuana was in a large transparent space bag within the board bag: the inner bag had been slashed across its width with a blunt instrument to release the smell. This was presumably done to make sure that it was detected by the customs officer

### **The Tampered Zip and Placement**

No attempt had been made to hide the drugs within the outer board bag. In addition, the zip of the board bag had been tampered with and moved to the center, by accident (in the rush to stuff the marijuana inside), or by design (to make it more straight forward for the customs officer to open). The shoulder strap of the bag had also been broken.

### **The Role of the Bag**

Schapelle Corby's boogie board bag was one of the first pieces of luggage removed from the aircraft, and was thus a good target for insertion. Equally, it was almost empty, making it a prime candidate.

It was also a unisex bag, which contained surfing gear, with the name 'Schapelle' providing no clue whatsoever to a native Indonesian that the owner might be female. Indeed, a correspondent recently commented "*One can easily imagine the clear vision of a male surfer, bleached dreadlocks, DOPE tattooed on his knuckles, and a string of convictions back home in Australia. All boxes thus ticked, including that of a more compliant Australia, who would have immediately pre-judged this 'surfer druggie' as guilty*".

### **Schapelle's Brother**

It appears that so immersed were they with this expectation, that they detained Schapelle Corby's brother for 30 minutes, despite Schapelle herself stating that the bag was hers!

### **Trafficking Requirement**

Equally, the charge of "trafficking" requires the involvement of other parties: so why was Schapelle's sister, Mercedes, who was waiting for her at the hotel and who later arrived at the airport, not arrested? Or indeed, any other party at all? Why no investigation?

### **The Requirement for Complicity**

Our correspondent continues: "*It would have been quite a shock to discover that 'Schapelle Corby' was in fact a non-drug-taking, very attractive and visibly innocent 'snow white' young woman, with no criminal history at all. It was also a real fly in the ointment. With a druggie-surfer, the*

*Australian government would have had little option but to remain relatively silent. Now though, the Indonesians required some level of complicity.*

*The anticipated execution plan was also de-railed, as every human rights, religious and documentary group not under government control would have been all over the case and all over the evidence. But this particular buck (the capital offence requirement for specific funds: see later) was passed on relatively quickly courtesy of the Bali 9, whom the Australian Federal Police (AFP) conveniently allowed to fly to their death sentence.”*

## **2.5 AUSTRALIAN COMPLICITY**

This proposition not only fits all the constituent information neatly into place from the Indonesian side of the equation, but also many of the almost inexplicable events in Australia.

### **THE ROLE OF THE AFP**

Some of the activities of the AFP individually are well documented, although other documentation is conspicuous by its absence. Equally, the number and scale of certain coincidences renders it almost impossible to conceive them all as such.

The following aspects have all been previously reported through diverse sources:

#### **The Reported Friendship**

The reported personal friendship of Chief of Bali Police Pastika and Head of the AFP Keelty [12] has already been referenced.

#### **The Bali 9**

There was the effective delivery of the Bali 9 to the Indonesian regime, as referenced previously.

The AFP were well aware of the Bali 9 situation: a situation in which a group of foolish youths provided themselves to carry heroin in an Islamic country. One of their concerned parents had even tipped them off, so that they could actually arrest the group well before they left the country! But the AFP chose not to: they allowed them to proceed to Bali and tipped off the Indonesian authorities [29], with dire consequences.

But why would they purposely sacrifice the nations own youth in this manner? Here is one obvious answer: to gift the Indonesian regime the capital drug offence it craved for, and which it was now struggling to implement with respect to Schapelle Corby. Perhaps it was as a quid pro quo for favor, or alternatively under pressure, with respect to anti-terrorism co-operation.

#### **Missing CCTV Footage**

Schapelle Corby begged for CCTV footage to be provided from Sydney and Brisbane airports so that they would show that her bag was empty on departure. After initially stating that the Brisbane footage was in good order, the airport later changed this to state that the cameras were being repaired, and then finally to a story that they were turned off.

The Sydney airport and Qantas situation was even more disturbing. Despite a major drug operation being underway and a flight carrying cocaine being there at exactly the same time as Schapelle was on the airport [15], they too stated that they had no CCTV footage available. This despite the airport (and airline) having a very comprehensive CCTV system in place, including coverage of the baggage handling areas [28].

No cameras running / footage available across two major airports, post 9/11 and post the Bali bombings? One of those airports being a direct international link to a Muslim country, and whilst a drugs operation is underway at that very airport? Do they really believe that to be a credible story?

A common denominator with respect to security matters such as these across two different airports in Australia? Yes, the AFP.

### **Police Corruption**

Operation Mocha was a joint investigation by Australian Federal Police and the NSW Crime Commission into a drug syndication ring. It embraced the cocaine shipment at Sydney airport at exactly the same time as Schapelle Corby landed. In fact the flights overlapped by over 3 hours [17].

The head of Operation Mocha was former Assistant Director of the NSW Crime Commission Mark Standen - who was later arrested for conspiring to import drugs into Australia [16] [1]. As operation head the sphere of his influence was clearly significant, but details of exact actions remain vague.

Standen, an ex-AFP officer, had worked in the same office as Michael Keelty [18] in Sydney. Whilst Keelty denied reports in *The Australian* newspaper that he and Standen were close [19] [20], he conceded that they 'might' have been involved in some of the same operations [18]. Nonetheless, this clearly illustrates the seniority of Mr Standen.

### **The Whistleblower**

Then there is the mysterious death of a so-called 'whistleblower' in 2002. Gary Lee-Rogers was an Australian Protective Service assistant inspector, who complained about corruption that compromised security at Sydney Airport and who predicted he would be killed because of what he had allegedly discovered [5] [6] [7].

### **The Statement to Indonesia**

There is also the behavior of the media savvy AFP commissioner, Michael Keelty, himself. It doesn't take too long to establish how damaging his media comments were to Schapelle Corby and how helpful to the Indonesian court. These include his statement during the legal process itself dismissing the baggage-handler proposition [21] [2]: it is not difficult to imagine the music to the ears of the Indonesian regime as he made this remark.

The president of Law Council of Australia himself felt moved to comment on this: "*It is potentially damaging to the Corby defence, as it will no doubt be transmitted to Bali*" [4], with Schapelle Corby's lawyer referring to it as "an absolute disgrace".

The words "*There is very little intelligence to suggest that baggage handlers are using innocent people to traffic heroin or other drugs between states*" are easily translated to "*do what you want with her, there will be no difficulties from the police at this end*" in the context of the reality of Schapelle Corby's situation.

It should be noted that the AFP were actually in the process of investigating the very thing which Schapelle Corby's lawyer was suggesting, via Operation Mocha!

### **The Non-Investigation**

There are also the questions pertaining to non-investigation. On their own terms, surely "convicted drug smuggler Schapelle Corby" must therefore have been a drug smuggler. In which case, wouldn't the AFP have had some sort of interest in the source of those drugs? Wouldn't they have investigated openly, and made arrests in Australia?

Perhaps they didn't investigate because contrary to the impression their public comments created, they knew that Schapelle Corby was innocent. An investigation would not only have been a waste of resource, but worse still, could easily demonstrate Schapelle Corby's innocence and potentially the real nature of the case.

### **THE ROLE OF THE AUSTRALIAN GOVERNMENT**

The Australian government found itself impaled on the hook of public opinion. They will almost certainly have been well aware of the real issues behind the Schapelle Corby case, but in the pragmatic world of international politics, they eventually adopted a pragmatic approach.

Essentially, the importance of their strategic relationship with Indonesia trumped Schapelle Corby's human rights. For the government, the only two aspects here were that key relationship and the vagaries of public opinion.

However, does this constitute actual complicity? Or simply a dereliction of its duty to support one of its citizens? The evidence suggests that the answer is complicity.

### **AFP Complicity**

The AFP is a government agency and thus responsibility for the complicity of that agency is ultimately the responsibility of the government.

### **Lack of Assistance**

Given the high profile nature of the case, the legal and human rights abuses [13] to which Schapelle Corby, an Australian citizen, was subjected, were patently clear to the government. Yet they failed to intervene. Equally, they failed to use routes such as the Mutual Assistance Treaty to press the issue of testing the drugs for country of origin, for example.

### **Opinion Management**

It is suggested that to extract itself from the hook of public opinion the government enabled (even encouraged) a grotesque media smear campaign against Schapelle Corby's family.

A correspondent commented: "*Schapelle Corby was not the 'surfer druggie guy' the Indonesians had expected to land at Denpasar Airport, so the media set about shifting public perception to make her as close to that as they could get away with*". With reference to the segment on Denpasar Airport, he continues "*'Snow White' was effectively being opinion managed to become the 'Wicked Witch'. Perception was being adjusted to allow the Indonesians to treat her as they would have treated the drug-consuming lifelong criminal they thought they would haul in at the outset.*"

The government clearly understands the media and opinion management. They are politicians and they know, by trade, when people are being influenced and how to influence opinion. That is their world on a daily basis, as their day job.

They knew what was transpiring with respect to the media, but at the generous end of the scale, they did nothing to stop it. At the less generous end, they encouraged it and orchestrated it. [22].

### **Direct Commentary**

Politicians even intervened via carefully issued statements of an extremely damaging nature. For example, via the ministerial statement of support for AFP Commissioner Keelty's extremely harmful comments whilst the legal process was in motion (see above) [4].

The issue of these damaging comments was also raised at a Legal and Constitutional Legislation Committee Senate meeting. When Keelty was pressed on why he made them at that point in time and on what basis, the Minister for Justice and Customs (Senator Ellison) intervened with "*I would say to the committee that this is a matter which is before an Indonesian court which is listed to hand down its decision this Friday. It is at a very sensitive stage of the hearing and I think that the committee should exercise due care in the way it deals with this issue, having regard to the fact that this matter has now reached the stage of proceedings that it has*" [27]. Yet presumably it was perfectly fine for Mr Keelty to make his hugely damaging comments publicly just a few weeks earlier?

Shortly after the sentence, Foreign Affairs Minister, Downer even defended the show trial, with all its clear legal and human rights abuses: "*Just because courts are in Indonesia isn't a reason to conclude that their courts are somehow completely corrupt and unacceptable.*" [23].

He later stated: "*It's been said the AFP provided information leading to the arrest of the Bali Nine and they should have done more to help Schapelle Corby. My argument is simple. We need to work with the Indonesians to stop the drug trade. And the moral of the Bali Nine and Corby stories is simple: don't traffic in drugs, it's a hanging offence in Asia.*". Why would he go out of his way to specifically mention Schapelle Corby by openly inferring her guilt in a statement to the media?

### **Confiscation of Book Royalties**

Royalties from sales of Schapelle Corby's book were intended to help soften some of the terrible pain of certain aspects of an ordeal in a foreign prison: for example, fund visits by her mother from her native Australia. However, in January 2007, Australian Justice Minister, Chris Ellison, suggested that the proceeds from the sale of the book could be confiscated under the proceeds of crime act. A few months later, in a closed court, government solicitors were granted an order that froze the accounts where the money was deposited. The Australian government were again effectively signaling that Schapelle was guilty of a crime, despite the all the facts of the case, including the demonstrable legal and human rights abuses.

### **Ongoing Complicity**

Finally, there is the question of what they have done to help her over the passing years. They have all of the above information, and yet she is still there. It is sometimes argued that every day she remains there is essentially another day of national complicity.

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# PROPOSITION 3

## **THE THIRD PARTY FIXER PROPOSITION**

### **3. INTRODUCTION**

The proposition that the marijuana was placed in Schapelle Corby's bag by a third party at Bali airport with unidentified sinister motives is not one which has been widely considered, but it is in fact extremely credible..

An overview of the main aspects follows:

- 1.1 Background & Motives
- 1.2 The Drug Placement Operation
- 1.3 Self Perpetuation

### 3.1 BACKGROUND & MOTIVES

The suggestion that someone placed the drugs for a motive other than direct financial benefit is sometimes dismissed because the alternative motives themselves are not immediately obvious. Upon consideration, however, it is clear that there are in fact a number of profoundly significant possibilities.

One example relates to politics. It is glaringly obvious that an Australian facing an Indonesian court on a charge of trafficking where the evidence amounts to nothing other than the dodgy insertion of a few kilograms of marijuana would generate significant political friction between the two nations. This in fact is precisely what transpired.

The wish for political friction, and deterioration of the relationship between Australia and Indonesia, would benefit the objectives of many parties, including those who seek confrontation between Muslim communities and the West (to whom that particular relationship is strategic). Indeed, it is clear that ultimately the Australian government sacrificed Schapelle Corby's human rights to stabilize that relationship.

This is a high return serious motive, which would involve the sort of operator and budget which would make the placement of the drugs themselves a mere formality.

But there are a host of other possible motives too, including for example a hatred of Australian or western tourists by a single twisted individual. This possibility was recently articulated via an incoming email:

*When Indonesia invaded East Timor in the mid 70s after Portugal abandoned it, the Australian government looked the other way and said and did nothing. For a quarter of a century the Australian government claimed that it had no problem with the invasion and that it respected Indonesia's territorial integrity – all for the sake of continued trade with our big aggressive northern neighbor. Unspeakable atrocities occurred over those long years and we did nothing.*

*Then around 1999, after Indonesia's President Soeharto (Suharto) was ousted from power, Australia joined numerous other voices pressing the Indonesian government to allow the East Timorese to decide if they wanted to be a part of Indonesia or not. The Indonesians viewed Australia as a two-faced traitor. The vote was cast and the East Timorese voted "No!"*

*After the vote, hundreds of thousands of pro-Indonesian East Timorese civilians fled for their lives to West Timor and numerous other parts of Indonesia, including Bali (several thousand fled to Bali). They included farmers, business people, teachers and government employees of all kinds, and their families. East Timor was their paradise. Most of the tens of thousands of Indonesian troops based in East Timor were from the Udayana Military Command in Bali.*

*Are you getting the picture? Several thousand civilians and tens of thousands of military end up back in Bali, their lives completely in turmoil. And who do they see all around them living the good life? Australian tourists buying their sisters and daughters and Australian soldiers swilling beer on leave from their peace-keeping duties in East Timor. The potential for a seething hatred must have existed.*

*The years passed. How many ex-Timorese soldiers in Bali were reassigned to non-military functions such as the Bali police force? How many former Timorese civilians found jobs at Ngurah Rai Airport as baggage-handlers or security guards? And how many of those never really got over the indignity of their forced eviction from East Timor?*

*In my opinion, the potential for malicious acts, such as planting illicit drugs on innocent travelers, is definitely a possibility.*

And there are many other potential scenarios like this too, such as the wish to cause embarrassment to Qantas Airlines or Sydney or Brisbane airports, or perhaps even the possibility of national hatred, as suggested by another correspondent:

*The timing of such malicious behaviour fitted the recent events. Throughout 2003 and 2004 there was much Australian coverage of Indonesian legal prosecution of the 2002 Bali bombers, and related matters. Much vitriol accompanied the first trial of the prominent scholar Abu Bakar Bashir. The prosecution case against him was not strong, but he was nonetheless convicted of minor charges, receiving a light sentence.*

*The precise philosophical affiliation of our unseen operator could be a number of things, but it enough for such a person to decide: So Australians are unhappy with the results of Indonesian justice? Let's see how they like the results of this!*

The proposition therefore is amply supported in terms of a wide and varied range of potential motivations.

### 3.2 THE DRUG PLACEMENT OPERATION

The mechanics of the operation are again well described via an incoming email from yet another party:

*The unseen operator had no interest in drug trafficking, or in the price of marijuana in Bali. Marijuana is suitable for its illegality, its conspicuous bulk in volume and its recognizability. The operator made his investment, perhaps in concert with the supplier, or perhaps by less conspicuous means. All he needed was access to luggage areas in the airport and the right moment to make the insertion.*

*The means are modest, the risk from airport security as is now obvious is low, and once done the operation is assured of some level of success. Even an early acquittal for the unlucky traveler would be worthwhile, because in the ensuing controversy judges could be accused of special leniency to Australians or worse, and all objectives are partly met.*

*Indonesian justice however is rigorous and strict, The burden of proof of innocence rests on the accused, and without sound evidence the case for the defense is difficult, if not impossible. The controversy is predictable. The unusual nature of the charge creates a widespread belief in Australia that the accused is innocent, while in Indonesia the association between Australians and drugs is all too plausible.*

And:

*From there it just keeps getting better. The accused, horrified at her arresting officers describing her words and behavior as incriminating, calls them liars. Australians start behaving badly and Indonesian reaction is unsympathetic. Offensive remarks about Indonesian justice and Australian arrogance and criminality are made by parliamentarians in each country, and the eventual sentence is severe.*

*Corby has an unusually close connection to Bali. Her sister is married to a Balinese, and she has been there herself a number of times. Some have seen in this fact a greater likelihood of guilt, but if I throw a rock at a passing tourist bus, should it be a surprise if the passenger I hit is a frequent traveler on route to a familiar destination? Corby knows that taking her own boogie board is cumbersome but worth the effort. She's done it before and it makes perfect sense. No need to worry about locked luggage, there's no problem.*

*Meanwhile the unseen operator had to hit the right target. The right target was a young Australian on holidays, the sort of person who quite likely has some connection, directly or indirectly, with recreational drugs. The specific item chosen for insertion was a boogie board bag. Bulky recreational luggage is not the sort of thing a resident of Indonesia or elsewhere in Asia, or an international traveler, is likely to carry around,*

*For the first piece of physical evidence we have only Corby's own evidence, and that of her traveling party. The one drawback with Corby's boogie board bag is that while it has plenty of room, it was too light. The extra 4 kg might have been noticeable to the owner who may have discovered it before customs did. The unseen operator broke the carrying strap of the bag, so that the owner would not pick it up, but rather drag it or place it on a trolley, which is exactly what happened.*

*Corby testified that the strap was broken as evidence of John Ford's improbable clumsy drug trafficker. She did not seem to understand that it was broken for a reason. The unseen operator was a luggage expert.*

And finally:

*The unseen operator's last problem was the customs service at Ngurah Rai airport, and it is here that there is sound evidence of his existence, because his one miscalculation was to underestimate the thoroughness and modernity of Indonesian customs.*

*Customs officer Igusti Ngurah Nyoman Winata testified that he first became aware of the suspicious nature of Corby's luggage when he scanned incoming items through an x-ray machine, prior to passenger collection. In cross examination he stated he did not unzip the luggage, nor cut open the marijuana wrapping. Corby's defense lawyers challenged this point because they wished to question Winata's honesty in order to cast doubt on his account and because they wished to query the procedures relating to handling of evidence. Corby herself has expressed dismay at the casual manner in which her arresting officers handled the physical evidence, but that was after the arrest. In doing so they don't seem to have taken seriously the possibility that Winata was telling the complete truth. Winata may or may not have unzipped the luggage to have a closer look, but he has no good reason to cut open the wrapping. Even if he did unzip the luggage, the transparency of the wrapping would have confirmed his suspicion. Direct examination of the marijuana could wait until after the arrest, as in fact took place. There was even ample opportunity for petty pilfering were Winata and his colleagues so inclined.*

*The unseen operator however had little faith in customs. His substantial investment is wasted if customs didn't detect it, and he was anxious that the value he aimed for be achieved. Not even transparency was enough, so he added smell. A quick unzip by the most casual inspector would achieve the desired outcome.*

*The marijuana wrapping consisted of two vacuum sealed plastic bags, one inside the other. Even with rough handling the compressed contents were unlikely to burst both layers. There were no sharp objects in the boogie board bag.*

*If Winata did not cut open the wrapping, who did and why, if not our unseen operator? I am unable to offer any plausible alternative.*

### **3.3 SELF PERPETUATION**

Clearly therefore this proposition is more than just tenable. There are sound rational arguments to support it, and plenty of supporting evidence for the explanation.

Once the fuse had been lit via the third party, the motives and self-interests described in the sections covering Proposition 1 and Proposition 2, drove events forward at pace.

Events in both Indonesia and Australia took on a life of their own, with tragic consequences for the innocent and bewildered Schapelle Corby.



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