

# **JOINT STANDING COMMITTEE ON FOREIGN AFFAIRS, DEFENCE AND TRADE**

## **AUSTRALIA'S ADVOCACY FOR THE ABOLITION OF THE DEATH PENALTY**

### **QUESTION ON NOTICE**

#### **QUESTION NUMBER: 1**

The data provided in the AFP's submission to the inquiry covers requests made and granted from 2010 to 2014. This data is found in Tables 1 and 2, AFP, Submission 22, p. 9.

- a) Did the AFP collect these or similar statistics prior to 2010?
- b) If so, can the AFP submit older data, for instance from the year 2000 to the year 2009?

The AFP has provided the following answer to the Committee's question:

- 1) The Australian Federal Police Practical Guide on International Police to Police Assistance in Potential Death penalty Situations was amended on 18 December 2009. The Guide was updated to include an approval process that required, where necessary, an AFP member or requesting agency to complete and submit an 'Assistance in Potential Death Penalty Situations – Approval to Release Information' form.
- 2) Furthermore, the Guide was updated to include an approval process that requires Senior AFP management (Manager /SES-level 1 and above) to consider prescribed factors before approving provision of assistance in matters with possible death penalty implications.
- 3) Additionally, the Guide requires ministerial approval for assistance in any case in which a person has been arrested or detained in relation to, charged with, or convicted of, an offence which carries the death penalty.
- 4) As a result of these changes biannual reporting on death penalty cases commenced with the first report covering the period 18 December 2009 to 30 June 2010. Prior to this reporting period, there was no requirement to collect death penalty release or similar statistics. As such there is no data available prior to the first biannual report dated 30 June 2010.

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#### **QUESTION NUMBER: 2**

Some witnesses have suggested that Australia may be indirectly funding executions through funding narcotics law enforcement in retentionist countries. For instance, Reprieve and the Human Rights Law Centre stated that Australia 'has provided millions of dollars in support of United Nations Office on Drugs and Crime (UNODC) initiatives, including those focused on illicit trafficking and border management in Pakistan'. The witnesses were concerned that there may not be safeguards in place to ensure this funding isn't used for law enforcement activities that lead to executions. So far the inquiry has not been able to ascertain who is responsible for managing this funding.

- a) Does the AFP know who manages this funding?
- b) Is the AFP or Attorney General's Department involved in these programs in any capacity?
- c) Would the AFP like to respond to the suggestion made by the witnesses that this funding may inadvertently support executions?

The AFP has provided the following answer to the Committee's question:

- a) UNODC is a matter for the Department of Foreign Affairs and Trade (DFAT).
- b) The AFP has provided the following funding to UNODC for programs in Pakistan:
  - i. In 2010-11, approximately \$260,000 was provided for the establishment of two computer based training laboratories; and
  - ii. In 2012, the AFP provided \$800,000 for UNODC to undertake specific programs directed toward Human Trafficking and Migrant Smuggling;
- c) Response regarding UNODC funding is a matter for DFAT. The AFP notes that other than a military conviction for murder there had been no executions in Pakistan between September 2008 and November 2014 as there had been a moratorium on executions. In December 2014, following an attack on a school in Peshawar, the moratorium was lifted for terrorism cases and in March 2015 it was lifted for all matters.

The Attorney-General's Department (AGD) has provided the following answer to the Committee's question:

- a) UNODC funding is a matter for the DFAT.
- b) AGD is not involved in these UNODC programs.
- c) AGD would defer to the AFP and DFAT's views on this.