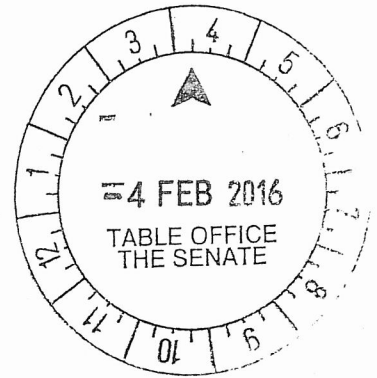


## SENATE QUESTION



QUESTION NUMBER: 2626

**Senator Scott Ludlam:** asked the Attorney-General on 20 November 2015:

With reference to Australian Government assistance provided to the Sri Lankan Criminal Investigation Department (CID):

- (1) Can the Attorney-General confirm that Australia, via the Australian Federal Police (AFP), has provided the CID with equipment, as revealed in an ABC 7.30 report on 3 August 2015; if so:
  - (a) on what date did the assistance begin;
  - (b) what kind of equipment has been provided by the Australian Government to the CID; and
  - (c) can the Attorney-General provide an itemised list of the equipment provided.
- (2) Is the Department aware of the credible allegations of human rights abuses - physical and sexual torture as well as forced extrajudicial incarcerations and killings - committed by the CID throughout the period Australia gifted them equipment.
- (3) Noting that, the CID is widely recognised to be involved in the abduction, disappearance, abuse and torture of Sri Lankans, was any kind of assessment undertaken, before the equipment was provided, about its use for abusive practices; if so, have follow up reviews taken place.
- (4) Has the AFP ever received reports and/or similar alerts from staff working in Sri Lanka that the CID may be involved in abuses.
- (5) Given the ongoing and credible allegations of torture surrounding the CID, and considering the need to work with regional partners to improve their human rights record, does the AFP believe there is justification for ongoing cooperation with, and supplying equipment to, the CID.
- (6) Are there any guarantees or reporting requirements concerning the manner in which Sri Lanka uses the equipment given.
- (7) Freedom of Information documents procured by the 7.30 program, and confirmed in a response to 7.30 by the AFP, note that one of the things provided to CID was a white van; is the AFP aware that 'white vans' are the single most powerful image of successive Sri Lankan governments' campaign of extrajudicial killings, kidnapping and torture.
- (8) Does the Department think it is appropriate for Australia to provide the CID with a so-called 'white van'.

**Senator Brandis** - The answer to the honourable Senator's question is as follows:

- (1)(a) The Australian Federal Police (AFP) officially opened its liaison post in Colombo in June 2009. Prior to this, law enforcement relations with the Sri Lanka Police Service (SLPS) were maintained through AFP liaison posts in Dhaka and Islamabad.
- (1)(b) The majority of equipment provided by the AFP to the SLPS to date has been information technology equipment to provide improved facilities to the SLPS for the provision of legitimate policing services, including the investigation of transnational crime matters, as well as to facilitate the delivery of training and capability building activity to the SLPS.
- (1)(c) An itemised list of equipment has already been made available by the AFP on 13 July 2015 (FOI disclosure log reference number 18/2015).
- (2) The department is aware of allegations of human rights abuses.

(3) All AFP officers operate under the AFP *guideline on offshore situations involving potential torture, cruel, inhumane or degrading punishment*. Should AFP members become aware of allegations of human rights abuse, there are procedures in place for such conduct to be reported to the Department of Foreign Affairs and Trade (DFAT) and senior AFP management. In consultation with DFAT, as well as other relevant Australia Government agencies, the AFP conducts initial feasibility studies before the establishment of any liaison post.

(4) The AFP has not received any reports from its own officers regarding allegations of abuses involving the SLPS. In 2010, the AFP was made aware of allegations of mistreatment of two Sri Lankan nationals whilst in the custody of the SLPS. The Australian High Commission (DFAT) raised concerns regarding these allegations with Sri Lankan authorities at the time.

(5) The AFP routinely cooperates with its international law enforcement partners to combat transnational crime and enhance its partners' capabilities to investigate transnational crime at its source. Law enforcement cooperation and provision of equipment to the SLPS to date has been in furtherance of the investigation of transnational organised crime, including a number of people smuggling matters.

(6) All training delivered by the AFP to the SLPS incorporates human rights as an underlying theme. Computer based training facilities established by the AFP in Sri Lanka are endorsed by the United Nations Office of Drugs and Crime (UNODC) for the delivery of three of its own human rights related training modules.

Please also see response to question 3 above.

(7) The AFP is aware of reference in the UN *Report of the Secretary-General's Panel of Experts on Accountability in Sri Lanka* to the use of white vans by Sri Lankan government agencies during 2008/2009.

(8) The AFP provided the van to facilitate the movement of large numbers of potential witnesses and offenders that can arise from the disruption of maritime people smuggle ventures. Neither the AFP nor SLPS made any stipulation as to the colour of the vehicle to be gifted.