

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
AUSTRALIAN FEDERAL POLICE

Question No. 90

Senator Barnett asked the following question at the hearing on 20 October 2008:

The disappearance of Britt Lapthorne raised many questions on the role of the AFP when Australian citizens become victims of serious crimes when abroad.

- a) Why was only one investigator sent to Dubrovnik rather than a team of investigators, forensic specialists, victim liaison officers, etc.?
- b) What support was provided to the Lapthorne family by the AFP in Dubrovnik?
- c) What are the limitations of the AFP in cases of Australian citizens being victims of serious crimes overseas?
- d) What assistance can Government provide in the future to enable the AFP to become more involved in such cases?
- e) Would diplomatic requests to the Croatian Government from the Australian Government have assisted in this case?

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

- a) In the first instance the AFP sent one investigator to Croatia (Zagreb) on 30 September 2008, to assess the investigation to date and offer assistance to the Croatian authorities. Croatia is an independent sovereign nation and neither the Australian Government nor the AFP is able to directly intervene in police-led investigations. The AFP can only participate in investigations offshore at the invitation of the foreign government.

On various occasions the AFP offered technical and investigative assistance to the Croatian authorities. These offers were politely declined by the Croatian authorities.

On 8 October 2008, the AFP deployed a second officer to Croatia to provide further support to the Croatian Police.

On 26 October 2008, another two AFP officers arrived in Croatia to relieve the originally deployed Federal Agents. AFP officers remain in Dubrovnik to liaise with the Croatian Police in this investigation.

- b) The AFP met with the Laphorne family in Croatia, in company of Department of Foreign Affairs and Trade (DFAT) personnel, on numerous occasions to facilitate information exchange. As DFAT were the lead agency in providing consular assistance to the Laphorne family, the AFP originally provided briefings to the Australian Ambassador. DFAT consular staff in Dubrovnik then conveyed relevant information to the Laphorne family. During this time, the AFP also negotiated for a Croatian Police officer to be the direct point of contact for the family and for the provision of daily briefings to Mr Laphorne by Croatian investigators.

As more information became available, the AFP began attending joint meetings with the Croatian Police, DFAT and the Laphorne family. These meetings were arranged to allow information exchange to occur directly between the Laphorne family and the Croatian investigators.

- c) The AFP generally has no jurisdiction to investigate matters where Australians are victims of crime abroad. The exception is extra-territorial offences; however, this does not permit AFP commencing an investigation in-country. The AFP can only participate in investigations offshore at the invitation of the foreign government.
- d) None. The AFP can only intervene in investigations offshore at the invitation of the foreign government.
- e) On 23 October 2008, DFAT advised the Senate Standing Committee on Foreign Affairs, Defence and Trade that representations had been made to the Croatian President, Prime Minister, Foreign Minister, Minister for the Interior and Chief of Police.