

## QUESTION TAKEN ON NOTICE

### SUPPLEMENTARY BUDGET ESTIMATES HEARING: 20 OCTOBER 2009

#### IMMIGRATION AND CITIZENSHIP PORTFOLIO

#### **(27) Program 3.1: Border Management**

Senator Fielding (L&C 63) asked:

1. I am led to believe that Guy Campos was charged and convicted but subsequently acquitted. Are you aware of that?
2. I am also led to believe that, when the Commission for Reception, Truth and Reconciliation report was handed over, court documents were also handed to the embassy in East Timor, so it is worth checking to see whether that has been picked up somewhere.

*Answer:*

1. At the time Mr Campos was granted a visa on 30 June 2008, the Department did not have any information that indicated he had been charged or convicted of war crimes or crimes against humanity or that he had any other convictions against him.

On 24 July 2008, however, the Department received an email from Ms Ximenes-Daluz alleging that Mr Campos had murdered her 11 year old brother, Francisco Ximenes, and had served a three month sentence for the offence. She also alleged that he had tortured many East Timorese in the early years of Indonesian rule in East Timor.

In August 2008, in response to these allegations, the Department made enquiries of the relevant authorities in East Timor who advised that there was no record of Mr Campos having been convicted or sentenced to any term of imprisonment and that he was not known by them to have committed war crimes or crimes against humanity.

On 24 September 2008, the Department received a one-page document in Bahasa Indonesian from journalist Piers Ackerman. Mr Ackerman claimed that it related to Mr Campos.

The Department arranged for the document to be translated by the National Accreditation Authority for Translators and Interpreters (NAATI). It appeared to be part of a court record. The victim is not named in the document and the name of the accused is illegible. The Department forwarded the translation to the Australian Federal Police on 25 September 2008.

Following the matter of Mr Campos' alleged conviction being raised at the Supplementary Budget Estimates hearing on 20 October 2009, the Department in East Timor made enquiries with the Commission for Reception Truth and Reconciliation (CAVR). CAVR advised that in 2008, at the time Ms Ximenes-Daluz

made the allegations against Mr Campos, they checked their archives and located an Indonesian court document relating to Mr Campos. CAVR also advised the Department this court record states that Mr Campos was convicted of a crime in 1979 for “maltreatment resulting in death” and that he was sentenced to a three year prison sentence by the National Court of Dili. At appeal, the High Court in Kupang affirmed the decision and reduced the sentence to a one-year suspended sentence with a two-year good behaviour-bond.

The Department notes that information about the court record located by CAVR in 2008 was not passed to the Department at that time.

2. The Department has consulted with agencies represented at the Embassy in Dili in 2006 (Department of Immigration and Citizenship, Department of Foreign Affairs and Trade, Australian Federal Police and Department of Defence). These agencies have indicated that there is no recollection or record of any court documents being handed over relating to Mr Campos when the Commission for Reception, Truth and Reconciliation provided its report to the Embassy.

The Department has also consulted with CAVR about whether court documents were handed over to the Embassy in Dili in 2006. CAVR stated that they did not hand over court documents in relation to Mr Campos in 2006. They advised that they were unaware of the Indonesian court document relating to Mr Campos until allegations were brought forward against him in 2008.