

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
AUSTRALIAN FEDERAL POLICE

Question No. 23

Senator Rhiannon asked the following question at the hearing on 18 November 2013:

Senator RHIANNON: I am trying to ascertain—because the article does say that the adviser to the AFP, which I think that you have established is the case, Christopher Wood, was involved in the investigation of Annatugoda and has interrogated him in custody.

...

Mr Phelan: ... As to what involvement we may have had in relation to passing information and working with the Sri Lankan police authorities, I would have to take that on notice.

Senator RHIANNON: I will separate it. I was giving you the full quote. So we will separate that out so we can clarify. So Christopher Wood investigated Annatugoda but, you are saying, he did not interrogate him?

Mr Phelan: No. I did not even affirm to the first part. I need to take that on advice, Senator.

...

Senator RHIANNON: ... Can you share any information with us at all about the investigation that is being undertaken by the AFP of Annatugoda?

Mr Phelan: No, I would have to take that on notice, but we do not do investigations in Sri Lanka. We pass information to Sri Lankan police as a normal course of action, but in relation to this particular matter I would have to take it on notice to absolutely accurately inform you what our involvement was, if any at all.

...

Mr Phelan: Certainly I will reiterate again: there was no investigation by the AFP. We do not investigate offshore.

Senator RHIANNON: I thought you said you were taking it on notice, but you are now saying that neither Christopher Wood nor any other AFP person investigated Annatugoda?

Mr Phelan: What I think I said—and I will read this back if necessary—is that I would take on notice and find out exactly what involvement we did have, if any, in relation to the investigation that occurred in Sri Lanka. I am not saying we investigated at all, but I am referring to what involvement we may have had, whether it was post the fact or even before the fact.

Senator RHIANNON: Can before the fact include any police work which led to the arrest of Mr Annatugoda?

Mr Phelan: Yes, certainly.

Senator RHIANNON: Have you worked with any other Australian government departments on this issue?

Mr Phelan: I would have to take that on notice as well, within exactly the same bounds as we did before.

...

Senator RHIANNON: Thank you. So we are clear about what we are putting on notice, please take it on notice to identify the inaccuracies in that article on 15 November in the *Sydney Morning Herald* by Ben Doherty?

CHAIR: It might be easier to identify the accuracies.

...

Mr Negus: I have asked somebody to ring our officer in Sri Lanka, Mr Woods, who, just for the record, is an AFP member. He has had no involvement in or contact with the investigation that was alleged in that article. That is directly from Federal Agent Chris Woods, working in Sri Lanka. So I can clarify that.

CHAIR: Thank you very much, Mr Negus, for your prompt attention to that particular detail.

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

Q: What involvement, if any, did AFP have in exchange of information with the Sri Lankan Police Service – before and after the investigation?

A: The AFP has had no involvement in the investigation into Lieutenant Commander Annatugoda. The AFP is not investigating or assisting in the investigation of this matter as it is a matter for the Sri Lankan authorities. The AFP Liaison Officers provide a liaison function and they do not have Policing powers in foreign jurisdictions.

Q: Highlighting the inaccuracies in the Sydney Morning Herald article of 15 November.

A: It is not appropriate for the AFP to investigate the 'inaccuracies' of newspaper articles.

The AFP has had the opportunity to consider the Sydney Morning Herald article of 15 November 2013. The article does not mention the AFP specifically. The AFP has no involvement or detailed knowledge of the arrest of Lieutenant Commander Annatugoda. The AFP has had no involvement nor provided assistance to Sri Lankan authorities on this matter. Any questions of detail are a matter for Sri Lankan authorities.