

February 2016

Dear Senator ,

I would like to bring to your attention information concerning corruption by the Australian Federal Police and Australian CUSTOMS (ACBPS/Border Force).

This corruption has been attempted to be hidden since the 2010 Operation Collage (AFP)/Operation Bergonia (ACBPS). This has been mentioned in parliament and this is a formal request for mention and investigation.

The Australian Commission of Law Enforcement Integrity (ACLEI) has investigated this case since 2012 and has dealt with me directly over the years. ACLEI state that it is their largest ever investigation however nothing has been forthcoming by the agency. Nothing has been transparent, disclosed or made public.

The range and extensiveness of the corruption is broad and takes some effort to go through the evidence but it is quite is to show if someone makes an enquiry.

Attached are photos taken of Australian Federal Police members Simon Castles and Luke O'Shea. These AFP officers stated under oath in 2011 in committal transcript that they did not approach the yacht Mayhem of Eden at Scarborough Marina on the 12th October 2010 until around 8pm. The photos show them leaving multiple times, the keyed gate from the yacht Mayhem of Eden with stuffed shirts in the early afternoon. The time is shown in the corner of the photos.

It also shows these AFP members walking in with no bags, but walking out with bags from the yacht and right out of the marina precinct, even though AFP say nothing was removed until after the Search Warrant was executed around 7:30pm. Search warrants were ignored on both the yacht Mayhem of Eden and the car searches on the 12th October 2010 and information was attempted to be hidden from the courts by the AFP. The best examples from this are from the committal transcripts from 2011. Transcripts can be made freely available to anyone if required.

AFP officer William Tooth was the warrant holder for the yacht Mayhem of Eden later on the night of the 12th October 2010 for some time at the Scarborough marina but denies ever being at the marina on this day. Warrant holders have to be present at the scene. The warrant is signed by AFP Tooth on the 12th October 2010. It is plainly clear that AFP William Tooth was the warrant holder for the yacht and was present after 7:30pm but the suspected reason for denying this is because he drove the car from the search of the vehicles with bag/bags of cocaine in it back to the marina unsupervised and left it unattended in the marina car park.

Please see attached page of ACBPS annual report 2010/11 stating that CUSTOMS with support from AFP executed the search warrant on the morning of the 12th October 2010. The AFP state that the search warrant was executed around 7:30pm on the 12th October 2010. This is believed to be a cover up warrant to try and cover the corruption of what took place in the late morning. This possibly explains missing and edited evidence of the CCTV footage from the marina.

Civilian witness and Scarborough Marina manager Tracy Holden stated at trial that

“CUSTOMS and AFP officers were removing bags all day on the 12th October 2010”. This is contrary to AFP statements. Tracy Holden was witness to these actions as her office is right by the only exit from the yacht where officers came and went on the 12th October 2010.

AFP officers Simon Castles and Luke O’Shea stated at trial that the reason for their stuffed shirts in the photographs was their “accoutrements”. As stated by AFP Castles and O’Shea this was “pistol, handcuffs and pepper spray”. As questioned by my barrister at trial “Do you wear your accouterments up around your chest do you?” and “Do you have square chest muscles do you?”

When I gave this footage and stills to ACLEI they commented to me that “the whole office could not stop laughing at how obvious it was”. The AFP officers in the photos are still member of the AFP. No AFP members have been reprimanded according to my FOI request response from the Australian Federal Police.

The photos are stills taken from the CCTV footage from Scarborough marina on the 12th October 2010 that AFP member Karen Mazlin was in charge of collecting and maintaining. At committal in 2011 Mazlin stated that “the entire day of CCTV footage was collected”. This was stated by AFP Mazlin on multiple occasions only for in 2015 it was stated by her that “only relative footage was maintained”.

The CCTV footage is split into two and only shows from 11.08.53sec am to 11.40.13sec am. Total of 31 minutes 6 seconds.

Then from 2.01.01sec pm to 2.57.37sec pm. A total of 56 minutes 35 seconds.

This is a combined total of 1 hour 27 minutes 9 seconds with a missing gap in the middle of around 2 hours 20minutes.

According to the logic of AFP “only relative footage was kept” then the only relative footage was when accused left the marina. AFP should have kept the CCTV footage of the entire day to ensure continuum of evidence, transporting it to the office and van as they claimed. To show exactly who was present at the marina at what times and to dismiss any claims of corruption. CCTV is withheld because it shows CUSTOMS and AFP removing evidence unlawfully.

The key raid times are deleted but in the AFP hast to hide the evidence it still shows AFP members with stuffed shirts leaving from the yacht when they say they didn’t go anywhere near it at this time. The missing and edited CCTV footage from the Scarborough marina has never been disclosed even though AFP case officer Aaron Burgess stated there was a further 4-5hours in an extension of time application to the Office of Australian Information Commissioner (OAIC).

When pushed for this und-disclosed footage, the AFP released a copy of the original 1hour 27 minutes x 3. Simple duplicating the original edited footage 3 times to make it look like 4-5 hours. This was a delay tactic for an FOI response by the AFP. ACBPS/Border Force has used similar delay tactics for FOI responses with the OAIC and sadly the OAIC has caved to agency excuses. Agencies promised to disclosed information and delayed many months only for very little of what was promised to be disclosed.

CUSTOMS/ACBPS/Border Force were present at the raid at Scarborough marina on 12th October 2010. This has been non-disclosed since 2010 until 2015 trial. It has only been disclosed now by civilian witnesses and AFP. Attached information highlights that CUSTOMS were present.

It was stated by many including AFP and civilians that "up to 20 Customs were present at the Scarborough marina on the 12th October 2010". This has previously been undisclosed and denied about by CUSTOMS and AFP in subpoena and FOI requests. Please see FOI response by ACBPS/CUSTOMS attached.

It should also be noted that the first trial in this case was aborted due to non-disclosure. AFP denied any existence of footage of the yacht and marina on the 12th October 2010. This was not the case and clearly showed AFP perjured themselves in the Supreme Court of Queensland. AFP case officer Aaron Burgess then stated that ALL evidence was now presented in this case and affidavit was provided to the court to account for this. This was shown not to be the truth again and again another affidavit was given only for the last trial to reveal by Aaron Burgess that "Up to 20 CUSTOMS agents were at the marina on the 10th October 2010". This was previously never disclosed despite tenacious requests over the years.

This is directly related to the charged CUSTOMS officer at the Vinyl Room night club in Gympie, Sydney, caught by NSW police freely handing out cocaine to strangers on Saturday 16th October 2010. This customs officer was part of the operation and there are other CUSTOMS and AFP officers involved with stolen evidence and this still has been hidden. See attached Seven News article which was deleted from the internet and redacted details of Customs Officer Sydney Downing Centre Court details.

I will also note that articles and details of the AFP and CUSTOMS arrests were very briefly on the internet and TV and have since been erased. The attached article was found by Ross Coulthart of 60 Minutes (formally of Sunday night program on channel 7) because it was filed by hand by an employee at Channel 7.

CUSTOMS, AFP and the CDPP have failed in disclosing any of this information that was persistently pursued by myself and others for years. This equates to perversion of justice by perjuring in subpoena and FOI requests regarding this information that was imperative to a legal trial.

On the 12th October 2010 AFP state that they surveilled two suspects place two distinctive waterproof bags into a car. One bag was placed into the boot and the other into the back seat. After cars were intercepted at midday and persons were arrested. AFP stated that they only found one bag after 6 searches by AFP on that day.

AFP senior member Paul Watt drove that car unattended and unsupervised around the block from the crime scene after arrests. No Search warrants were followed for multiple searches. Searches were re-enacted for the Search Warrant around 6pm. (Paul Watt was also one of the multiple AFP officers who created a mistrial due to his comments saying no video footage was taken around the yacht Mayhem of Eden or marina on the 12th October 2010 only for this to be untrue. The footage clearly shows AFP members enacting for the camera under bright lights and was also found on the AFP's own website. For AFP

members to say they had no idea of its existence is clear perjury again.

Footage revealed on the AFP website showed AFP Paul Watt being passed blocks on the yacht Mayhem of Eden alongside with AFP commander Peter Baker. AFP Paul Watt denied anyone else was there with him on the stern/cockpit of the Mayhem of Eden because AFP Commander Peter Baker was part of the Australian Crime Commission examination team in this case. Commander Baker was part of the ACC hearings which made it unlawful for the AFP Baker to be part of Operation Collage/Bergonia. AFP commander Peter Baker was there, part of the Operation and clearly the AFP tried to hide this (in a clear breach of the Crimes Commission act 2002).

Over three days the car was searched 6 times and then another 2 times by two different forensic teams. Still only one bag was found?

Three days after arrests on Friday 15th October 2010, a bag was planted in this car by AFP member case officer Aaron Burgess and Luke Read. This incidentally was the same day as accused Gilberto Aristabal Serna made full admissions and a 5-hour interview was given to AFP. The AFP now had a weight they had to replace after this admission.

AFP Aaron Burgess and Luke Read say that they never suspected the bag of having drugs in it when they found it three days later even though it was an identical distinctive bag to the other bag found that the two suspects were seen carrying. No video, photos, witness was sought by these AFP officers even though they now said 20kg of cocaine were found in the bag with this immense weight and huge square shapes in it. The car had sat in the AFP car park for three days unattended with keys freely available and unsecured.

Originally the Australian Federal Police stated that 7kg of cocaine were in two cars, then 25, 27, 30 and finally after three days on the 15th October 2010. It was 45kilograms. Three objections to Bail Affidavits were prepared by Aaron Burgess over this first week showing conflicting information. See attached newspaper article by Courier Mail James O'Loan "It looked a little fishy to witnesses". The newspaper story is no longer available on the internet and claims AFP found 30kg. Not 45kg as later claimed by AFP.

AFP aggressively sought accused DNA shortly after arrests and DNA was not given. No DNA or fingerprints were apparently found on a half tonne of cocaine, a 53-foot yacht, two cars that accused had just been pulled out of. More disturbing is the question; why did they want accused DNA if they had none?

There is more corruption to be shown but this is a starting point. ACLEI have shown no transparency or actions regarding this matter.

The surprise resignation of AFP Commissioner Tony Negus is suspect of this operation and so is the name change of ACBPS to Border Force. This is suspected to allow destruction of evidence in the case and to distance time and Commissioners from the operational corruption.

AFP Commissioner Andrew Colvin would have to know about the corruption as he was deputy Commissioner of the AFP in 2010 and shared the press conference Operation Collage/Bergonia with CEO Marion Grant of ACBPS/Border Enforcement.

Real Estate checks show AFP involved in this case own extensive property around the country. Many millions of dollars worth of property bought when earning around \$70K a year. AFP forensic Simon Wynd owns millions of dollars worth of real estate in Brisbane, AFP Greg Capon owns many properties, tens of thousands of acres in QLD. AFP Aaron Burgess and Luke Armstrong own extensive property in Northern Territory. There are more. Incidentally AFP Aaron Burgess, AFP Simon (stuffed shirt) Castles and AFP Luke Armstrong shared a residence in Coogee, Sydney together over the last few years. Many Sydney AFP own life memberships at the Sydney Football stadium gym. Memberships here start at around \$20-\$40K then attract \$2000 annual fee. How does a person on \$70k a year afford a \$40,000 gym membership? Or even a \$2000 a year membership? ACLEI have investigated this and found many AFP memberships and nothing has been done.

Other confusing evidence from this case is AFP Brisbane property officer Helen Mann never signed the supposed 355kg from the Mayhem of Eden evidence into her control. 45 kilograms were signed into AFP Brisbane headquarters compared to the 400kg that was finally decided by the AFP/CDPP. 78 samples of cocaine were officially tested which equates to 78 kilograms based on evidence procedure. Helen Mann was retired and on a cruise when the trial commenced making her unavailable.

Later at trial it was revealed that sample 176 to sample 355 was taken from the same sample bag of a few ounces. With this logic the AFP can simply accuse any suspect of having any amount they see fit. Legally, if someone is accused of 500kg then 500 samples have to be taken. One from each block of cocaine to ensure continuum of evidence. This is simply not the case here. Evidence has also been unlawfully disposed of and some of this evidence was disposed of by AFP Aaron Burgess according to records. This is unlawful and highly suspect based on information provided.

Another key witness who was questioned extensively at Committal hearing and gave much conflicting information was Brisbane AFP officer Denise Cosgrove. She was unavailable for trial, was no longer in the AFP due to a mental breakdown and wanted nothing to do with AFP according to CDPP.

Operational Response Group members (O.R.G.) were at the Scarborough Marina on the 12th October 2010. This includes AFP ORG head Shane Irving who was never called to committal or trial. AFP Shane Irving was one of the many AFP officers it was disclosed at committal in 2011 that had unlawfully boarded the yacht Mayhem of Eden on multiple occasions without warrant. Australian CUSTOMS/ACBPS/Border Force is suspected of doing the same. Australian Federal Police have shown great interest in me over the last few years trying to contain this information which is why I would like confirmation and receipt of this email and 19 **attachments**. Any query and providence of transcripts of evidence/questions can be directed to myself at this email and by post. Please expect also that if replies are not received then emails and or post has been intercepted/blocked by the AFP to halt progression of any inquiry. AFP have done this previously and continue to do so.

In the expectation that AFP will attempt to block emails. Hard copies will be mailed to call Senators/Ministers and Shadow Ministers of the Australian Parliament as well as media outlets. A web page will also be released with this information request and attachments. Links to this page will be broadcast from Twitter and other social media to Australian Politics/World media and others.

All attachments are available via dropbox to prevent file size issues with your email server and ease of accessibility. Simply click on the link provided.

I call for an immediate Parliament inquiry and the suspension of all officers involved in this case until the outcome and transparent disclosure of all corruption involved or a statement highlighting why this cannot occur is made to the Australian Public.

I implore organisations out of Australia to also apply to rights of information about this matter to uncover further evidence of corruption. Corruption by these agencies create ripples globally as Australia Federal Police are placed in many countries around the world.

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